



UNIVERSITY OF CALIFORNIA

Steven W. Cheung
Chair, Assembly of the
Academic Senate
Faculty Representative,
UC Board of Regents

Academic Senate

Office of the President
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Oakland, CA 94607

senate.universityofcalifornia.edu

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August 18, 2025

Academic Senate Division Chairs
Systemwide Senate Committee Chairs

Re: Review of Interim Systemwide Guidelines on Faculty Discipline and
Revisions to APM - 015 and 016

Dear Colleagues,

I am forwarding for systemwide Senate review the *Interim Systemwide Guidelines on Recommendations from the Joint Senate-Administration Workgroup on Faculty Discipline Policies and Procedures*, along with accompanying proposed revisions to Academic Personnel Manual (APM) sections 015 and 016.

In an effort to make the review process efficient, the prepared packet of materials does not include the full report of the joint workgroup, as the report itself is not the focus of this review. However, the [Workgroup on Faculty Discipline report](#) is posted in its entirety on the systemwide Academic Senate website to provide background to the proposed recommendations that are under review.

As noted in the attached letter from Deputy Provost Lee and Vice Provost Varsanyi, this review is being initiated in August to ensure timely input ahead of the January 20-22, 2026 meeting of the Board of Regents when this policy item will be heard by the Board, and to align with the mid-December deadline for Regents' meeting materials. Key portions of the proposed policy revisions and accompanying materials have been publicly available since the [May 2025 Regents meeting](#) and have already generated early faculty feedback to systemwide Senate leadership. In addition, the University Committee on Privilege and Tenure ([UCPT](#)) will soon be convening a workgroup of Senate faculty and P&T analysts to study the materials and provide feedback during the comment period.

Please submit comments to the systemwide Academic Senate Office at SenateReview@ucop.edu by November 10, 2025, to allow us to compile and summarize comments for the Academic Council's November 17 meeting. Those comments, along with any additional comments from the

Council, will also be reviewed at a January 15, 2026 meeting of the full [Assembly of the Academic Senate](#).

As always, any committee that considers these matters outside its jurisdiction or charge may decline to comment.

Sincerely,



Steven W. Cheung
2024-25 Chair, Academic Council



Ahmet Palazoglu
2025-26 Chair, Academic Council

cc: Senate Division Executive Directors
Senate Executive Director Lin



SYSTEMWIDE ACADEMIC PERSONNEL
FACULTY AFFAIRS AND ACADEMIC PROGRAMS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 10th Floor
Oakland, California 94607-5200

August 18, 2025

CHANCELLORS
ACADEMIC COUNCIL CHAIR CHEUNG
LABORATORY DIRECTOR WITHERELL
ANR VICE PRESIDENT HUMISTON

**Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM)
Section 015, The Faculty Code of Conduct and Section 016, University Policy on
Faculty Conduct and the Administration of Discipline; Systemwide Review of
Disciplinary Sanction Guidelines for Misconduct Related to Expressive Activity and
Guidelines re Good Cause Extension Factors**

Dear Colleagues:

Enclosed for systemwide review are proposed revisions to the Academic Personnel Manual (APM) as follows:

- Section 015, The Faculty Code of Conduct
- Section 016, University Policy on Faculty Conduct and the Administration of Discipline

The proposed revisions are intended to address substantive matters discussed in more detail below.

In addition, the following systemwide guidelines are subject to systemwide review:

- Faculty Respondent Disciplinary Sanction Guidelines for Misconduct Related to Expressive Activity
- Companion Document – Faculty Disciplinary Sanctions Guidelines re Expressive Activity
- Non-Senate Academic Appointee Respondent Corrective Action/Disciplinary Sanction Guidelines for Misconduct Related to Expressive Activity
- Guidelines on Good Cause Factors re Extensions of Time

Background

In August 2024, then-President Michael V. Drake directed Provost and Executive Vice President Katherine S. Newman to conduct a comprehensive review of policies relevant to expressive activities, with the goal of ensuring compliance with the statutory requirements of the California Budget Act of 2024 (SB 108). In response, Provost Newman charged Academic Council Chair Steven W. Cheung and then-Interim Vice Provost Douglas Haynes to convene a Joint Senate-

Administration workgroup to review APM - 015 and APM - 016 and develop recommendations that would enhance consistency in responses to policy violations across the system. In its final report, the Senate-Administration workgroup proposed the development and dissemination of systemwide guidelines for expressive activities similar to the systemwide Sexual Violence/Sexual Harassment (SVSH) Faculty Respondent Disciplinary Sanction Guidelines.

In late January 2025, the UC Board of Regents also directed then-President Drake and Academic Council Chair Cheung to undertake a comprehensive review of the policies and procedures governing the faculty disciplinary process, including APM - 015, APM - 016, and the Academic Senate Bylaws. The Regents were particularly concerned with reducing the time that it takes to resolve faculty discipline cases, promoting consistent application of discipline across the system, and remaining fundamentally grounded in joint governance.

