

Office of Academic Affairs  
Revised March 1, 2023  
Effective Date: March 1, 2023



University of California  
San Francisco

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

# TABLE OF CONTENTS

	Page
<b>Introduction</b>	2
Governing Policies	
Authority for this Procedure	
Applicability	
Effective Date	
Role of the Vice Provost, Academic Affairs	
<b>Resources</b>	3
Consultation/Contact Information	
Investigation Process Flowchart	
<b>I. General Information</b>	3
A. Participants in an Investigation and Notifications	
B. Standards	
C. Timeframes	
D. Confidentiality	
E. Informal Resolution	
F. Investigation Records	
<b>II. Reporting Faculty Misconduct</b>	6
<b>III. Initial Review</b>	7
A. Preliminary Investigation	
B. Subject Matter Expert Investigation	
C. Cases Involving Both Subject Matter Expert Investigations and Preliminary Investigations	
D. Cases Initiated by Receipt of an Investigation Report from Another Unit	
<b>IV. Faculty Code of Conduct Investigation</b>	12
A. Appointment of <i>Ad Hoc</i> Investigation Committee	
B. Start of the Investigation	
C. Charge to the <i>Ad Hoc</i> Investigation Committee	
D. <i>Ad Hoc</i> Investigation Committee Report	
E. Notice to the Respondent and Opportunity to Respond	
F. Outcome	
<b>V. Sanctions</b>	16
A. Notice of Proposed Sanctions	
B. Response to Proposed Sanctions	
C. Procedural Privileges and Protections	
D. Findings, Conclusions and Recommendations	
E. Chancellor's Final Decision	
<b>Appendix A: Definitions</b>	19
Allegations/Complaint	
Business Day	
Faculty Misconduct	
Preliminary Investigation	
Preliminary Investigator	
Subject Matter Expert	
Subject Matter Expert Investigation	
<b>Appendix B: Authorized Disciplinary Sanctions</b>	20

## 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 and APM 150.

**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; 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 Procedures: Adjudication Process for Faculty and Other Non-represented Academic Appointees in Cases Involving Sexual Violence and Sexual Harassment \(Interim SVSH Procedures\)](#), or the prevailing procedures at the time of the underlying complaint. 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, or the prevailing procedures at the time of the underlying complaint. 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 March 1, 2023, and applies to any complaint of faculty misconduct received on or after the effective date. Faculty misconduct allegations or complaints received after the effective date, but which allege facts that occurred prior to the effective date will be administered under the Procedure for Investigation of Faculty Misconduct and the Administration of Discipline, effective September 1, 2017 (2017 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 related to these investigations to the Chancellor. The Vice Provost has been delegated the authority to close cases where faculty misconduct is not found or there is an informal resolution to the satisfaction of the Vice Provost (see Section I-E below). The Vice Provost, as provided for in these Procedures, administers notices to appropriate parties, receives and accepts reports from Preliminary Investigators and Subject Matter Experts, appoints *ad hoc* committees, can grant extensions, and advises on policy and process.

## 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, any communications to the Vice Provost will be referred to staff in the Vice Provost's Office due to the Vice Provost's decision-making role. All parties or witnesses involved in an investigation are encouraged to direct such inquiries to the Academic Employee Relations Manager or Specialists.

**Investigation Process Flowchart:** See also the [Investigation Process Flowchart](#).

## I. GENERAL INFORMATION

### A. Participants in an Investigation and Notifications

UCSF policies prohibit retaliation against a person who reports prohibited conduct, assists someone with or participates in any manner in an investigation or resolution of such a report. Retaliation includes threats, intimidation, reprisals and/or adverse actions related to employment or education. 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, up to and including dismissal.

**Complainant:** An individual who reports allegations of faculty misconduct. Any individual 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. **Role:** A Complainant reports allegations of faculty misconduct, provides information during the investigative process as requested, and may serve as a witness.
2. A Complainant should not investigate suspected faculty misconduct on their own. Such actions may compromise the neutrality of the investigation, the integrity of evidence, and/or the integrity of the investigative process.
3. **Notifications:** The Vice Provost's Office will notify Complainant(s) about the status of an investigation upon request. A Complainant does 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 and/or University policy.

