

Office of Academic Affairs  
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University of California  
San Francisco

# **Procedure for the Investigation of Faculty Misconduct and the Administration of Discipline**

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# INTRODUCTION

**Governing Policies:** The University of California’s Faculty Code of Conduct is set forth in [Academic Personnel Manual \(APM\) 015](#). This system-wide policy sets out the rights, privileges and professional responsibilities of faculty at the University. Part II of APM 015 presents the professional responsibilities of faculty, the ethical principles governing faculty, and examples of types of unacceptable conduct.

[APM 016](#) outlines the types of formal discipline that may be imposed on Academic Senate faculty for violating the Faculty Code of Conduct. APM 016 states that the Faculty Code of Conduct “is the official basis for imposing discipline on members of the faculty for professional misconduct.” The disciplinary sanctions described in APM 016 “may not be imposed on faculty members other than through the procedures pursuant to APM 015 and 016.” APM 150 addresses discipline that may be imposed on non-Senate faculty for, among other things, violations of the Faculty Code of Conduct.

**Authority for this Procedure:** The Chancellor is responsible for establishing procedures for the administration of discipline on the campus in consultation with the Academic Senate. The Assembly of the UC Academic Senate recommends that each campus develop procedures for handling investigations of alleged faculty misconduct and conducting disciplinary proceedings. This Procedure for the Investigation of Faculty Misconduct and the Administration of Discipline (Procedure) was developed in consultation with the San Francisco Division of the Academic Senate, and is to be used in investigating allegations of faculty misconduct, in accord with APM 015, and in imposing sanctions on faculty members, in accord with APM 016.

**Applicability:** This Procedure applies to both Academic Senate and non-Senate faculty unless superseded by a memorandum of understanding or collective bargaining agreement. Any perceived conflict between the provisions of APM 015 and APM 016 and this Procedure is unintended and the provisions of APM 015 and APM 016 are controlling. This Procedure implements APM 150 with respect to the imposition of discipline on non-Senate faculty.

This Procedure does not apply to allegations falling under the [UC Sexual Violence and Sexual Harassment Policy \(SVSH Policy\)](#). Such allegations shall be handled in accord with the [Interim Procedure: Disposition Process for Faculty and Other Non-represented Academic Appointees in Cases Involving Sexual Violence and Sexual Harassment \(Interim SVSH Procedure\)](#). When allegations falling under the UC Nondiscrimination Policy are alleged in conjunction with allegations falling under the SVSH Policy, both types of allegations shall be handled in accord with the Interim SVSH Procedure. Allegations falling under the Nondiscrimination Policy which are not alleged in conjunction with allegations falling under the SVSH Policy shall be handled in accord with this Procedure.

**Effective Date:** This Procedure is effective as of September 1, 2017, and applies to any complaint of faculty misconduct received on or after the effective date. Faculty misconduct complaints received before the effective date will be handled under the Procedure for Investigation of Faculty Misconduct and the Administration of Discipline, effective January 20, 2016 (2016 Investigation Procedure). Complaints or allegations received after the effective date which are related to a complaint received before the effective date will be handled under the 2016 Investigation Procedure.

**Role of the Vice Provost, Academic Affairs:** The Vice Provost, Academic Affairs (Vice Provost) oversees the administration of Faculty Code of Conduct investigations and makes recommendations of

sanctions to the Chancellor. The Vice Provost has delegated authority to close cases where faculty misconduct is not found.

## RESOURCES

**Consultation:** Questions about APM 015 and/or this Procedure may be directed to the Vice Provost, the Academic Employee Relations Manager or an Academic Employee Relations Specialist. See [Contact Information](#). Once a complaint has been filed, the Vice Provost should not be contacted for information related to the investigation due to the Vice Provost's decision-making role. All such contacts should be made to the Academic Employee Relations Manager or Specialists. See also [Investigation Process Flowchart](#).

## I. GENERAL INFORMATION

### A. Participants in an Investigation

**Complainant:** An individual who reports allegations of faculty misconduct. Anyone can make a complaint of faculty misconduct, including, but not limited to students, staff, trainees, non-faculty academics, faculty, and members of the community.

1. The role of the Complainant is to report allegations of faculty misconduct, to provide information during the investigative process as requested, and potentially to serve as a witness.
2. Complainants should not investigate suspected faculty misconduct on their own. Such actions may compromise the integrity of evidence and/or the investigative process.
3. **Notifications:** The Vice Provost's Office will notify Complainants about the status of an investigation upon request.

To the extent allowable by law and/or another applicable University policy, Complainants may be notified at the end of the investigation process whether the allegations were substantiated.