Academic Council Chair Cheung and then-Interim Vice Provost Haynes re-convened the Joint Senate-Administration Workgroup on Faculty Discipline Policies and Procedures. They also convened multiple meetings with campus Privilege and Tenure (P&T) committee members and administration representatives from Academic Personnel, Civil Rights, and Compliance offices. In addition, the workgroup co-chairs met regularly with representatives from the Regents.

On April 16, 2025, the Senate-Administration workgroup delivered its report and recommendations, which were the basis of a presentation to the Board of Regents at their May meeting. Following the May Regents meeting, the Regents accepted the Senate-Administration workgroup recommendations with a request for appropriate policy revisions and the issuance of interim systemwide guidelines based on the report recommendations, effective beginning of Fall term 2025.

On June 23, 2025, Provost Newman issued interim systemwide guidelines, which will be in place pending the completion of this 90-day systemwide review. In addition, under established procedures, any substantive revisions to APM - 015 and APM - 016 are required to be reviewed and approved by the UC Board of Regents; that review will occur at the January 2026 Board of Regents meeting, with all materials due to the Regents in December. Following the UC Board of Regents' review and approval of the APM - 015 and APM - 016 revisions, the Academic Senate will make conforming Senate Bylaw revisions.

Key Policy Revisions

In accordance with the directive from the Regents to ensure more timely adjudication of allegations of misconduct by faculty members and academic appointees, the following key revisions are proposed to APM policies following 90-day review and review and approval by the Board of Regents:

Timelines for Faculty Disciplinary Process: Proposed revisions to APM - 015 and APM - 016 incorporate the following timelines, unless extended for good cause:

- The initial assessment of allegations of misconduct will be completed within 30 business days following the receipt of a report (*similar to SVSH cases*).
- The investigation and investigation report will be completed within 120 business days following the initial assessment (*similar to Abusive Conduct cases*).

- The Chancellor will file disciplinary charges within 40 business days following the conclusion of the investigation (*similar to SVSH cases*).
- Campus P&T committees should appoint a hearing panel no more than 14 calendar days after the Chancellor files charges.

Systemwide Network Privilege and Tenure (P&T) Committee: Proposed revisions to APM - 015 and APM - 016 incorporate references to the Systemwide Network P&T Committee, which must be established by March 1, 2026. The Systemwide Network P&T Committee will be comprised of members from the campus P&T committees who are available to hear cases if a campus P&T hearing panel is unable to be appointed within 14 calendar days of the administration filing disciplinary charges. This hearing panel may invite faculty from the faculty respondent's campus to consult and provide expertise on the campus procedures, norms, atmosphere, and culture, as well as on the conduct in question in that particular case. Fourteen days was selected as the time limit for invoking the Systemwide Network P&T Committee because Senate Bylaw 336 requires that hearings start within 60 days after charges are filed unless there is a good cause extension. If campuses cannot appoint their local P&T hearing panel within 14 days, the Systemwide Network P&T Committee hearing panel will still have time to be appointed and review all the necessary materials within the 60-day timeframe to hold the hearing. In order to facilitate timely appointment of a campus P&T hearing panel, when the administration files disciplinary charges, whenever possible the notice should include at least five dates when the administration is available for a hearing.

Single-Investigation Model

Proposed revisions to APM - 015 reflect that each campus shall develop procedures for a single formal investigation.

Beginning in Fall 2025, the Systemwide Academic Personnel office at the Office of the President (SWAP) will convene a systemwide workgroup of the many disparate offices that engage in investigations to coordinate on achieving a single-investigation model and to agree upon common data fields for reporting. This systemwide workgroup will also include Senate faculty.

Systemwide Calibration Guidelines on Expressive Activities and Guidelines on Good Cause Factors for Extensions of Time

The interim systemwide guidelines contained four documents that, while not part of the APM, were identified as appropriate for inclusion in the 90-day systemwide review. They are being implemented as interim systemwide guidelines at the beginning of the Fall 2025 term. Following 90-day systemwide review, they will be reissued as systemwide guidelines. These documents include:

Faculty Respondent Disciplinary Sanction Guidelines for Misconduct Related to Expressive Activity (Attachment A): This document provides for greater consistency in the administration of discipline across the system for misconduct in the realm of expressive activities. These guidelines provide advisory committees and decision makers with benchmarks for recommending and approving disciplinary sanctions based on several factors.

Companion Document – Faculty Disciplinary Sanctions Guidelines re Expressive Activity (Attachment B): This document provides additional context and guidance, relevant language

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from the Faculty Code of Conduct (APM - 015) and other policies, links to the campus Time, Place, and Manner (TPM) policies, and describes the interplay of the policies and extramural speech. The Systemwide Calibration Guidelines and companion document will assist reviewers and decision makers in assessing the appropriate range of potential sanctions if a case involves expressive activities.

