

University of California
A-D Investigation and Adjudication Framework for
Senate and Non-Senate Faculty

INTRODUCTION

Consistent with the UC's [Anti-Discrimination Policy](#) ("A-D Policy"), the following *Investigation and Adjudication Framework for Senate and Non-Senate Faculty* ("Framework") describes the University's process for investigating and adjudicating alleged violations of the *A-D Policy* in instances where the Respondent is a University faculty member whose conduct is governed by Section 015 of the Academic Personnel Manual ([APM - 015](#)), The Faculty Code of Conduct ("Code of Conduct").¹

More specifically, and consistent with the *A-D Policy* (see Section V.A.5 ("Overview of Resolution Processes") and V.A.6 ("The Formal Investigation Report and Outcome")), this *Framework* describes the University's procedures for resolving complaints of Discrimination, Harassment, and Retaliation ("Prohibited Conduct"), as defined in the *A-D Policy*.

This document should be read in conjunction with the *A-D Policy*, as well as applicable [APM provisions](#), including [APM - 015](#), [APM - 016](#) (University Policy on Faculty Conduct and the Administration of Discipline), and [APM - 150](#) (Non-Senate Appointees/Corrective Action and Dismissal), and applicable [Senate Bylaws](#), including Senate Bylaw 336 (procedures for disciplinary hearings) and Senate Bylaw 335 (procedures for considering grievances).

Applicable definitions can be found in the *A-D Policy* and are incorporated herein. Other definitions can be found in applicable APMs and Senate Bylaws and are incorporated herein:

- [A-D Policy](#)
- [Faculty Code of Conduct \(APM - 015\)](#)
- [APM - 016](#)
- [APM - 150](#)
- All provisions of the APM are accessible at [the Academic Personnel \(AP\) Policy](#)

The *A-D Policy*'s procedures apply to reports of prohibited conduct received by the Local Implementation Officer on or after January 1, 2026, the effective date of the procedures, regardless of when the alleged conduct occurred. When allegations of both *A-D* Prohibited conduct and other allegations of employee misconduct arise out of the same or similar circumstances, then the University will address all allegations pursuant to this procedure.

¹ For all represented academic personnel who are covered by a Memorandum of Understanding with an exclusive bargaining agent, where there is a conflict with their collective bargaining agreement and this *Framework*, the collective bargaining agreement provision will apply, except as required by Federal law and regulations. When the Respondent is represented, please refer to the relevant complaint resolution, investigation, grievance, and disciplinary procedures contained in the represented Respondent's collective bargaining agreement in conjunction with this *Framework*.

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Note: For allegations involving Sexual Harassment or Sexual Violence as defined in UC's [Sexual Violence and Sexual Harassment Policy](#) (SVSH Policy), the procedures described in the [SVSH Investigation and Adjudication Framework for Senate and Non-Senate Faculty](#) apply. When allegations of both A-D and SVSH Prohibited Conduct arise out of the same facts or circumstances, then the University will address all allegations together under the SVSH procedure.

I. REPORTING OPTIONS AND RESOURCES

The Systemwide Anti-Discrimination Director is the officer responsible for the *A-D Policy*, with ultimate oversight over the University's overall compliance with the Policy. The University also has a Local Implementation Office at each campus that is responsible for receiving and responding to reports of Prohibited Conduct under the *A-D Policy*.

Confidential Resources, as defined by the *A-D Policy*, are also available at each campus both before and after a person communicates with the Local Implementation Office about potential violations of the *A-D Policy*.

Confidential Resources are also available to a person who chooses not to communicate with the Local Implementation Office. As outlined in the *A-D Policy*, disclosures to Confidential Resources while they are acting in their confidential capacity are not "reports" under the Policy and will not, alone, result in any formal University action.

These reporting options and resources are available for any conduct prohibited by the *A-D Policy*.

A. Reporting Options

Any person may make a report, including anonymously, of Prohibited Conduct to the Local Implementation Office. The Local Implementation Office is responsible for receiving and responding to reports of Prohibited Conduct.

A person may also make a report to a Responsible Employee as defined by the *A-D Policy*. The *A-D Policy* requires a Responsible Employee who becomes aware of an incident of Prohibited Conduct to report it to the University by contacting their location's Local Implementation Officer or designee.