When required by law or another applicable University policy, Complainants will be informed at the conclusion of the disciplinary proceeding whether the allegations were substantiated, whether any sanctions are imposed on the Respondent, and the nature of any sanctions.

**Reporter:** An individual who reports allegations of faculty misconduct on behalf of another, a unit, or the University, but who is not, him/herself, directly affected by the alleged misconduct.

1. The role of the Reporter is to report allegations of faculty misconduct, to provide information during the investigative process as requested, and potentially to serve as a witness.
2. Reporters should not investigate suspected faculty misconduct on their own. Such actions may compromise the integrity of evidence and/or the investigative process.
3. **Notifications:** Reporters may be advised of the status of the investigation upon request. Reporters do not have the right to receive information about the outcome of an investigation or

any sanctions that may be imposed on a Respondent unless otherwise required by law or University policy.

**Respondent:** A faculty member against whom an allegation of faculty misconduct is made.

1. Respondents should not take any action that may compromise the integrity of evidence and/or interfere with the investigative process.
2. Respondents should not investigate alleged faculty misconduct on their own. Such actions may compromise the integrity of evidence and/or the investigative process.
3. Respondents should not conduct themselves in any way that could be perceived to be retaliatory against any Complainant, Reporter or witness in an investigation. Allegations of retaliation are taken seriously and can be the basis for a faculty misconduct allegation or proceeding, separate and apart from the original allegation(s), and can be the basis for imposing sanctions.
4. **Notifications:** Respondents will be notified of the outcome at each phase of an investigation and will have an opportunity to respond.

## B. Standards

**Sufficient Substance:** The standard by which a preliminary investigator determines if a formal investigation is warranted.

**Probable Cause:** “The *probable cause* standard means that the facts, as alleged in the complaint, if true, justify the imposition of discipline for a violation of the Faculty Code of Conduct and that the Chancellor is satisfied that the University can produce credible evidence to support the claim.” See APM 015, Part III-A-4.

**Preponderance of the Evidence:** The standard of proof by which probable cause is shown in a faculty misconduct investigation. A “preponderance” means that the greater weight of credible evidence shows that it is more likely than not that a fact is true or false.

## C. Timeframes

1. No disciplinary action may commence if more than three (3) years have passed between the time the Chancellor knew or should have known about the alleged violation and the notice of proposed disciplinary action.
2. Every reasonable effort will be made to complete investigations within the time frames stated in this Procedure. However, each case presents different circumstances and it is not always possible to maintain the timeframes set out in this Procedure.
3. For purposes of this Procedure, the investigation process ends when: (a) the case closes (see Sections I-E-4 [page 5], III-A-5 [page 8], IV-F-1 [page 13], and V-A-2 [page 14]); or (b) when the Chancellor imposes sanctions on the Respondent.

## D. Confidentiality

Faculty misconduct investigations are confidential proceedings; anyone who has or receives information about, or participates in, an investigation should keep that information confidential unless disclosure is specifically allowed or required by law and/or other University policies.

1. To protect the integrity of the investigation process and the reputation of those who may be involved—including Complainants, witnesses and Respondents—and to avoid claims of improper influence or intimidation of witnesses, all those involved in these investigations should not talk about an investigation or the facts of the matter with anyone other than their legal or employment representative while the investigation is ongoing.
2. The University takes breaches of confidentiality seriously, especially when there is an indication that an individual has attempted to interfere with an investigation or improperly influence witnesses. An individual who breaches the duty of confidentiality in connection with faculty misconduct investigations may be subject to sanctions.

## E. Informal Resolution

The Vice Provost has discretion to approve informal resolution efforts if s/he deems this to be appropriate.

1. Timing: The Vice Provost may approve informal resolution at any stage of a faculty misconduct proceeding, to the extent permitted by law and/or UC policy.
2. Recommendations: During a Preliminary Investigation or a Subject Matter Expert Investigation, if an investigator believes that the allegations are appropriate for informal resolution, the Preliminary Investigator or Subject Matter Expert may include a recommendation in the investigation report regarding informal resolution.
3. Process: With the approval of the Vice Provost, the Preliminary Investigator may attempt to informally resolve the complaint. The Vice Provost or the Preliminary Investigator may enlist the Office of the Ombuds or other appropriate individuals to assist in informal resolution efforts. For example, in some circumstances mediation, facilitated by the Ombuds Office, may be an appropriate informal resolution mechanism.
  - a. Subject Matter Experts may informally resolve complaints referred to them by the Vice Provost, when appropriate.
4. Outcome: If informal resolution efforts are concluded to the satisfaction of the Vice Provost, the Vice Provost may close the case.