Non-Senate Academic Appointee Respondent Corrective Action/Disciplinary Sanction

Guidelines for Misconduct Related to Expressive Activity (Attachment C): This document is similar to Attachment A but intended to provide for greater consistency in the administration of discipline across the system for misconduct by non-Senate academic appointees in the realm of expressive activities. These guidelines provide advisory committees and decision makers with benchmarks for recommending and approving disciplinary sanctions based on several factors.

Guidelines on Good Cause Factors re Extensions of Time (Attachment D): At the request of the workgroup, the Systemwide Office of Civil Rights developed Attachment D – Guidelines on Good Cause Factors re Extensions of Time, which provides a framework for assessment to be utilized during each step of this process to determine if a good cause extension is warranted.

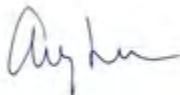
Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Chair of the Academic Council, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, 90-day full Senate review.

Employees should be afforded the opportunity to review and comment on the draft policies, available on the [Systemwide Academic Personnel website](#). Attached is a Model Communication which may be used to inform non-exclusively represented employees about these proposals. The Systemwide Labor Relations at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

We would appreciate receiving your comments no later than **Wednesday, November 26, 2025**. Please submit your comments to SystemwideAP-PolicyReviewComments@ucop.edu. If you have any questions, please contact Rebecca Woolston at Rebecca.Woolston@ucop.edu.

Sincerely,



Amy K. Lee
Deputy Provost
Systemwide Academic Personnel



Monica Varsanyi
Vice Provost
Faculty Affairs and Academic Programs

Attachments:

- 1) APM - 015, The Faculty Code of Conduct (clean copy)
- 2) APM - 015, The Faculty Code of Conduct (tracked-changes copy)
- 3) APM - 016, University Policy on Faculty Conduct and the Administration of Discipline (clean copy)
- 4) APM - 016, University Policy on Faculty Conduct and the Administration of Discipline (tracked-changes copy)
- 5) Model Communication
- 6) Attachment A: Faculty Respondent Disciplinary Sanction Guidelines for Misconduct Related to Expressive Activity
- 7) Attachment B: Companion Document - Faculty Disciplinary Sanctions Guidelines re Expressive Activity
- 8) Attachment C: Non-Senate Academic Appointee Respondent Corrective Action/Disciplinary Sanction Guidelines for Misconduct Related to Expressive Activity
- 9) Attachment D: Guidelines on Good Cause Factors re Extensions of Time

cc: President Milliken
Provost and Executive Vice President Newman
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Executive Vice President Rubin
Senior Vice President and Chief Compliance Officer Bustamante
Vice President Brown
Vice President and Chief of Staff Kao
Vice President Gullatt
Vice President Lloyd
Vice President Maldonado
Academic Council Vice Chair Palazoglu
Vice Provosts/Vice Chancellors for Academic Affairs/Personnel
Deputy General Counsel Woodall
Assistant Vice Provosts/Assistant Vice Chancellors for Academic Personnel
Associate Vice President Matella
Associate Vice President McRae
Chief Policy Advisor McAuliffe
Executive Director Anders
Executive Director Lin
Chief of Staff Beechem
Deputy Chief HR Officer and Chief of Staff Henderson
Chief of Staff Levintov
LBL Chief Human Resources Officer Crosson
Director Chin
Director Weston-Dawkes
Associate Director DiCaprio
Associate Director Soria

Associate Director Woolston

Assistant Director LaBriola

Assistant Director Wulff

Policy Analyst Durrin

Policy Analyst Wilson

Program Policy Analyst D'Agostino

DRAFT-General University Policy Regarding Academic Appointees: APM - 015 - The Faculty Code of Conduct

This policy is the Faculty Code of Conduct as approved by the Assembly of the Academic Senate on June 15, 1971, and amended by the Assembly on May 30, 1974, and with amendments approved by the Assembly on March 9, 1983, May 6, 1986, May 7, 1992, October 31, 2001, May 28, 2003, June 12, 2013, and February 8, 2017 and by The Regents on July 18, 1986, May 15, 1987, June 19, 1992, November 15, 2001, July 17, 2003, July 18, 2013, March 15, 2017, and Month, XX, 2026. In addition, technical changes were made September 1, 1988, June 11, 2010, and September 23, 2020.

Additional policies regarding the scope and application of the Faculty Code of Conduct and the University's policies on faculty conduct and the administration of discipline are set forth in APM - 016, the University Policy on Faculty Conduct and the Administration of Discipline.

**The Faculty Code of Conduct as Approved
by the Assembly of the Academic Senate**

(Code of Professional Rights, Responsibilities,
and Conduct of University Faculty, and
University Disciplinary Procedures)

Preamble

The University seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom. Effective performance of these central functions requires that faculty members be free within their respective fields of competence to pursue and teach the truth in accord with appropriate standards of scholarly inquiry.

The faculty's privileges and protections, including that of tenure, rest on the mutually supportive relationships between the faculty's special professional competence, its academic freedom, and the central functions of the University. These relationships are also the source of the professional responsibilities of faculty members.