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

1. **Role:** A Reporter reports allegations of faculty misconduct as outlined in Section II below, provides information during the investigative process as requested, and may serve as a witness.
2. A Reporter should not investigate suspected faculty misconduct on their own. Such actions may compromise the neutrality of the investigation, the integrity of evidence, and/or the integrity of the investigative process.
3. **Notifications:** A Reporter may be advised of the status of the investigation upon request. A Reporter does 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 and/or University policy.

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

1. **Role:** A Respondent should not take any action that may compromise the neutrality of the investigation, the integrity of evidence, and/or the integrity of the investigative process.
2. A Respondent should not investigate alleged faculty misconduct on their own. Such actions may compromise the neutrality of the investigation, the integrity of evidence, and/or the integrity of the investigative process.
3. **Notifications:** Respondents will be notified of the outcome at the completion of each phase of an investigation, and will have an opportunity to respond.

## B. Standards

**Sufficient Substance:** The standard by which a preliminary investigator conducts a limited factual inquiry of the allegations to determine if a formal Faculty Code of Conduct investigation is warranted, based on the totality of the allegations and evidence reviewed.

**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. See APM 015 Part III, Section A-3.
2. Every reasonable effort will be made to complete each phase of an investigation 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. Where applicable, requests for extensions can be made and granted as provided for in these Procedures (see Sections III-A-2, III-A-4, III-B-4, III-B-6, III-C-3, IV-D, IV-E-3, and V-B).
3. For purposes of this Procedure, the investigation process ends when: (a) the case closes (see Sections I-E-4, III-A-5, IV-F-1, and V-A-2); or (b) when the Chancellor imposes sanctions on the Respondent.

## D. Confidentiality

Faculty misconduct investigations are confidential to the extent allowed or required by law and/or other University policies.

The University takes seriously the integrity of the investigation. Consideration of whether confidentiality admonitions will be issued will be based on whether there is a need for witness protection, evidence is in danger of being destroyed, testimony is in danger of being fabricated, or there is a need to prevent a cover up. If any one of these elements are reported or discovered, a tailored confidentiality admonition may be issued throughout the investigation. An individual who breaches any duty of confidentiality in connection with faculty misconduct investigations may be subject to sanctions, up to and including dismissal as provided in APM 016 and APM 015, and other relevant University policies.

## E. Informal Resolution

The Vice Provost has discretion to approve informal resolution efforts if they deem 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. Reporting options:
  1. Allegations of faculty misconduct may be reported directly to the [Vice Provost](#).
  2. Allegations of faculty misconduct may be reported through the [UC Whistleblower hotline](#).
  3. Allegations that a faculty member engaged in activity in violation of the UC Sexual Violence Sexual Harassment (SVSH) policy and/or discrimination, harassment and/or retaliation must be reported to the [UCSF Office for the Prevention of Harassment and Discrimination \(OPHD\)](#).
  4. Allegations that a faculty member engaged in improper governmental activities or retaliatory actions related to a whistleblower complaint should be reported directly to the [UCSF Chief Ethics and Compliance Officer](#).
  5. Allegations of research misconduct that are within the scope of the UCSF Integrity of Research Policy ([Campus Administrative Policy 100-29](#)) may be reported to the UCSF Research Integrity Officer for investigation.<sup>1</sup>

---

<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 formal research misconduct investigation is initiated against a faculty member (see UCSF Integrity of Research Procedures, section D. Investigation), then the UCSF RIO and the Vice Provost may appoint a joint committee to conduct this investigation. This joint committee will conduct the research misconduct investigation per the UCSF Integrity of Research Procedures, including being charged with, in accord with this Procedure, making a probable cause determination as to whether APM 015 was violated and to make a recommendation for

6. Allegations of faculty misconduct reported elsewhere may be referred to the Vice Provost.
- C. Form: A Complaint of faculty misconduct made to the Vice Provost must be in writing and should be as complete as possible.<sup>2</sup> Supporting documentation should be included if applicable.
- D. If it is determined at any point that a Complainant, Reporter, or anyone else was involved in intentionally and/or maliciously bringing unfounded charges, the Vice Provost may take appropriate action against those individual(s), including referring the matter for disciplinary action, up to and including dismissal under applicable policies and procedures.