## F. Investigation Records

Records of disciplinary matters will be maintained in a confidential manner and will only be disclosed to the extent permitted and/or required by State or Federal law and/or University policy.

## II. REPORTING FACULTY MISCONDUCT

- A. Any member of the campus community, including students, trainees, staff, non-faculty academics and faculty, as well as any member of the public, may report allegations of faculty misconduct.
- B. Allegations of faculty misconduct may be reported directly to the [Vice Provost](#).
  - 1. Allegations of faculty misconduct may also be reported through the [UC Whistleblower hotline](#).
  - 2. Allegations that a faculty member engaged in sexual harassment and/or discrimination may be reported to the Vice Provost and/or to the [UCSF Office of Diversity and Outreach](#).
  - 3. Allegations that a faculty member engaged in improper governmental activities or retaliatory actions against a whistleblower should be reported directly to the [UCSF Chief Ethics and Compliance Officer](#).
  - 4. Allegations of research misconduct that are within the scope of the UCSF Integrity of Research Policy ([Campus Administrative Policy 100-29](#)) will be referred to the UCSF Research Integrity Officer for investigation.<sup>1</sup>
- C. A Complaint of faculty misconduct made to the Vice Provost must be in writing and should be as complete as possible. Supporting documentation should be included if applicable.
  - 1. **Verbal complaints:** If a Complainant is unable to submit a written complaint, the Academic Labor Relations Manager or an Academic Labor Relations Specialist will work with the Complainant to draft a written complaint. The Complainant will have an opportunity to approve the written complaint before it is submitted to the Vice Provost.
- D. If it is determined at any point that the Complainant or anyone else was involved in intentionally or maliciously bringing unfounded charges, the Vice Provost may take appropriate action against those individual(s).

## III. INITIAL REVIEW

When allegations of faculty misconduct are received, the Vice Provost determines whether they should be moved forward for Initial Review or referred to a different unit because they are not appropriate for a Faculty Code of Conduct investigation.

The Initial Review is intended to develop information to establish:<sup>2</sup> (1) whether an allegation has sufficient substance to warrant a formal Faculty Code of Conduct investigation, as determined by a

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<sup>1</sup>Allegations that any member of the UCSF community, including faculty, engaged in research misconduct in connection with federally funded research activities should be reported directly to the UCSF Research Integrity Officer. Allegations of research misconduct are governed by a different policy and investigated under the UCSF Integrity of Research Procedures. However, research misconduct can also be a violation of the Faculty Code of Conduct. If a faculty member is found to have committed research misconduct, the research misconduct investigation report shall be referred to the Vice Provost, who may appoint the same faculty committee to conduct a faculty misconduct investigation and make a recommendation for sanctions in accord with this Procedure, under APM 015 and 016.

Preliminary Investigator; or (2) whether a University policy has been violated, which may subject a faculty member to discipline under APM 015 (e.g., APM 015-II-C-7), which requires an evaluation by a Subject Matter Expert. Allegations may also be received by way of an investigation report received from another unit which may include findings that one or more University policies have been violated.

Initial Review may be accomplished by:

- A. A Preliminary Investigation; or
- B. A Subject Matter Expert Investigation; or
- C. Both a Preliminary Investigation of one or more allegations, and a Subject Matter Expert Investigation of one or more allegations.

## A. Preliminary Investigation

1. Request for Preliminary Investigation: Within 15 business days of the date the allegations are deemed complete, the Vice Provost refers the allegations to an appropriate faculty administrator for a Preliminary Investigation.
  - a. Charge to the Preliminary Investigator: The Vice Provost will specify the allegations and request that the Preliminary Investigator determine whether there is sufficient substance to each allegation to warrant a formal Faculty Code of Conduct investigation.
  - b. Delegation/Expert Assistance: The Preliminary Investigator may delegate the Preliminary Investigation to an appropriate faculty administrator, if necessary. If the allegations require knowledge or expertise that the Preliminary Investigator does not have, the Preliminary Investigator may seek assistance from an expert, so long as the expert has no conflict of interest.
  - c. Additional Allegations: If other allegations are identified during the Preliminary Investigation, the Preliminary Investigator shall immediately notify the Vice Provost, who will determine the appropriate next steps in accordance with this Procedure. The Vice Provost may:
    1. Ask the Preliminary Investigator to add some or all new allegations to the Preliminary Investigation; and/or
    2. Ask the Preliminary Investigator to continue investigating the original allegation(s) and/or new allegations, and immediately send any other new allegations to the Vice Provost for review/further action, including requesting referral to a Subject Matter Expert; or
    3. Take any other steps that are appropriate under the circumstances.

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<sup>2</sup> The purpose of the Initial Review is not to determine whether faculty misconduct occurred or to recommend sanctions.