While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible.

A Complainant may choose to make a report to the University and may also choose to make a report to law enforcement. A Complainant may pursue either or both of these options at the same time. Anyone who wishes to report to law enforcement can contact the UC Police Department at their location.

B. Confidential Resources

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The University offers access to Confidential Resources for individuals who have experienced Prohibited Conduct and are seeking counseling, emotional support, or confidential information about how to make a report to the University. University Confidential Resources are defined pursuant to the *A-D Policy* and include individuals who receive reports in their confidential capacity such as licensed counselors (e.g., Employee Assistance Program (EAP) and Counseling and Psychological Services (CAPS)), and the Ombuds Office.

Confidential Resources, as defined by the *A-D Policy*, are also available at each campus both before and after a person communicates with the Local Implementation Office about potential violations of the *A-D Policy*. Confidential Resources are also available to a person who chooses not to communicate with the Local Implementation Office. These Confidential Resources are not required to report Prohibited Conduct to the Local Implementation Office, but as outlined in the *A-D Policy*, may provide information to individuals about how to contact the Local Implementation Office.

These individuals can provide confidential advice and counseling without that information being disclosed to the Local Implementation Office or law enforcement, unless there is a threat of serious harm to the individual or others or a legal obligation that requires disclosure (such as suspected abuse of a minor).

II. INITIAL ASSESSMENT AND GENERAL PROVISIONS

A. Initial Assessment

Upon receipt of a report of or information about alleged Prohibited Conduct, the Local Implementation Officer will make an initial assessment in accordance with the *A-D Policy*, which shall include making an immediate assessment concerning the health and safety of the Complainant and the campus community.

The initial assessment process described below is for all reports of Prohibited Conduct.

1. Report and Response to Prohibited Conduct

- a. Consistent with the *A-D Policy*, the University may consider any person who reportedly was subjected to Prohibited Conduct a "Complainant," whether or not they make a report or participate in the investigation.
- b. The University will strive to honor the stated wishes of the Complainant concerning whether to move forward with an investigation. In accordance with the *A-D Policy*, if the Complainant requests that no investigation occur, the Local

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Implementation Officer will determine whether the allegations, nonetheless, require an investigation to mitigate a potential risk to the campus community. See *A-D Policy* Section V.A.5.b. If the Local Implementation Officer initiates an investigation despite the Complainant's request, they will provide Complainant with all information required by this procedure and the *A-D Policy* unless the Complainant states in writing that they do not want the information.

2. University-Provided Support Services

Throughout the resolution process, the University will offer support services for parties, for example through Counseling and Psychological Services (CAPS), the Ombuds Office, and employee assistance programs.

3. Supportive Measures

The University will also consider and implement Supportive Measures, including Interim Measures, as appropriate to protect the safety of the parties or the University community; to restore or preserve a party's access to a University program or activity; or to deter Prohibited Conduct. See *A-D Policy* II.B.8 and Appendix II. The Local Implementation Officer will ensure that Supportive Measures are non-disciplinary and non-punitive, and that they do not unreasonably burden a party.

Supportive Measures for employees may include changes to a workstation, schedule, or other reasonable workplace modifications, provided that, in the case of a Complainant, the change is voluntary and equitable. Supportive Measures may also include, but are not limited to, no contact orders and counseling. Additional information about Supportive Measures is included in Appendix II of the *A-D Policy*.

Involuntary leave of a Senate faculty Respondent may be imposed in accordance with APM - 016. Investigatory leave of a non-Senate faculty Respondent may be imposed in accordance with APM - 150.

4. Advisors and Support Persons

At all stages of this process, the Complainant and Respondent (also known as the parties) have the right to an advisor of their choosing, as well as the right to a support person of their choosing. The advisor and/or the support person may be any person (including an advocate, attorney, friend or parent) who is not otherwise a party or a witness.

- a. The advisor's primary role is to provide guidance to the Complainant or Respondent throughout the process. The advisor may not speak on behalf of a party at any meeting or

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interview.

- b. The support person's primary role is to provide emotional support. The support person may not speak on behalf of a party at any meeting or interview.
- c. Advisors and support persons may not disrupt any meetings or proceedings in any manner. At all stages of the process, advisors and support persons must comply with the University's rules of conduct for participants in this process ("A-D Rules of Conduct"). The University reserves the right to exclude an advisor and/or support person who does not abide by all these procedures.