### III. INITIAL REVIEW

When allegations of faculty misconduct are received by the Vice Provost, the Vice Provost determines whether the allegations should be moved forward for Initial Review under these Procedures, or referred to a different unit because the allegations are not appropriate for a Faculty Code of Conduct investigation. The Vice Provost may in their discretion pursue informal resolution under Section I-E of these Procedures.

The Initial Review is intended to develop information to establish:<sup>3</sup> (1) whether an allegation has sufficient substance to warrant a formal Faculty Code of Conduct investigation, as determined by a Preliminary Investigator; or (2) whether a University policy has been violated, which may subject a faculty member to a finding of probable cause that APM 015 was violated (e.g., APM 015-II-C-7), which requires an evaluation by a Subject Matter Expert. The Vice Provost may receive investigation reports from another unit which may include findings that one or more University policies have been violated. These investigation reports can be treated as Subject Matter Expert Investigations.

Initial Review by the Vice Provost may be accomplished by:

- A. A Preliminary Investigation; or
- B. A Subject Matter Expert Investigation;
- C. Both a Preliminary Investigation of one or more allegations, and a Subject Matter Expert Investigation of one or more allegations; or
- D. Receipt and acceptance of a completed investigation report from another unit.

---

sanctions, if warranted. In addition to the Research Misconduct investigation report per the Integrity of Research Procedures, this joint committee will compose a separate report for the probable cause finding(s) and recommendation for sanction(s), which will serve as the investigation report per section IV-D of this Procedure. Staff from the UCSF RIO and Vice Provost office may support this committee.

<sup>2</sup> If accommodations are needed to file a complaint, or for other stages in this process, please reach out to Disability Management Services (415-476-2328).

<sup>3</sup> The purpose of the Initial Review is not to determine whether faculty misconduct occurred or to recommend sanctions.



## A. Preliminary Investigation

1. Request for Preliminary Investigation: In those cases where a Preliminary Investigation is found to be warranted or required under these Procedures, then, within 15 business days of the date the allegations are deemed completed, the Vice Provost refers the allegations for a Preliminary Investigation to an appropriate faculty administrator. The faculty administrator should not have a bias or conflict of interest.
  - 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 specific 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 bias or conflict of interest.
  - c. Additional Allegations: If other allegations are identified during the Preliminary Investigation, the Preliminary Investigator shall timely 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 continue investigating the original allegation(s) and/or add some or all of the new allegations to the Preliminary Investigation; and/or
    2. Refer some or all of the new allegations to a Subject Matter Expert; and/or
    3. Take any other steps that are appropriate under the circumstances.
  - 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 to the Vice Provost, (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 to the Vice Provost, (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 shall 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<sup>4</sup> within 3 business days of receiving the notice. Any written response must be submitted to the Vice Provost in accordance with Section III-A-4.
  - b. If there is a finding of sufficient substance as to any allegation, the Vice Provost shall send the Preliminary 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,<sup>6</sup> until the end of the investigation process.
5. Outcome: Upon receipt of the Respondent's response, the Vice Provost will close the case or review the response to determine whether a formal Faculty Code of Conduct investigation is warranted.

## B. Subject Matter Expert Investigation

The following procedures apply when a Subject Matter Expert Investigation is appropriate (see Section III, page 7).

1. Referral/Request for Subject Matter Expert 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. On a case-by-case basis, the Vice Provost determines if it is 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

---

<sup>4</sup> The Preliminary Investigation report will be redacted to protect third party privacy and any information otherwise protected by law, policy, and/or at the discretion of the University.

<sup>5</sup> The Preliminary Investigation report will be redacted to protect third party privacy and any information otherwise protected by law, policy, and/or at the discretion of the University.

<sup>6</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.