- d. Additional Respondents Identified During Preliminary Investigation: If one or more additional Respondents are identified during a Preliminary Investigation, the Preliminary Investigator shall notify the Vice Provost, who shall determine the appropriate next steps.
2. Preliminary Investigation Report: The Preliminary Investigator shall submit a written Preliminary Investigation report to the Vice Provost within 15 business days of the date of the request, unless an extension is requested and granted. All requests for an extension of time to complete and submit the Preliminary Investigation report must be: (1) made in writing, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline.
  - a. Findings: The report shall summarize the findings for each allegation as to whether there is sufficient substance to warrant a formal Faculty Code of Conduct investigation.
3. Review and Acceptance: The Vice Provost shall review the Preliminary Investigation report and may ask the Preliminary Investigator for clarification, more information or further investigation, as needed, before accepting the Preliminary Investigation report.
4. Notice to the Respondent and Opportunity to Respond: The Respondent has the right to know the outcome of the Preliminary Investigation and to submit a written response for inclusion in the investigation case file. Any written response shall be submitted to the Vice Provost within 10 business days of the date the report is sent to the Respondent, unless an extension is requested and granted. All extension requests must be: (1) made in writing, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline.
  - a. If there is a finding of no sufficient substance as to all allegations, the Vice Provost will notify the Respondent that no violations were found and that the Vice Provost intends to close the case. The Respondent may request a copy of the redacted report within 3 business days of receiving the notice. Any written response shall be submitted to the Vice Provost in accordance with Section III-A-4 (page 8).
  - b. If there is a finding of sufficient substance as to any allegation, the Vice Provost shall send the Preliminary Investigation Report<sup>3</sup> to the Respondent. The Respondent will be notified if the Vice Provost intends to initiate a Faculty Code of Conduct investigation and that, if an investigation is initiated, any academic action or advancement packet will be held in abeyance,<sup>4</sup> until the end of the investigation process.
5. Outcome: Upon receipt of the Respondent's response, or after the response deadline has passed, the Vice Provost will either close the case or initiate a formal Faculty Code of Conduct investigation.

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<sup>3</sup> The Preliminary Investigation report will be redacted to protect third party privacy.

<sup>4</sup> When allegations of research misconduct against a faculty member are being investigated under the UCSF Integrity of Research Procedures, and after the Inquiry, the Research Integrity Officer decides to initiate a research misconduct investigation, the Vice Provost shall be notified, and the faculty member's academic action or advancement packet will be held in abeyance pending the outcome of the investigation. The Vice Provost will notify the faculty member of the hold.

## B. Subject Matter Expert Investigation

The following procedures apply when a Subject Matter Expert Investigation is appropriate (see Section III, page 6).

1. Referral/Request for Subject Matter Investigation: When applicable, within 15 business days of the date the allegations are deemed complete, the Vice Provost may refer appropriate allegations to the proper Subject Matter Expert and request a Subject Matter Expert investigation. In a particular case it may be appropriate to refer allegations to different Subject Matter Experts, depending on the nature of the allegations.
  - a. Charge to the Subject Matter Expert: The Vice Provost will specify the allegation(s) and request that the Subject Matter Expert conduct an investigation and determine whether the Respondent has violated University policies within the Subject Matter Expert's area of expertise, as alleged in the Complaint.
    - i. Each Subject Matter Expert should follow his/her standard procedures for handling allegations received. If the standard procedure is to conduct a preliminary assessment to determine whether a formal investigation is warranted, and the assessment concludes that a formal investigation is not warranted, that assessment shall be sufficient to constitute the Subject Matter Expert investigation.
  - b. Notice to the Respondent: Since a particular Subject Matter Expert may have legal or policy compliance obligations with regard to notifying parties of an investigation, the Vice Provost will notify the Respondent that a Subject Matter Expert investigation is being requested, after consultation with the Subject Matter Expert individual/office.
2. Additional Allegations: If other allegations arise during the Subject Matter Expert Investigation, the Subject Matter Expert Investigator shall immediately notify the Vice Provost, who will determine the appropriate next steps. The Vice Provost may:
  - a. Ask the Subject Matter Expert individual/office to investigate all allegations, make findings on all allegations within its purview, and refer the new allegation(s) to the Vice Provost for review/further action; or
  - b. Ask the Subject Matter Expert individual/office to continue investigating the original allegation(s) and to immediately send some or all of the new allegations to the Vice Provost for review/further action; or
  - c. Appoint a faculty investigator to serve as a Preliminary Investigator and to investigate the new allegation(s) jointly with the Subject Matter Expert individual/office; or
  - d. Take any other reasonable steps that are appropriate under the circumstances.
3. Additional Respondents Identified During Subject Matter Expert Investigation: If one or more additional faculty Respondents are identified during a Subject Matter Expert Investigation, the Subject Matter Expert individual/office shall notify the Vice Provost, who shall determine the appropriate next steps.