5. Written Rights and Options

The Local Implementation Officer will ensure that the Complainant, if their identity is known, is provided a written explanation of rights and available options as outlined in the *A-D Policy*, including:

- a. how and to whom to report alleged violations;
- b. options for reporting to and/or notifying law enforcement and campus authorities;
- c. information regarding confidential resources;
- d. when applicable, the importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order;
- e. counseling, health, mental health, legal assistance, financial aid, visa and immigration assistance, and other services available both within the institution and the community;
- f. options for a change to academic, living, transportation, and working situations, if the Complainant requests and if such options are reasonably available—regardless of whether the Complainant chooses to report alleged conduct to law enforcement; and
- g. the range of possible outcomes of the report, including supportive and remedial measures and disciplinary actions, the procedures leading to such outcomes, and their right to make a complaint.

6. Closure After Initial Assessment

Reports are not the same as a complaint. Not all reports the Local Implementation Officer receives are appropriate for Formal Investigation and resolution. If the Local Implementation Officer determines that closure of the case is appropriate under Section V.A.4 of the *A-D Policy*, the Local Implementation Officer may

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close the case and proceed as set forth in the *A-D Policy*.

B. General Provisions

1. Party Participation

Neither the Complainant nor the Respondent is required to participate in the process outlined in these procedures. The University will not draw any adverse inferences from a Complainant or Respondent's decision not to participate or to remain silent during the process. An investigator will reach findings and conclusions based on the information available.

2. Selective Participation

When a party selectively participates in the process—such as choosing to answer some but not all questions posed or choosing to provide a statement only after reviewing the other evidence gathered in the investigation—an investigator may consider the selective participation in evaluating the party's credibility. In doing so, they should try to discern reasonable non-adverse explanations for the selective participation, including from the parties' own explanations, and determine whether the information available supports those explanations.

3. University's Neutral Role

In all cases, including where the Complainant chooses not to participate or where there is no Complainant as provided for in the *A-D Policy* (II.B.1), the University's role is neutral, and it will conduct any factfinding and sanctioning without taking the position of either party.

4. Case Management

The Local Implementation Officer or their designee will track all stages of the investigation and adjudication under this procedure.

5. Training

All University officials involved in this investigation will be trained to carry out their roles in a fair, unbiased, and impartial manner.

6. Standard of Proof

The standard of proof for factfinding and determining whether a policy violation(s) occurred is Preponderance of Evidence, as defined by the *A-D Policy*. A Respondent will not be found responsible for a violation of the *A-D Policy* and/or other employee conduct policies unless the evidence establishes it is more likely than not that they violated the *A-D Policy* and/or other employee conduct policies.

7. Extension of Deadlines

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The Local Implementation Officer may extend any deadlines contained in this procedure consistent with the *A-D Policy*, as applicable, and for good cause shown and documented. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

8. Disability-Related Accommodations

The Local Implementation Officer will consider requests from parties and witnesses for disability-related accommodations in the investigation and adjudication process in consultation with the appropriate University office, such as the ADA Coordinator.

9. Requests for Language Interpretation

The Local Implementation Officer will consider requests from parties and witnesses for language interpretation.

10. Administrative Closure

If at any time during the investigation, the Local Implementation Officer determines that administrative closure is appropriate under Section V.A.5.b the Local Implementation Officer may close the investigation and proceed as set forth in the *A-D Policy*.

III. INVESTIGATING AND RESOLVING REPORTS OF PROHIBITED CONDUCT

Provided the University has sufficient information to respond, and in accordance with the *A-D Policy*, the University may resolve reports of alleged Prohibited Conduct by Respondents covered by this *Framework* through Alternative Resolution or Formal Investigation.

A. Alternative Resolution

After a preliminary inquiry into the facts, if the Complainant and Respondent agree in writing, the Local Implementation Officer may² initiate an Alternative Resolution in accordance with the *A-D Policy*. Alternative Resolution is not available when the Complainant is a student and the Respondent is an employee.

B. Formal Investigation

In cases where Alternative Resolution is inappropriate or unsuccessful, the Local Implementation Officer may conduct a Formal Investigation pursuant to the *A-D Policy*.