It is the intent of the Faculty Code of Conduct to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning.

Part I of this Code sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty's pursuit of the University's central functions.

Part II of this Code elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University. The articulation of types of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice to all that departures from these minimal standards may give rise to disciplinary proceedings.

In Part II a clear distinction is made between statements of (1) ethical principles and (2) types of unacceptable behavior.

1. Ethical Principles

These are drawn primarily from the 1966 *Statement on Professional Ethics* and subsequent revisions of June, 1987, issued by the American Association of University Professors. They comprise ethical prescriptions affirming the highest professional ideals. They are aspirational in character, and represent objectives toward which faculty members should strive. Behavior in accordance with these principles clearly precludes the application of a disciplinary sanction. These Ethical Principles are to be distinguished from *Types of Unacceptable Faculty Conduct* referred to in the following paragraph. The *Types of Unacceptable Faculty Conduct*, unlike the Ethical Principles, are mandatory in character, and state minimum levels of conduct below which a faculty member cannot fall without being subject to University discipline.

2. Types of Unacceptable Faculty Conduct

Derived from the Ethical Principles, these statements specify examples of types of unacceptable faculty behavior which are subject to University discipline because, as stated in the introductory section to Part II, they are “not justified by the Ethical Principles” and they “significantly impair the University’s central functions as set forth in the Preamble.”

The Ethical Principles encompass major concerns traditionally and currently important to the profession. The examples of types of unacceptable faculty conduct set forth below are not exhaustive. It is expected that case adjudication, the lessons of experience and evolving standards of the profession will promote reasoned adaptation and change of this Code. Faculty may be subjected to disciplinary action under this Code for any type of conduct which, although not specifically enumerated herein, meets the standard for unacceptable faculty behavior set forth above. It should be noted, however, that no provision of the Code shall be construed as providing the basis for judging the propriety or impropriety of collective withholding of services by faculty. Rules and sanctions that presently exist to cover such actions derive from sources external to this Code.

Part III of this Code deals with the enforcement process applicable to unacceptable faculty behavior. That process must meet basic standards of fairness and must reflect significant faculty involvement. In order to guide the Systemwide Network Committee on Privilege and Tenure and each campus in the development of disciplinary procedures that comply with this policy and Senate Bylaws, Part III provides an outline of

mandatory principles to which the Systemwide Network Committee on Privilege and Tenure and each Division must adhere and discretionary principles which are strongly recommended.

Part I – Professional Rights of Faculty

In support of the University's central functions as an institution of higher learning, a major responsibility of the administration is to protect and encourage the faculty in its teaching, learning, research, and public service. The authority to discipline faculty members in appropriate cases derives from the shared recognition by the faculty and the administration that the purpose of discipline is to preserve conditions hospitable to these pursuits. Such conditions, as they relate to the faculty, include, for example:

1. free inquiry, and exchange of ideas;
2. the right to present controversial material relevant to a course of instruction;
3. enjoyment of constitutionally protected freedom of expression;
4. freedom to address any matter of institutional policy or action when acting as a member of the faculty whether or not as a member of an agency of institutional governance;
5. participation in the governance of the University, as provided in the Bylaws and Standing Orders of The Regents and the regulations of the University, including
 - (a) approval of course content and manner of instruction,
 - (b) establishment of requirements for matriculation and for degrees,
 - (c) appointment and promotion of faculty,
 - (d) selection of chairs of departments and certain academic administrators,
 - (e) discipline of members of the faculty, and the formulation of rules and procedures for discipline of students,
 - (f) establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement, and
 - (g) determination of the forms of departmental governance;
6. the right to be judged by one's colleagues, in accordance with fair procedures and due process, in matters of promotion, tenure, and discipline, solely on the basis of the faculty members' professional qualifications and professional conduct.

**Part II – Professional Responsibilities, Ethical Principles,
and Unacceptable Faculty Conduct**

This listing of faculty responsibilities, ethical principles, and types of unacceptable behavior is organized around the individual faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. Since University discipline, as distinguished from other forms of reproof or administrative actions, should be reserved for faculty misconduct that is either serious in itself or is made serious through its repetition, or its consequences, the following general principle is intended to govern all instances of its application:

University discipline under this Code may be imposed on a faculty member only for conduct which is not justified by the ethical principles and which significantly impairs the University's central functions as set forth in the Preamble. To the extent that violations of University policies mentioned in the examples below are not also inconsistent with the ethical principles, these policy violations may not be independent grounds for imposing discipline as defined herein. The *Types of Unacceptable Conduct* listed below in Sections A through E are examples of types of conduct which meet the preceding standards and hence are presumptively subject to University discipline. Other types of serious misconduct, not specifically enumerated herein, may nonetheless be the basis for disciplinary action if they also meet the preceding standards.

A. Teaching and Students

Ethical Principles. "As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom." (AAUP Statement, 1966; Revised, 1987)

The integrity of the faculty-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a faculty member is responsible for academic supervision of a student, a personal relationship

between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.