4. Subject Matter Expert Investigation Report: The Subject Matter Expert investigator shall submit a written Subject Matter Expert Investigation report to the Vice Provost within 60 business days of the date of the request. Since Subject Matter Expert Investigations may involve full fact-finding proceedings, the time needed to complete them may vary depending on the circumstances of the particular case, the workload of the Subject Matter Expert or other factors. If a Subject Matter Expert Investigation cannot be completed by the requested deadline, the Subject Matter Expert should request an extension from the Vice Provost. All extension requests must be: (1) made in writing, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline.
  - a. Findings After Formal Investigation: The report shall include findings as to whether each allegation is substantiated. For each allegation that is substantiated, the report shall identify the relevant policies that were violated by the Respondent.
  - b. Findings Where Formal Investigation is Not Warranted: In instances where the Subject Matter Expert determines that a formal investigation is not warranted, it shall be sufficient for the Subject Matter Expert to notify the Vice Provost in writing of the determination and the basis for the determination.
5. Review and Acceptance: The Vice Provost shall review the Subject Matter Expert Investigation report and may ask the Subject Matter Expert for clarification, more information or further investigation, as needed, before accepting the Subject Matter Expert Investigation report.
6. Notice to the Respondent and Opportunity to Respond: The Respondent has the right to know the outcome of the Subject Matter Expert findings and to submit a written response for inclusion in the investigation file. Any written response shall be submitted to the Vice Provost within 10 business days of the date the report is transmitted to the Respondent, unless an extension is requested and granted. All extension requests must be: (1) made in writing, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline.
  - a. If the Subject Matter Expert Investigation results in a finding that no allegations are substantiated or that no investigation of the allegations was warranted, the Vice Provost will notify the Respondent that no policy violations were found and that the Vice Provost intends to close the case. The Respondent may request a redacted report within 3 business days of receiving the notice. Any written response shall be submitted to the Vice Provost in accordance with Section III-B-6 (page 9).
  - b. If the Subject Matter Expert Investigation results in a finding that any allegation is substantiated, the Vice Provost shall send the Subject Matter Expert Investigation Report<sup>5</sup> to the Respondent. The Respondent will be notified if the Vice Provost intends to initiate a Faculty Code of Conduct investigation and that, if an investigation is initiated, any academic action or advancement packet will be held in abeyance until the end of the investigation process.
7. Outcome: Upon receipt of the Respondent's response, or after the response deadline has passed, the Vice Provost will close the case or initiate a Faculty Code of Conduct investigation.

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<sup>5</sup>The Subject Matter Expert Investigation report will be redacted to protect third party privacy.

## C. Cases Involving Both Subject Matter Expert Investigation and Preliminary Investigation

Some cases may be appropriate for and/or require a Subject Matter Expert Investigation for one or more allegations and a Preliminary Investigation for one or more allegations.

1. For Allegations Requiring Subject Matter Expert Investigation: The Vice Provost will follow the procedure outlined in Section III-B (page 8) for allegations that are referred to a Subject Matter Expert.
  - a. If information is developed during the Subject Matter Expert Investigation that results in new allegations outside the expertise of the Subject Matter Expert, the Vice Provost should be advised immediately, so that the Vice Provost may determine the appropriate next steps.
  - b. The Respondent will be notified of any new allegations when the investigation reports are sent to the Respondent for response.
2. For Allegations Requiring Preliminary Investigation: The Vice Provost may request a Preliminary Investigation at any point while the Subject Matter Expert Investigation is pending or at the conclusion of a Subject Matter Investigation. Once the Preliminary Investigation has been requested, the Vice Provost will follow the procedure outlined in Section III-A (page 7).
  - a. If information is developed during the Preliminary Investigation that results in new allegations, the Vice Provost should be advised immediately, so that the Vice Provost may determine the appropriate next steps.
  - b. The Respondent will be notified of any new allegations when the investigation reports are sent to the Respondent for response.
3. Respondent's Opportunity to Respond: Any written response by the Respondent shall be submitted to the Vice Provost within 10 business days of the date the report is transmitted to the Respondent, unless an extension is requested and granted. All extension requests must be: (1) made in writing, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline.
4. Outcome: The outcome of the various investigations will be handled according to the process outlined in Section III-A-5 (page 8) for Preliminary Investigations and in Section III-B-7 (page 10) for Subject Matter Expert Investigations.