Respondent has violated University policies within the Subject Matter Expert's area of expertise, as alleged in the Complaint.

- i. A Subject Matter Expert should follow their 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.
2. Additional Allegations: If other allegations arise during the Subject Matter Expert Investigation, the Subject Matter Expert Investigator shall timely notify the Vice Provost, who will determine the appropriate next steps. The Vice Provost may:
  - a. Ask the Subject Matter Expert 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 to continue investigating the original allegation(s) and to timely 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) in conjunction with the Subject Matter Expert; 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 should 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<sup>7</sup> 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.
  - 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>8</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, the Vice Provost will close the case or review the response to determine whether a formal Faculty Code of Conduct investigation is warranted.

### 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 9) for allegations that are referred to a Subject Matter Expert.

---

<sup>7</sup> The Subject Matter Expert Investigation report will be redacted to protect third party privacy and any information otherwise protected by law, policy, and/or at the discretion of the University.

<sup>8</sup>The Subject Matter Expert Investigation report will be redacted to protect third party privacy and any information otherwise protected by law, policy, and/or at the discretion of the University.

- 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 Expert Investigation. Once the Preliminary Investigation has been requested, the Vice Provost will follow the procedure outlined in Section III-A (page 8).
    - 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 investigations discussed in this section will be handled according to the process outlined in Section III-A-5 (page 9) for Preliminary Investigations and in Section III-B-7 (page 11) for Subject Matter Expert Investigations. This may include a determination by the Vice Provost as to whether a formal Faculty Code of Conduct Investigation is warranted.

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

When the Vice Provost receives an investigation report from another unit, the report 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 an additional Subject Matter Expert Investigation(s) based on information in the report that was not investigated but appears to warrant further review or action.

## IV. FACULTY CODE OF CONDUCT INVESTIGATION

The Investigation phase begins when, after reviewing the investigation report(s) from the Initial review as described above in Section III, and the Respondent's response, the Vice Provost determines that one or more allegations warrant formal investigation by an *ad hoc* Investigation Committee.

## A. Appointment of *Ad Hoc* Investigation Committee

Within 15 business days of the date the Vice Provost determines that a formal Faculty Code of Conduct 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>9</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.
4. The role of the Chair of the *ad hoc* investigation committee is to request extensions under these Procedures, attend all committee meetings and witness interviews, and to administer witness advisals during interviews.

## 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 *Ad Hoc* Investigation Committee

The Vice Provost will charge the *ad hoc* investigation committee 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 *ad hoc* investigation committee may be advised by University counsel. 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.

---

<sup>9</sup> If an investigation committee member is unable 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 who meets the qualifications outlined in this section in place of the member who can no longer serve.

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.
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 information concerning a Subject Matter Expert's findings, and make findings as the committee deems appropriate.
4. Since a Preliminary Investigation is not a full fact finding investigation with a different charge than a formal Faculty Code of Conduct investigation, an *ad hoc* investigation committee may, in its discretion, seek and develop additional information regarding a Preliminary Investigator's findings, and may make findings as deemed appropriate. This may include making a finding to allegation(s) that were not found to have sufficient substance in a Preliminary Investigation.

## D. *Ad Hoc* Investigation Committee 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 to the Vice Provost, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline.

1. Findings: The *ad hoc* investigation committee 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: In a report where there are findings of probable cause that the Faculty Code of Conduct was violated, the *ad hoc* investigation committee report shall also state the committee's recommendation regarding sanctions in accord with the provisions of APM 016 and APM 150. The investigation report may also include recommendations for administrative measures that the 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 be informed of the outcome of the investigation, to receive a redacted 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 redacted 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 any information otherwise protected by law, policy, and/or at the discretion of the University. 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 any information otherwise protected by law, policy, and/or at the discretion of the University. The redacted report will be provided to the Respondent.
3. Response to the Investigation Report: A respondent must submit any written response to the investigation report to the Vice Provost within 10 business days of the date the Respondent is notified of the finding(s) and recommendation(s) 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 to the Vice Provost, (2) supported by good cause, and (3) submitted to the Vice Provost before the deadline.