In this section, the term student refers to all individuals under the academic supervision of faculty.

Types of unacceptable conduct:

1. Failure to meet the responsibilities of instruction, including:
 - (a) arbitrary denial of access to instruction;
 - (b) significant intrusion of material unrelated to the course;
 - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
 - (d) evaluation of student work by criteria not directly reflective of course performance;
 - (e) undue and unexcused delay in evaluating student work.
2. Discrimination, including harassment, against a student on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. Sexual violence and sexual harassment, as defined by University policy, of a student.
4. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability.
5. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
6. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.

7. Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future¹, academic responsibility (instructional, evaluative, or supervisory).
8. Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship.

B. Scholarship

Ethical Principles. “Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self- discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.” (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

Violation of canons of intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, research, and findings of others.

C. The University

Ethical Principles. “As a member of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of the work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.” (AAUP Statement, 1966; Revised, 1987)

¹ A faculty member should reasonably expect to have in the future academic responsibility (instructional, evaluative, or supervisory) for (1) students whose academic program will require them to enroll in a course taught by the faculty member, (2) students known to the faculty member to have an interest in an academic area within the faculty member’s academic expertise, or (3) any student for whom a faculty member must have academic responsibility (instructional, evaluative, or supervisory) in the pursuit of a degree.

Types of unacceptable conduct:

1. Intentional disruption of functions or activities sponsored or authorized by the University.
2. Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University's central functions will be significantly impaired.
3. Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes.
4. Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities.
5. Discrimination, including harassment, against University employees or individuals seeking employment; providing services pursuant to a contract; or applying for or engaged in an unpaid internship, volunteer capacity, or training program leading to employment on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
6. Sexual violence and sexual harassment, as defined by University policy, of another member of the University community.
7. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against employees on the basis of disability.
8. Serious violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections.

D. Colleagues

Ethical Principles. "As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of

criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.” (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

1. Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
2. Discrimination, including harassment, against faculty on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer- related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. Sexual violence and sexual harassment, as defined by University policy, of another member of the University community.
4. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against faculty on the basis of disability.
5. Breach of established rules governing confidentiality in personnel procedures.

E. The Community

Ethical Principles. “Faculty members have the same rights and obligations as all citizens. They are as free as other citizens to express their views and to participate in the political processes of the community. When they act or speak in their personal and private capacities, they should avoid deliberately creating the impression that they represent the University.” (U.C. Academic Council Statement, 1971)

Types of unacceptable conduct:

1. Intentional misrepresentation of personal views as a statement of position of the University or any of its agencies. (An institutional affiliation appended to a faculty member’s name in a public statement or appearance is permissible, if used solely for purposes of identification.)

2. Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty.

Part III – Enforcement and Sanctions

The Assembly of the Academic Senate recommends that each Division, in cooperation with the campus administration, develop and periodically re-examine procedures dealing with the investigation of allegations of faculty misconduct and the conduct of disciplinary proceedings.

Procedures shall be consistent with the Bylaws of the Academic Senate. Each Division should duly notify the University Committee on Rules and Jurisdiction and the University Committee on Privilege and Tenure of the procedures it has adopted and any subsequent changes therein. These Committees in turn are directed to report periodically to the Assembly of the Academic Senate on procedures adopted by the Divisions and to recommend to the Assembly such action as they deem appropriate for assuring compliance with the Bylaws of the Academic Senate or the promotion of uniformity among Divisions and the Systemwide Network Committee on Privilege and Tenure to the extent to which it appears necessary and desirable.

- A. In the development of disciplinary procedures, the Systemwide Network Committee on Privilege and Tenure and each Division must adhere to the following principles:
 1. No disciplinary sanction for professional misconduct shall be imposed by the administration except in accordance with specified procedures adopted after appropriate consultation with agencies of the Academic Senate, as prescribed in the introduction to this part of the Code. Systemwide procedures for the conduct of disciplinary hearings are set forth in Academic Senate Bylaw 336.
 2. No disciplinary sanction shall be imposed until after the faculty member has had an opportunity for a hearing before the Divisional Committee on Privilege and Tenure or the Systemwide Network Committee on Privilege and Tenure, subsequent to a filing of a charge by the appropriate administrative officer, as described in Academic Senate Bylaw 336.
 3. 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. Additionally, for an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any academic administrator at the level of department chair or above or the campus Title IX Officer. 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. There is no limit on the time within which a complainant may report an alleged violation.
 4. The Chancellor may not initiate notice of proposed disciplinary action unless there has been a finding of *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. In cases where the Chancellor wants a disciplinary action to proceed, the Divisional hearing committee or the Systemwide Network Committee on Privilege and Tenure, must hold a hearing and make findings on the evidence presented unless the accused faculty member settles the matter with the Chancellor prior to the hearing or the accused faculty member explicitly waives the right to a hearing.