## D. Cases Initiated by Receipt of an Investigation Report from Another Unit

When the Vice Provost receives an investigation report from another unit, it shall be treated as a Subject Matter Expert Report and shall be handled in accord with the process outlined in Section III-B-5 through III-B-7 above. The Vice Provost may initiate a Preliminary Investigation and/or Subject Matter Expert Investigation based on information in the report that was not investigated but appears to warrant further review or action.

## IV. INVESTIGATION

The Investigation phase begins when, after reviewing the investigation report(s) and the Respondent's response, the Vice Provost determines that one or more allegations warrant further investigation.

### A. Appointment of Investigation Committee

Within 15 business days of the date the Vice Provost determines that an investigation is warranted, the Vice Provost will appoint at least three faculty members to serve as the *ad hoc* investigation committee. If appropriate, a larger committee may be appointed.<sup>6</sup> The Vice Provost shall designate one of the members to serve as Chair of the *ad hoc* investigation committee.

1. At least one member of the *ad hoc* investigation committee must be at the same rank or a higher rank than the Respondent(s).
2. At least one member of the *ad hoc* investigation committee shall hold an academic appointment in the same faculty series as the Respondent(s).
3. *Ad hoc* committee members should be unbiased, impartial, and without any conflicts of interest with the Respondent(s), the Complainant(s) or the Reporter.

### B. Start of the Investigation

The start date of the investigation is the date of the initial meeting of the *ad hoc* investigation committee. The initial meeting shall be held as soon as practicable after the *ad hoc* investigation committee is appointed.

### C. Charge to the Investigation Committee

The Vice Provost will charge the *ad hoc* investigation to conduct a fair and thorough investigation of the allegations and to submit a report including findings as to whether there is credible evidence to show probable cause that the Faculty Code of Conduct has been violated, as well as a recommendation regarding sanctions. The extent of the fact-finding by the *ad hoc* investigation committee may depend on whether a Subject Matter Expert Investigation has occurred.

1. If the *ad hoc* investigation committee learns of information that would support additional allegations, the committee should follow up on that information and make findings, as appropriate.
2. If the *ad hoc* investigation committee learns of information that would support allegations against an individual who was not identified as a Respondent at the outset of the investigation, the committee shall notify the Vice Provost, who will determine the appropriate next steps.

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<sup>6</sup> If an investigation committee member is unable able to serve through the end of the investigation, the Vice Provost may either allow the remaining members to complete the investigation, or appoint a new member in place of the member who can no longer serve.

3. The *ad hoc* investigation committee may accept a Subject Matter Expert's findings as to whether there has been a violation of University policy. However, the committee also has discretion to seek and develop additional information regarding a Subject Matter Expert's findings, as the committee deems appropriate.

## D. Investigation Report

The *ad hoc* investigation committee shall submit a written investigation report to the Vice Provost within 65 business days from the date of the initial meeting of the committee, unless an extension is requested and granted. All extension requests must be: (1) made in writing, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline.

1. Findings: The investigation report shall provide a finding for each allegation as to whether, by a preponderance of the evidence, there is probable cause to believe that the Faculty Code of Conduct was violated.
2. Recommendation(s) Regarding Sanctions: The investigation report shall also state the committee's recommendation regarding sanctions. The investigation report may also include recommendations for administrative measures that the investigation committee determines may be advisable to address the conduct at issue.
3. Review and Acceptance of Report: The Vice Provost may ask the *ad hoc* investigation committee for clarification, more information, or further investigation, as needed, before accepting the investigation report. Once the Vice Provost is satisfied that the report is complete, the Vice Provost will accept the investigation report.

## E. Notice to the Respondent and Opportunity to Respond

The Respondent has the right to know the outcome of the investigation, to receive a copy of the investigation report, and to submit a written response for consideration.

1. Findings of No Faculty Misconduct: In cases where the *ad hoc* investigation committee finds that there is not probable cause that misconduct occurred as to all allegations, and the Vice Provost accepts the investigation report, the Vice Provost will notify the Respondent that no violations were found and that the Vice Provost intends to close the case. The Respondent may request a copy of the investigation report within 3 business days of receiving the notice. When such a request is made, the investigation report will be redacted to protect third party privacy and the redacted report will be provided to the Respondent.
2. Findings of Faculty Misconduct: In cases where the *ad hoc* investigation committee finds probable cause that the Faculty Code of Conduct was violated as to any allegation, and the Vice Provost accepts the investigation report, the investigation report will be redacted to protect third party privacy, and sent to the Respondent.
3. Response to the Investigation Report: Any written response shall be submitted to the Vice Provost within 10 business days of the date the Respondent is notified of the findings and recommendation regarding sanctions or the report is sent to the Respondent, unless an

extension is requested and granted. All extension requests must be: (1) made in writing, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline.

