

FACULTY DISCIPLINE PROCESS UC Berkeley

The University of California has a [Faculty Code of Conduct](#) and a set of [policies concerning the administration of faculty discipline](#). Like each other UC campus, Berkeley also has a set of [implementation policies](#).

Below you will first find a description of the general process at Berkeley for responding to evidence that a faculty member has violated the Code. Note that according to the relevant policies, settlement or mediation may occur at or before any point along the way. Note as well that UC's Academic Personnel Manual and Senate Bylaws require the process and its outcome to be kept confidential to the extent permitted by law and University policy.

After the description of the general process, you will find further detail about faculty investigations. At the end of this document, there is information about the preliminary steps that are involved when allegations include conduct that would violate University policies concerning discrimination, sexual harassment, or sexual violence.

General process concerning allegations of misconduct:

- When evidence is provided to the vice provost for the faculty suggesting that a ladder faculty member has violated the Code, the vice provost appoints one or more faculty investigators to determine whether there is probable cause to believe that misconduct, as defined in the Code, has occurred.
- If the faculty investigators find probable cause, the vice provost presents charges to the Academic Senate's Committee on Privilege and Tenure (P&T). The vice provost also proposes a form of discipline when presenting charges to P&T.
- The P&T committee proceeds in accordance with [UC Senate bylaw 336](#). Its processes generally include a formal hearing.
- The P&T committee makes a recommendation to the chancellor, using a clear and convincing standard of evidence. A sanction recommended by P&T may not be more severe than the sanction proposed by the vice provost.
- The chancellor decides on the discipline to administer or to recommend to the UC President. The chancellor has the final authority to administer some forms of discipline and not others. Dismissal of a tenured faculty member would require a recommendation from the President and approval by the Regents.
- Six forms of discipline, including dismissal, can be recommended by the vice provost and P&T or considered by the chancellor; these are enumerated in the UC policies concerning

the administration of faculty discipline. When resolution occurs at an earlier stage of the process, other kinds of conditions may also be imposed.

Additional information about faculty investigations:

- To begin the faculty investigation process, the vice provost and an attorney from the Office of Legal Affairs prepare a charge letter for the faculty investigators; this letter spells out what exactly they are being asked to do and references the policies under which the investigation will be conducted. With the charge letter, the investigators also receive any relevant written documents.
- In addition, the charge letter explains to the faculty investigators that they will decide whether to conduct interviews, and if so, with whom. The investigators are invited to consult with the campus's Office of Legal Affairs if they have questions. (The vice provost is not involved in the investigation, because it is important that the faculty investigators work independently.)
- Several factors can affect the length of time the faculty investigation takes:
 - Those who are initially asked to serve as faculty investigators may decide that they cannot assist in the process.
 - The investigators always have other fixed commitments competing for their time. (They undertake this work on top of all their other obligations in the areas of teaching, service, and scholarship.) Of course, unpredictable causes of delay may also come up (e.g., illness).
 - In some instances, the investigators may find that they have complex questions that call for analysis by the Office of Legal Affairs.
 - When faculty investigators decide they need to conduct interviews, the interviews may take time to schedule and complete.
 - Sometimes the original scope of the investigation will expand during the investigation process.

When allegations of misconduct include allegations concerning discrimination or sexual harassment:

- The Office for the Prevention of Harassment and Discrimination ([OPHD](#)) investigates these allegations. Where they see no evidence of a violation of the [University of California's sexual harassment/sexual violence policy](#) or of [UC policies concerning discrimination](#), they will address complaints through informal early resolution measures. Where they see evidence that a policy violation may have occurred, they

will carry out an investigation and prepare a written report. In accordance with UC's policy, OPHD's standard of evidence concerning sexual harassment is whether it is more likely than not that the respondent violated the policy.

- In accordance with UC's policy, OPHD's standard of evidence concerning sexual harassment is whether it is more likely than not that the respondent violated the policy. This is a lower standard of evidence from the "clear and convincing" standard used by the P&T committee.