² The Local Implementation Officer has discretion to determine whether the complaint is appropriate for Alternative Resolution, to determine the type of resolution to pursue, and to stop the process at any time before its conclusion and move to a Formal Investigation. Circumstances when a Local Implementation Officer may decline to allow Alternative Resolution include, but are not limited to, when the alleged conduct would present a future risk of harm to others or when there is a potential power imbalance between the parties.

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1. Commencing a Formal Investigation

A Formal Investigation begins on the date the Local Implementation Officer sends the parties written notice of the allegations to be investigated.

2. Notification

The Local Implementation Officer will notify the Chancellor and the Chancellor's designee and/or supervisor or other appropriate administrative appointee when a Formal Investigation is commenced against a faculty Respondent. The Local Implementation Officer will be sensitive in their communication to protect the neutrality of the Chancellor's designee and/or supervisor or other appropriate administrative appointee, as well as the privacy of the Complainant and the Respondent.

Thereafter, the Local Implementation Officer will regularly communicate with the Chancellor and the Chancellor's designee regarding the status of the Formal Investigation.

3. Written Notice of Investigation

If a Formal Investigation will be conducted, the Local Implementation Officer will concurrently send written notice of the allegations to the Complainant and Respondent. The written notice will be sent a reasonable time in advance of the party's requested interview date, to allow sufficient time for the party to prepare for the interview. The written notice will include:

- a. a summary of the reported conduct that potentially violated the *A-D Policy* and, where applicable, other employee conduct policies;
- b. the identities of the parties involved;
- c. the date, time, and location of the reported incident(s) (to the extent known);
- d. the specific provisions of the *A-D Policy* and any employee conduct policies potentially violated;
- e. a statement that each party may have an advisor and a support person of their choice throughout the process, as described above. Witnesses may have a representative present at the discretion of the investigator or as required by University policy or collective bargaining agreement;
- f. a statement that the investigation report, when issued, will make factual findings and a determination whether there has been a violation of the *A-D Policy* and/or any employee conduct policy;

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- g. a statement that the parties will each have an opportunity during the investigation to identify witnesses and submit relevant evidence;
- h. a statement that it is a violation of University policy to furnish false information to the University, but that an investigator's determination regarding responsibility that is inconsistent with the information that a party furnished does not, in and of itself, indicate that such information was false;
- i. a statement that the parties will each have an opportunity, before the completion of the investigation, to review the relevant evidence collected, or a preliminary written investigation report that accurately summarizes evidence determined by the investigator to be relevant to whether a policy violation occurred;
- j. a statement that the factual findings under the *A-D Policy* will be based on the preponderance of the evidence standard and that a finding of a violation of the *A-D Policy* will establish probable cause under APM - 015;
- k. a statement that the Respondent is presumed not responsible until a determination of whether a policy violation has occurred is made at the conclusion of the process and only after the parties have had an opportunity to present relevant evidence to a trained, impartial decisionmaker;
- l. a summary of the investigation process and faculty discipline process, including the expected timeline;
- m. a summary of the rights of the Complainant and Respondent;
- n. a description of the resources available to Complainant and Respondent; and
- o. a statement that retaliation is prohibited.

At any point during the investigation, the Local Implementation Officer may amend the notice to add additional allegations identified during the investigation. Any amended notice should include all the information described above. If the additional allegations identified during the investigation include conduct prohibited under the *SVSH Policy*, then the Local Implementation Officer will notify the parties that the case will now proceed under the University's procedures for resolving complaints of Prohibited Conduct under the *SVSH Policy*.

4. Investigative Process

The Local Implementation Officer will oversee the investigation and designate an investigator to conduct a fair, thorough, and

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impartial investigation. The burden of gathering evidence sufficient to reach a determination regarding whether violation(s) of the *A-D Policy* occurred rests with the investigator. Absent an extension for good cause, the Local Implementation Office will strive to complete its investigation within sixty (60) to ninety (90) business days from the date of the written Notice of Investigation.