## F. Outcome

1. Cases with Findings of No Faculty Misconduct: In such cases, the Vice Provost<sup>7</sup> shall close the case as of the date the Respondent's response to the investigation report is received, the date the Respondent notifies the Vice Provost that no response will be submitted or the deadline for response, whichever is earlier.
  - a. Release of Hold on Academic Action: As part of the closure of the case, the Vice Provost's office will ensure that the hold on any academic action for the Respondent is immediately released so that any pending action can proceed.
  - b. Restoration of Reputation: If the allegations are not substantiated, the Respondent may ask the Vice Provost to assist in undertaking efforts to restore the reputation of the Respondent and others who were under investigation.
2. Cases with Findings of Faculty Misconduct: In cases where the *ad hoc* investigation committee finds that there is probable cause that faculty misconduct occurred as to one or more allegations, the case shall proceed according to the process outlined in Section V below.

## V. SANCTIONS

### A. Notice of Proposed Sanctions

When the *ad hoc* investigation committee finds probable cause that the Faculty Code of Conduct was violated as to any allegation, the Chancellor shall notify the Respondent in writing of the proposed findings and of the proposed sanctions.

1. If sanctions are proposed, the Chancellor shall notify the Respondent of applicable procedures, as follows:
  - a. Academic Senate members may have a formal hearing by the Academic Senate Committee on Privilege and Tenure.
  - b. Non-Senate members may contest the proposed sanctions by use of the grievance procedure afforded by Academic Personnel Manual Section 140.
  - c. No alternate University procedures are available to the Respondent.
2. If the Chancellor decides that sanctions are not warranted, the Chancellor shall notify the Respondent and the Vice Provost, and shall close the case.

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<sup>7</sup> The Chancellor has delegated to the Vice Provost the authority to close investigation cases where the *ad hoc* investigation committee does not find probable cause that faculty misconduct occurred.

## B. Response to Proposed Sanctions

Within 15 business days from the date of the transmittal of the Chancellor's notice of findings and proposed sanctions, unless an extension is requested and granted, the Respondent shall notify the Vice Provost, in writing, whether he or she accepts the proposed sanctions. All extension requests must be: (1) made in writing, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline. The Vice Provost will notify the Chancellor of the Respondent's decision.

1. Sanctions Accepted: If the Respondent accepts the proposed findings and sanctions or does not respond to the proposed findings and sanctions by the deadline, the Chancellor may impose the proposed sanctions. A Respondent's failure to respond by the deadline is deemed to be an acceptance of the proposed findings and sanctions.
2. Sanctions Not Accepted:
  - a. Academic Senate Members: If a Respondent who is an Academic Senate member notifies the Chancellor by the deadline that he or she does not accept the findings and sanctions and the Chancellor wishes to proceed with the sanctions, the Chancellor shall file charges against the Respondent with the Committee on Privilege and Tenure, which shall conduct a hearing in accordance with the procedures set forth in the Academic Senate Bylaw 336.
  - b. Non-Senate Members: If a Respondent who is not an Academic Senate member notifies the Chancellor that he or she does not accept the findings and sanctions by the deadline, the Respondent may contest the proposed sanctions by use of the grievance procedure afforded by Academic Personnel Manual Section 140.

## C. Procedural Privileges and Protections

1. Academic Senate Members: A Respondent who is an Academic Senate member shall be entitled to all procedural privileges and protections before the Committee on Privilege and Tenure, as specified in the [Standing Orders of the Regents](#), and in the provisions of the Academic Senate Bylaws that implement such Orders. See [Academic Senate Bylaw 336](#).
2. Non-Senate Members: A Respondent who is not an Academic Senate member shall be entitled to all procedural privileges and protections before a Hearing Officer, as specified in the [Standing Orders of the Regents](#), and in [Academic Personnel Manual Section 140](#).

## D. Findings, Conclusions and Recommendations

1. Academic Senate Members: For Respondents who are Academic Senate members, as provided in [Academic Senate Bylaw 336](#), copies of the findings, conclusions, and recommendations of the Committee on Privilege and Tenure shall be transmitted to the Chancellor and the Respondent.
2. Non-Senate Members: If a hearing is conducted for a Respondent who is not an Academic Senate member, a copy of the report of the hearing and recommended decision shall be transmitted to the Chancellor and the Respondent.

## E. Chancellor's Decision

All findings, conclusions, and recommendations shall be transmitted to the Chancellor after the conclusion of such hearings for the Chancellor's review. The Respondent will be informed in writing of the Chancellor's final decision.