5. The procedures adopted shall include designation of the following disciplinary sanctions authorized in the University Policy on Faculty Conduct and the Administration of Discipline, of which this Faculty Code of Conduct is an integral part: written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the University. Neither the Divisional Committee on Privilege and Tenure nor the Systemwide Network Committee on Privilege and Tenure shall recommend the imposition of a sanction more severe than that in the notice of proposed disciplinary action. More than one disciplinary sanction may be imposed for a single act of misconduct, e.g. a letter of censure and a suspension.
- B. In the development of disciplinary procedures, it is recommended that the Systemwide Network Committee on Privilege and Tenure and each Division adhere to the following principles:
 1. In order to facilitate the efficient and timely handling of disciplinary matters, it is recommended that procedures be developed that allow the Systemwide Network Committee on Privilege and Tenure and each Divisional Committee on Privilege and Tenure to sit in hearing panels smaller than the full committee.
 2. On each campus, there should be an appropriate mechanism for consideration and investigation of allegations of misconduct received from members of the faculty, staff, students, the administration, and other members of the University community. Each campus shall develop procedures for a single formal investigation of the allegations leading to the proposed disciplinary action.
 3. Because it is desirable that the faculty meaningfully participate in its own self- discipline, and in order to provide the administration with faculty advice in the beginning stages of what may become formal disciplinary proceedings, appropriate procedures should be developed to involve the faculty in participating in the investigation of allegations of misconduct and/or in making recommendations to appropriate administrative officers whether a disciplinary charge should be filed. Divisions are encouraged to develop procedures to provide faculty investigators with training, consultation, or legal counsel to assist with the investigation of faculty disciplinary cases.
 4. There should be provision for early resolution of allegations of faculty misconduct before formal disciplinary proceedings are instituted. Procedures should be developed for mediation

of cases where mediation is viewed as acceptable by the Chancellor and the faculty member accused of misconduct. Mediators should be trained in mediation, be regarded as neutral third parties and have experience in the University environment. In cases where a settlement resolving disciplinary charges is entered into after a matter has been referred to an Academic Senate committee, the Chancellor is encouraged to consult with the Chair of the Divisional Committee on Privilege and Tenure or the Chair of the Systemwide Network Committee on Privilege and Tenure, prior to finalizing the settlement.

5. Appropriate precautions should be taken to safeguard the confidentiality of investigative and disciplinary proceedings. Procedures should be developed that allow information about an ongoing disciplinary proceeding, including information about the outcome, to be shared with complainant(s), to the extent allowable by State law and University policy.
6. There should be provision, to the maximum feasible extent, for separating investigative and judicial functions. A faculty member who has participated in investigating an allegation of misconduct or in recommending that a charge should be filed should thereafter not participate, as a member of the Committee on Privilege and Tenure or the Systemwide Network Committee on Privilege and Tenure, in the hearing of that charge.
7. In the implementation of all procedures, specific provisions should be made for the time span within which certain actions may or must be taken. Every effort should be made to conform to reasonable, specified time frames. Whenever possible, the notice of proposed discipline should include at least five (5) options for the availability of campus administration to participate in a hearing. Unless extended for good cause, a hearing should commence within 90 days of the date on which the accused faculty member has been notified of the intention to initiate a disciplinary proceeding. A faculty member who is entitled to a hearing should not be permitted thereafter to delay imposition of discipline by refusing to cooperate or being unavailable for a scheduled hearing. A hearing shall not be postponed because the faculty member is on leave or fails to appear.
8. There should be consideration of provision for the availability of removal or termination of a sanction, either automatically or by administrative discretion, in individual cases. The nature and circumstances of the offense should determine the severity and type of discipline.
9. Procedures should be developed for keeping records of disciplinary matters in a confidential manner and sharing such records with Senate and administrative officers with a need to know in accordance with State law and University policy.

Revision History

Month XX, 2026:

- Substantive revisions to incorporate the Systemwide Network Privilege and Tenure Committee and deadlines in the disciplinary process, in accordance with [Academic Senate](#)

GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
The Faculty Code of Conduct

DRAFT
APM - 015

Bylaw 336.

- Substantive revision to incorporate an expectation that the notice of proposed discipline to include at least five (5) options for the availability of campus administration to participate in a hearing.
- Substantive revision to incorporate an expectation that each campus develop procedures for a single formal investigation.

September 23, 2020:

- Technical revision to remove gendered language.

For details on prior revisions, please visit the [policy issuance web page](#).

DRAFT-General University Policy Regarding Academic Appointees: APM - 015 - The Faculty Code of Conduct

This policy is the Faculty Code of Conduct as approved by the Assembly of the Academic Senate on June 15, 1971, and amended by the Assembly on May 30, 1974, and with amendments approved by the Assembly on March 9, 1983, May 6, 1986, May 7, 1992, October 31, 2001, May 28, 2003, June 12, 2013, and February 8, 2017 and by The Regents on July 18, 1986, May 15, 1987, June 19, 1992, November 15, 2001, July 17, 2003, July 18, 2013, ~~and~~ March 15, 2017, ~~and Month, XX, 2026~~. In addition, technical changes were made September 1, 1988, June 11, 2010, and September 23, 2020.