a. Overview

- i. During the investigation, the Complainant and Respondent will be provided an equal opportunity to meet with the investigator, submit information, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party and witnesses.
- ii. The investigator has discretion to determine which witnesses to interview based on the relevance of the evidence they allegedly would offer, and to determine what questions to ask, and will decline to ask questions that are irrelevant, repetitive, or that would violate the A-D Rules of Conduct.
- iii. The investigator will meet separately with the Complainant, the Respondent, and the witnesses and will gather other available and relevant evidence. The investigator may follow up with the Complainant or the Respondent and witnesses as needed to clarify any inconsistencies or new information gathered during the course of the investigation.
- iv. The investigator will generally consider or rely on all evidence they determine to be relevant and reliable, including evidence that weighs in favor of and against a determination that a policy violation occurred. The investigator may determine the relevance and weigh the value of any witness or other evidence to the findings and may exclude evidence that is irrelevant or immaterial.
- v. The investigator will generally consider direct observations and reasonable inferences from the facts.
- vi. The investigator will not consider statements of personal opinion as to anyone's general reputation or any character trait as such information is not relevant to whether a Respondent more likely than not engaged in conduct that violates the *A-D Policy*.
- vii. The investigator may consider prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct or

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other conduct prohibited by employee conduct policies by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of an *A-D Policy* or other policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct or related employee conduct policy violation under investigation.

- viii. It is the investigator's role to assess a party or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of Prohibited Conduct. Any credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- ix. The investigator will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence.
- x. Disclosure of facts to persons interviewed will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be counseled about keeping information private to protect the integrity of the investigation.

b. Clinical Records

As applicable, the investigator and any other University officials involved in the resolution process will not access, review, consider, disclose, or otherwise use a party's medical or behavioral health records that are made in connection with treatment without the party's voluntary written consent.

c. Privileged Records

As applicable, the investigator and other University officials involved in the resolution process will not access, review, consider, disclose, or otherwise use evidence that constitutes, or seeks disclosure of information protected under a privilege recognized by federal or state law without the voluntary written consent of the person to whom the privilege is owed.

d. Coordination with Law Enforcement

When a law enforcement agency is conducting its own investigation into the alleged conduct, the investigator should coordinate their fact-finding efforts with the law enforcement investigation in accordance with the *A-D Policy* (See *A-D Policy* Section V.A.5.b.i and FAQ 8). A reasonable delay resulting from such coordination may be good cause for extending the timelines to complete the investigation. If so,

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the delay will be communicated and documented in accordance with the *A-D Policy*.

e. Equal Opportunity to Review and Respond

Before the investigator concludes the investigation and finalizes a written investigation report, the parties will have an equal opportunity to review and respond to either: (1) the evidence that the investigator has deemed relevant, including statements made by the parties or witnesses; or (2) a preliminary written investigation report that accurately summarizes this evidence.

This is true regardless of whether a party has participated in the investigation. The Local Implementation Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties.

The Local Implementation Officer will designate a reasonable time for this review and response by the parties. If a party has an identified advisor of record, they also will be provided access to review the relevant evidence; however, only the parties themselves may submit a response. The investigator has discretion to revise the written report to reflect the parties' responses.

5. Investigation Report

Following conclusion of the investigation, the investigator will prepare a written report that includes factual allegations and alleged policy violations, statements of the parties and witnesses, a summary of the evidence the investigator considered, findings of fact, credibility determinations when appropriate, an analysis of whether a policy violation has occurred, and a determination regarding whether there are any policy violations. If credibility determinations were not necessary to reach the findings and policy determinations, the report will so note and explain why. The investigator may consult with the appropriate academic officer on matters involving academic freedom.

If the Complainant or the Respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation of why it was not considered. The investigation report should also indicate when and how the parties were given an opportunity to review the evidence. The investigation report will also include an analysis and determination of each allegation included in the Notice of Investigation.

A determination following a Formal Investigation that the Respondent violated the *A-D Policy* will establish probable cause

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as defined in the Faculty Code of Conduct. ([APM - 015](#) at III.A.4).

6. Notice of Determination and Report

Upon completion of the investigation, the Local Implementation Officer will simultaneously provide to the Complainant and the Respondent (a) a written notice of the factual findings and determinations; and (b) the investigation report. The investigator may consult with the appropriate administrative authority on the determinations regarding violations of employment conduct policies other than the *A-D Policy*. The investigation report may be redacted to protect privacy.

The Local Implementation Officer or designee will also send the notice of factual findings, determination, and accompanying investigation report to the Chancellor's designee or other appropriate administrative authority.