## F. Outcome

1. Cases with Unanimous Findings of No Faculty Misconduct: In such cases, the Vice Provost<sup>10</sup> shall close the case on the earlier date of: when 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.
  - a. Release of Hold on Academic Action: As part of the closure of the case, the Vice Provost 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 make a timely request to the Vice Provost. The Vice Provost may consider efforts to restore the reputation of the Respondent and others who were under investigation.
2. Cases with Unanimous 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 Sanctions process outlined in Section V below.
3. Cases without a Unanimous Decision Regarding Findings of Faculty Misconduct: In cases where the *ad hoc* investigation committee did not reach a unanimous decision concerning whether there was probable cause that faculty misconduct occurred, and at least one committee member did find there to be probable cause that faculty misconduct occurred as to one or more

---

<sup>10</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.



allegations, the Chancellor shall be the final authority in deciding whether to follow section IV-F-1 or IV-F-2 of these Procedures.

## 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 finding(s) and of the proposed sanction(s).

1. If sanctions are proposed, the Chancellor shall notify the Respondent of procedures, including, as applicable:
  - a. An Academic Senate member's right to a formal hearing by the Academic Senate Committee on Privilege and Tenure.
  - b. A Non-Senate member's right to contest the proposed sanctions by use of the [APM 140](#) grievance procedure.
2. If the Chancellor decides that sanctions are not warranted, the Chancellor shall notify the Respondent and the Vice Provost, and the Vice Provost shall close the case.

### B. Response to Proposed Sanctions

Within 15 business days from the date of the Chancellor's notice to Respondent of finding(s) and proposed sanction(s), unless Respondent submits and is granted an extension, the Respondent shall notify the Vice Provost, in writing, whether they accept the proposed sanction(s). All extension requests by Respondent must be: (1) made in writing to the Vice Provost, (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 sanction(s) or does not respond to the proposed 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 they do not accept the proposed sanction(s) and the Chancellor wishes to proceed with the sanction(s), charges shall be filed 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 they do not accept the proposed sanction(s) by the deadline, the Respondent may contest the proposed sanction(s) by use of the grievance procedure afforded by [APM 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 [APM 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 Final Decision

The Senate will transmit all findings, conclusions, and recommendations to the Chancellor for the Chancellor's review after the conclusion of such hearings. 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 and APM 150, Non-Senate Academic Appointees/Corrective Action and Dismissal. In cases where the Chancellor disagrees with the recommendation of the UCSF Committee on Privilege and Tenure, the Chancellor shall inform the Chair of the Privilege and Tenure Committee in writing of the disagreement and ask if the Chair, or the whole committee, would like to meet with the Chancellor prior to the Chancellor issuing a 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 contemplated 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 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 policies related to 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, with relevant University policies other than APM 015, or the designated responsible office of a particular University policy. Examples include the Office of the Prevention of Harassment and Discrimination (OPHD) (non-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, or designated responsible office, to determine whether a Respondent has violated one or more University policies within the scope 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: AUTHORIZED DISCIPLINARY SANCTIONS

### 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 Senate faculty member, 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.

### THE UNIVERSITY POLICY FOR NON-SENATE ACADEMIC APPOINTEES/CORRECTIVE ACTION AND DISMISSAL (APM 150)

According to the University Policy on Non-Senate Academic Appointees/Corrective Action and Dismissal ([APM 150](#)), the types of discipline that may be imposed on Non-Senate faculty member are:

1. **Written Warning:** A formal letter meant to inform of the nature of the misconduct, method of correction, and the consequence of continued misconduct.
2. **Written Censure:** A formal written expression of institutional rebuke that contains a description of the censured conduct.

3. **Suspension:** A debarment without pay for a stated period of time.
4. **Reduction in Salary:** Reduction to a lower salary without change in rank or step.
5. **Demotion:** Reduction to a lower rank or step with a corresponding reduction in salary.
6. **Dismissal:** Termination of an appointment for good cause prior to the end date of an appointment.

Additional information about University discipline for Non-Senate faculty members, including information specific to each type of discipline, may be found in APM 150.