Additional policies regarding the scope and application of the Faculty Code of Conduct and the University's policies on faculty conduct and the administration of discipline are set forth in APM - 016, the University Policy on Faculty Conduct and the Administration of Discipline.

**The Faculty Code of Conduct as Approved
by the Assembly of the Academic Senate**

(Code of Professional Rights, Responsibilities,
and Conduct of University Faculty, and
University Disciplinary Procedures)

Preamble

The University seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom. Effective performance of these central functions requires that faculty members be free within their respective fields of competence to pursue and teach the truth in accord with appropriate standards of scholarly inquiry.

The faculty's privileges and protections, including that of tenure, rest on the mutually supportive relationships between the faculty's special professional competence, its academic freedom, and the central functions of the University. These relationships are also the source of the professional responsibilities of faculty members.

It is the intent of the Faculty Code of Conduct to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning.

Part I of this Code sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty's pursuit of the University's central functions.

Part II of this Code elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University. The articulation of types of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice to all that departures from these minimal standards may give rise to disciplinary proceedings.

In Part II a clear distinction is made between statements of (1) ethical principles and (2) types of unacceptable behavior.

1. Ethical Principles

These are drawn primarily from the 1966 *Statement on Professional Ethics* and subsequent revisions of June, 1987, issued by the American Association of University Professors. They comprise ethical prescriptions affirming the highest professional ideals. They are aspirational in character, and represent objectives toward which faculty members should strive. Behavior in accordance with these principles clearly precludes the application of a disciplinary sanction. These Ethical Principles are to be distinguished from *Types of Unacceptable Faculty Conduct* referred to in the following paragraph. The *Types of Unacceptable Faculty Conduct*, unlike the Ethical Principles, are mandatory in character, and state minimum levels of conduct below which a faculty member cannot fall without being subject to University discipline.

2. Types of Unacceptable Faculty Conduct

Derived from the Ethical Principles, these statements specify examples of types of unacceptable faculty behavior which are subject to University discipline because, as stated in the introductory section to Part II, they are “not justified by the Ethical Principles” and they “significantly impair the University’s central functions as set forth in the Preamble.”

The Ethical Principles encompass major concerns traditionally and currently important to the profession. The examples of types of unacceptable faculty conduct set forth below are not exhaustive. It is expected that case adjudication, the lessons of experience and evolving standards of the profession will promote reasoned adaptation and change of this Code. Faculty may be subjected to disciplinary action under this Code for any type of conduct which, although not specifically enumerated herein, meets the standard for unacceptable faculty behavior set forth above. It should be noted, however, that no provision of the Code shall be construed as providing the basis for judging the propriety or impropriety of collective withholding of services by faculty. Rules and sanctions that presently exist to cover such actions derive from sources external to this Code.

Part III of this Code deals with the enforcement process applicable to unacceptable faculty behavior. That process must meet basic standards of fairness and must reflect significant faculty involvement. In order to guide the Systemwide Network Committee on Privilege and Tenure and each campus in the development of disciplinary procedures that comply with this policy and Senate Bylaws, Part III provides an outline of

mandatory principles to which the Systemwide Network Committee on Privilege and Tenure and each Division must adhere and discretionary principles which are strongly recommended.

Part I – Professional Rights of Faculty

In support of the University's central functions as an institution of higher learning, a major responsibility of the administration is to protect and encourage the faculty in its teaching, learning, research, and public service. The authority to discipline faculty members in appropriate cases derives from the shared recognition by the faculty and the administration that the purpose of discipline is to preserve conditions hospitable to these pursuits. Such conditions, as they relate to the faculty, include, for example:

1. free inquiry, and exchange of ideas;
2. the right to present controversial material relevant to a course of instruction;
3. enjoyment of constitutionally protected freedom of expression;
4. freedom to address any matter of institutional policy or action when acting as a member of the faculty whether or not as a member of an agency of institutional governance;
5. participation in the governance of the University, as provided in the Bylaws and Standing Orders of The Regents and the regulations of the University, including
 - (a) approval of course content and manner of instruction,
 - (b) establishment of requirements for matriculation and for degrees,
 - (c) appointment and promotion of faculty,
 - (d) selection of chairs of departments and certain academic administrators,
 - (e) discipline of members of the faculty, and the formulation of rules and procedures for discipline of students,
 - (f) establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement, and
 - (g) determination of the forms of departmental governance;
6. the right to be judged by one's colleagues, in accordance with fair procedures and due process, in matters of promotion, tenure, and discipline, solely on the basis of the faculty members' professional qualifications and professional conduct.