The notice of factual findings and determinations will include the following:

- a. a summary of the allegations that would constitute Prohibited Conduct under the *A-D Policy*, and any other related employee conduct violations;
- b. the investigator's evaluation of the relevant evidence;
- c. a summary statement of the factual findings and determinations regarding whether the *A-D Policy* or other employee conduct policies have been violated;
- d. a statement that each party has an opportunity to respond in writing to the Chancellor's designee and/or supervisor or other appropriate administrative authority;
- e. a prohibition against retaliation;
- f. an explanation of any Supportive Measures that will remain in place; and
- g. a statement that the Complainant and the Respondent will be informed of the final resolution of the matter, including that appropriate action will be taken, if applicable, and a statement of the anticipated timeline.

If a determination is made that a policy violation occurred, the Local Implementation Officer will determine whether Complainant, and to the extent appropriate, others identified to be experiencing the effects of any Prohibited Conduct, will be provided additional remedies, and will inform Complainant, or others, of that determination. Respondents are not notified of such measures unless necessary to implement the measure.

If the investigator determined that the faculty Respondent

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violated the *A-D Policy*, the notice of factual findings and determinations will also include:

- a. a statement that the finding that Respondent violated the *A-D Policy* (which is final after the investigation in a Formal Investigation) constitutes a finding of probable cause as defined in APM - 015;
- b. for matters involving Senate faculty Respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the Chancellor or Chancellor's designee will engage the Peer Review Committee to advise on appropriate resolution, which may include pursuing discipline in accordance with APM - 016;
- c. for matters involving non-Senate faculty Respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the Chancellor or Chancellor's designee will consult with the Academic Personnel Office to advise on appropriate resolution, which may include corrective action or termination in accordance APM – 150.

7. Access to Certain Investigation Records

After issuance of the investigator's written report, the investigation file, consisting of the investigation report and any evidence deemed relevant by the investigator (as documented in the investigation report and/or exhibits), must be retained by the Local Implementation Officer and made available to the parties for inspection upon request. It may be redacted to protect privacy.

8. Administrative Closure

If at any time during the investigation, the Local Implementation Officer determines that administrative closure is appropriate under Section V.A.5.b the Local Implementation Officer may close the investigation and proceed as set forth in the *A-D Policy*.

IV. ASSESSMENT AND CONSULTATION

In cases where the investigator determines a policy violation occurred, the Chancellor or Chancellor's designee has the authority and responsibility to decide what action to take in response to the findings of the investigation report.

The Chancellor or Chancellor's designee may consult with the Local Implementation Office, the Academic Personnel Office, or other appropriate entities at any time during the decision-making process.

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A. Opportunity to Respond

The Chancellor or Chancellor's designee will offer the Complainant and the Respondent an opportunity to respond to the notice of investigation outcome and accompanying investigation report, through a written statement to the Chancellor or Chancellor's designee. The parties will have five (5) business days after the Local Implementation Officer sends the investigation report to respond.

The purpose of this response is not to challenge the factual findings in the investigation report or present new evidence, but to provide the Complainant and the Respondent with an opportunity to express their perspectives and address what outcome they wish to see.

B. Peer Review Committee for Senate Faculty

In the event that the investigation determines that a Senate faculty Respondent is responsible for violating the *A-D Policy*, the Chancellor or Chancellor's designee will engage the campus Peer Review Committee to advise on appropriate resolution.

The Peer Review Committee, composed on each campus at the direction of the President, will advise the Chancellor or Chancellor's designee regarding how to resolve the matter. At the conclusion of the investigation, the Committee advises on whether the Chancellor or Chancellor's designee should pursue a formal charge for violation of the Code of Conduct or pursue an early resolution, and on the appropriate discipline or other corrective or remedial measures.

The Peer Review Committee will be engaged in all cases where the investigator has determined a Senate faculty Respondent has violated the *A-D Policy*.

C. Consultation with Academic Personnel for Non-Senate Faculty

In the event that the investigation determines that a non-Senate faculty Respondent is responsible for violating the *A-D Policy*, the Chancellor or Chancellor's designee will consult with the Academic Personnel Office, depending on what form of consultation the campus decided to employ. Such consultation, as decided by the campus, will occur in all cases where the investigation has determined the non-Senate faculty Respondent has violated the *A-D Policy*. The advisory role of the Peer Review Committee is described in Section IV.B above.