The Chancellor is granted authority by The Regents and shall have final authority to determine and execute appropriate sanctions in accord with APM 016, the University Policy on Faculty Conduct and the Administration of Discipline. In cases where the Chancellor's decision disagrees with the recommendation of the UCSF Committee on Privilege and Tenure, the Chancellor shall inform the Chair of the Committee in writing of the disagreement and ask if the Chair would like the Chancellor to meet with the Chair or the whole committee prior to making his/her final decision. The Chancellor may choose to waive or limit the imposition of a disciplinary sanction on the condition that the Respondent performs some specified action designed to address the harm caused by the misconduct.

If acceptable to the Chancellor and the Respondent, informal mediation may be considered for resolution of some or all of the issues addressed through this procedure. However, mediation of issues does not preclude the imposition of disciplinary sanctions. In cases where a settlement resolving disciplinary charges is entered into after a matter has been referred to an Academic Senate committee, the Chancellor is encouraged to consult with the Chair of the Committee on Privilege and Tenure prior to finalizing the settlement.

## APPENDIX A: DEFINITIONS

**Allegations/Complaint:** Allegations are contentions that a faculty member has engaged in faculty misconduct. A complaint is composed of these allegations.

**Business Day:** Any official working day from and including Monday to Friday, and excluding weekends and national and University holidays.

**Faculty Misconduct:** Behavior that violates the Faculty Code of Conduct by breaching an ethical principle in APM 015 and significantly impairing a central function of the University, as defined in the Preamble to APM 015.

1. Part II of APM 015 lists several specific examples of unacceptable conduct. These illustrate types of conduct that violate an ethical principle and significantly impair a central function of the University, and that presumptively warrant the imposition of University discipline.
2. Serious violation of University policies other than APM 015 (including but not limited to sexual harassment, conflict of interest, clinical practices, or whistleblower protection) may constitute a violation of the Faculty Code of Conduct.

**Preliminary Investigation:** An initial review of the allegations, involving only enough fact-finding to allow the Preliminary Investigator to determine whether there is sufficient substance to the allegations to warrant a formal Faculty Code of Conduct investigation.

**Preliminary Investigator:** An appropriate faculty administrator, appointed by the Vice Provost, to conduct a Preliminary Investigation.

1. Generally, the Preliminary Investigator is the Vice or Associate Dean for Academic Affairs for the School in which the Respondent holds an appointment.
2. If it is not appropriate for the relevant Vice or Associate Dean of Academic Affairs to conduct the Preliminary Investigation in a particular case, the Vice Provost may appoint another appropriate faculty administrator to serve in that role, including but not limited to the Vice or Associate Dean of Academic Affairs in a different School.

**Subject Matter Expert:** An individual or office with specialized knowledge, experience or training in a given area or with relevant University policies other than APM 015. Examples include the Title IX Officer (sexual harassment/discrimination policies); Audit Services (whistleblower complaints).

**Subject Matter Expert Investigation:** A fact-finding investigation into allegations, conducted by an individual or office with appropriate subject matter expertise, to determine whether a Respondent has violated one or more University policies within the area of expertise of the Subject Matter Expert.

1. The Vice Provost may request a Subject Matter Expert Investigation when allegations are received or at any appropriate time thereafter.
2. On occasion, allegations may be reported directly to a Subject Matter Expert without knowledge of the Vice Provost. If a Subject Matter Expert conducts an investigation that results in a finding that a faculty member violated a University policy other than APM 015, the Subject Matter Expert Investigation report will be sent to the Vice Provost for review and possible initiation of a Faculty Code of Conduct investigation.

## APPENDIX B: DISCIPLINARY SANCTIONS AUTHORIZED IN THE UNIVERSITY POLICY ON FACULTY CONDUCT AND THE ADMINISTRATION OF DISCIPLINE DEFINITIONS (APM 016)

According to the Part II of the University Policy on Faculty Conduct and the Administration of Discipline ([APM 016](#)), the types of discipline that may be imposed on a member of the faculty, in order of increasing severity, are:

1. **Written Censure:** A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor.
2. **Reduction in Salary:** Reduction to lower salary without change in rank or step.
3. **Demotion:** Reduction to lower rank or step with corresponding reduction in salary.
4. **Suspension:** Suspension of a faculty member without pay for some stated period of time from the continuance of the appointment on its normal terms.
5. **Denial or Curtailment of Emeritus Status:** Denial or curtailment of current or future emeritus status of a faculty member, including the privileges associated with the emeritus status.
6. **Dismissal from the Employ of the University:** The Chancellor has authority to dismiss a faculty member who does not have tenure or security of employment.

Additional information about University discipline, including information specific to each type of discipline, may be found in APM 016.