D. Local Implementation Officer Consultation for Senate and Non-Senate Faculty

In all cases where the investigation determines a Senate or non-Senate faculty Respondent is responsible for violating the *A-D Policy*, the Chancellor or Chancellor's designee will consult with the Local Implementation Officer on how to resolve the matter, including

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the appropriate discipline or other corrective measures.

V. DECISION ON SANCTIONS FOR SENATE FACULTY

The steps outlined below apply when a Senate faculty Respondent is found in violation of the *A-D Policy* following an investigation. The Local Implementation Officer shall be copied on all communications, notifications and actions described below.

A. Decision by Chancellor or Chancellor's Designee

Following engagement with the Peer Review Committee or consulting with the Academic Personnel Office (depending on whether the Respondent is a Senate or non-Senate faculty member, and the process the campus has chosen) and the Local Implementation Officer, in accordance with APM - 016, the Chancellor or Chancellor's designee will decide what action to take to resolve the matter.

As stated in APM - 015, "The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the Respondent no later than three years after the Chancellor is deemed to have known about the alleged violation. The Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when it is reported to any academic administrator at the level of department chair or above."

1. No Formal Discipline

In the event the Chancellor or Chancellor's designee determines to resolve the matter without taking any formal disciplinary action, the Chancellor or Chancellor's designee will promptly communicate this decision and its rationale to both the Complainant and the Respondent, as applicable.

2. Early Resolution

The Chancellor or Chancellor's designee can enter into an early resolution with the Respondent in accordance with APM - 016. An early resolution can be achieved at any time prior to the final imposition of discipline.

Subsequent to the Respondent agreeing to the terms of the early resolution, the Chancellor or Chancellor's designee will promptly inform Complainant of those terms, including any discipline or other corrective or remedial measures, and the rationale for these terms, as applicable.

3. Charge Filed with Academic Senate Committee on Privilege and Tenure

The Chancellor or Chancellor's designee can take steps to

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propose discipline and file a charge with the Academic Senate's Committee on Privilege & Tenure without first pursuing early resolution, or if Respondent does not agree to early resolution.

The Chancellor or Chancellor's designee will promptly and simultaneously inform Complainant and Respondent that the charge has been filed.

B. Timeframe for Decision; Extension for Good Cause

The Chancellor or Chancellor's designee should implement their decision promptly, typically within forty (40) business days of receipt of the notice of determination and accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, a charge will be filed with the Academic Senate's Committee on Privilege & Tenure. A charge will not be held in abeyance or suspended while an early resolution is being pursued or finalized.

Extensions to this timeline may be granted by the Chancellor or Chancellor's designee for good cause with simultaneous written notice to the Complainant and Respondent stating the reason for the extension and the projected new timeline.

C. Process Following the Filing of a Senate Charge

The procedures following the filing of a charge with the Academic Senate's Committee on Privilege & Tenure are set forth in the APM - 015 and APM - 016, Senate Bylaw 336 and other applicable Senate bylaws, as well as divisional bylaws on each campus.

The investigation report and notice of determination (if any) will be accepted as evidence in the Privilege & Tenure hearing. The Chancellor or Chancellor's designee will ensure that Complainant and Respondent receive regular updates regarding the status of the proceedings.

Within fourteen (14) calendar days of receiving the recommendation from the Academic Senate's Committee on Privilege & Tenure, in accordance with APM - 016 and other applicable procedures, the Chancellor will make a final decision regarding discipline, unless the decision involves dismissal for a faculty who has tenure or security of employment. As stated in [APM-016](#), "Authority for dismissal of a faculty member who has tenure or security of employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor." (APM - 016, Section II.6.)

Extensions to this timeline may be granted for good cause with simultaneous written notice to the Complainant and Respondent stating the reason for the extension and the projected new timeline.

The Complainant and the Respondent will be promptly and

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simultaneously informed of the decision regarding discipline and its rationale, as applicable.

VI. DECISION ON SANCTIONS FOR NON-SENATE FACULTY

The below provisions apply when a non-Senate faculty Respondent is found in violation of the *A-D Policy* following an investigation.

A. Decision by Chancellor or Chancellor's Designee

Following consultation with the Local Implementation Officer and Peer Review Committee or Academic Personnel Office, and in accordance with APM - 150, the Chancellor or Chancellor's designee shall decide what action to take to resolve the matter.

As stated in APM - 015, "The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the Respondent no later than three years after the Chancellor is deemed to have known about the alleged violation. The Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when it is reported to any academic administrator at the level of department chair or above."

1. No Disciplinary Action

In the event the Chancellor or Chancellor's designee determines to resolve the matter without taking any disciplinary or corrective action, the Chancellor or Chancellor's designee will promptly communicate this decision and its rationale to both the Complainant and Respondent.

2. Informal Resolution

The Chancellor or Chancellor's designee can pursue an informal resolution in accordance with APM - 150, which may include discipline and/or other corrective or remedial measures. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

In event the informal resolution is approved and agreed to by the Respondent, the Complainant will be promptly informed of the outcome, including that appropriate action has been taken; as appropriate, the Complainant will be notified of specific terms that relate to any action with respect to the Complainant.

3. Notice of Intent

The Chancellor or Chancellor's designee can issue a notice of intent instituting dismissal or other corrective action in accordance with APM – 150 and institute any other action under APM – 150 as applicable.

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B. Timeframe for Decision; Extension for Good Cause

The Chancellor or Chancellor's designee should implement their decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, a notice of intent shall be issued.

Extensions to this timeline may be granted by the Chancellor or Chancellor's designee for good cause with written notice to the Complainant and Respondent stating the reason for the extension and the projected new timeline.

C. Process Following the Provision of a Written Notice of Intent

The procedures following the provision of a notice of intent are set forth in APM - 150.

Should the Respondent submit a grievance under [APM - 140](#) alleging a violation of APM - 150 or otherwise challenging an administrative decision described in this process, the Chancellor's designee will ensure that both the Complainant and Respondent receive regular updates regarding the status of the grievance.

As stated in APM - 140, "When a non-Senate faculty member receives notice of termination before the expiration of his or her appointment, he or she may select as a grievance mechanism either APM - 140, as described in this policy, or Regents' Bylaw 40.3(c), the procedures of which are described in Academic Senate Bylaw 337. In selecting either APM - 140 or Regents' Bylaw 40.3(c) S.O. 103.9, the non-Senate faculty member waives the right to invoke the other mechanism to review the same grievance." (APM - 140 - 14e.)

Subsequent to any final decision, the Chancellor or Chancellor's designee will promptly notify the Respondent of the decision, including any final decision on discipline and its rationale, as applicable, and the Complainant will be concurrently notified of the outcome, including that appropriate action has been taken.

VII. Range of Sanctions (Discipline or Corrective Actions)

When Prohibited Conduct has been found, the University will take prompt and effective steps to stop the violation, prevent its recurrence, and, as determined by the Local Implementation Officer, remedy its effects. These steps may include sanctions (disciplinary measures).

In contrast to Supportive Measures, which may not be disciplinary or punitive and may not unreasonably burden a party, discipline or corrective actions may impose greater burdens on a Respondent found responsible for *A-D Policy* violations.

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Assigned discipline or corrective actions for each case will be documented and reported by the Local Implementation Officer to the Systemwide Anti-Discrimination Director on a regular basis. The report is to ensure a reasonable level of consistency from campus to campus in similar circumstances.

Policies regarding corrective action and discipline are found in APM – 016 and APM - 150.

A. Senate Faculty

The following is a list of the range of potential disciplinary sanctions for Senate Faculty pursuant to APM - 016:

1. Written censure;
2. Reduction in salary;
3. Demotion;
4. Suspension;
5. Denial or curtailment of emeritus status; and/or
6. Dismissal from the employ of the University.

In addition, Remedial Measures shall be imposed as appropriate. See Appendix II of the *A-D Policy*.

B. Non-Senate Academic Appointees

The following is a list of the range of potential disciplinary sanctions pursuant to APM - 150:

1. Written warning;
2. Written censure;
3. Suspension;
4. Reduction in salary;
5. Demotion; and/or
6. Dismissal from the appointment.

In addition, Remedial Measures shall be imposed as appropriate. See Appendix II of the *A-D Policy*.