Part II – Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct

This listing of faculty responsibilities, ethical principles, and types of unacceptable behavior is organized around the individual faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community. Since University discipline, as distinguished from other forms of reproof or administrative actions, should be reserved for faculty misconduct that is either serious in itself or is made serious through its repetition, or its consequences, the following general principle is intended to govern all instances of its application:

University discipline under this Code may be imposed on a faculty member only for conduct which is not justified by the ethical principles and which significantly impairs the University's central functions as set forth in the Preamble. To the extent that violations of University policies mentioned in the examples below are not also inconsistent with the ethical principles, these policy violations may not be independent grounds for imposing discipline as defined herein. The *Types of Unacceptable Conduct* listed below in Sections A through E are examples of types of conduct which meet the preceding standards and hence are presumptively subject to University discipline. Other types of serious misconduct, not specifically enumerated herein, may nonetheless be the basis for disciplinary action if they also meet the preceding standards.

A. Teaching and Students

Ethical Principles. "As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom." (AAUP Statement, 1966; Revised, 1987)

The integrity of the faculty-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a faculty member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.

In this section, the term student refers to all individuals under the academic supervision of faculty.

Types of unacceptable conduct:

1. Failure to meet the responsibilities of instruction, including:
 - (a) arbitrary denial of access to instruction;
 - (b) significant intrusion of material unrelated to the course;
 - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
 - (d) evaluation of student work by criteria not directly reflective of course performance;
 - (e) undue and unexcused delay in evaluating student work.
2. Discrimination, including harassment, against a student on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. Sexual violence and sexual harassment, as defined by University policy, of a student.
4. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability.
5. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
6. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.

7. Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future¹, academic responsibility (instructional, evaluative, or supervisory).
8. Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship.

B. Scholarship

Ethical Principles. “Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self- discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.” (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

Violation of canons of intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, research, and findings of others.

C. The University

Ethical Principles. “As a member of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of the work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.” (AAUP Statement, 1966; Revised, 1987)

¹ A faculty member should reasonably expect to have in the future academic responsibility (instructional, evaluative, or supervisory) for (1) students whose academic program will require them to enroll in a course taught by the faculty member, (2) students known to the faculty member to have an interest in an academic area within the faculty member’s academic expertise, or (3) any student for whom a faculty member must have academic responsibility (instructional, evaluative, or supervisory) in the pursuit of a degree.

Types of unacceptable conduct:

1. Intentional disruption of functions or activities sponsored or authorized by the University.
2. Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University's central functions will be significantly impaired.
3. Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes.
4. Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities.
5. Discrimination, including harassment, against University employees or individuals seeking employment; providing services pursuant to a contract; or applying for or engaged in an unpaid internship, volunteer capacity, or training program leading to employment on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
6. Sexual violence and sexual harassment, as defined by University policy, of another member of the University community.
7. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against employees on the basis of disability.
8. Serious violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections.

D. Colleagues

Ethical Principles. "As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of

criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.” (AAUP Statement, 1966; Revised, 1987)

Types of unacceptable conduct:

1. Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
2. Discrimination, including harassment, against faculty on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer- related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
3. Sexual violence and sexual harassment, as defined by University policy, of another member of the University community.
4. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against faculty on the basis of disability.
5. Breach of established rules governing confidentiality in personnel procedures.

E. The Community

Ethical Principles. “Faculty members have the same rights and obligations as all citizens. They are as free as other citizens to express their views and to participate in the political processes of the community. When they act or speak in their personal and private capacities, they should avoid deliberately creating the impression that they represent the University.” (U.C. Academic Council Statement, 1971)

Types of unacceptable conduct:

1. Intentional misrepresentation of personal views as a statement of position of the University or any of its agencies. (An institutional affiliation appended to a faculty member’s name in a public statement or appearance is permissible, if used solely for purposes of identification.)

2. Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty.

Part III – Enforcement and Sanctions

The Assembly of the Academic Senate recommends that each Division, in cooperation with the campus administration, develop and periodically re-examine procedures dealing with the investigation of allegations of faculty misconduct and the conduct of disciplinary proceedings.

Procedures shall be consistent with the Bylaws of the Academic Senate. Each Division should duly notify the University Committee on Rules and Jurisdiction and the University Committee on Privilege and Tenure of the procedures it has adopted and any subsequent changes therein. These Committees in turn are directed to report periodically to the Assembly of the Academic Senate on procedures adopted by the Divisions and to recommend to the Assembly such action as they deem appropriate for assuring compliance with the Bylaws of the Academic Senate or the promotion of uniformity among Divisions and the Systemwide Network Committee on Privilege and Tenure to the extent to which it appears necessary and desirable.

- A. In the development of disciplinary procedures, the Systemwide Network Committee on Privilege and Tenure and each Division must adhere to the following principles:
 1. No disciplinary sanction for professional misconduct shall be imposed by the administration except in accordance with specified ~~campus~~ procedures adopted after appropriate consultation with agencies of the Academic Senate, as prescribed in the introduction to this part of the Code. Systemwide procedures for the conduct of disciplinary hearings are set forth in Academic Senate Bylaw 336.
 2. No disciplinary sanction shall be imposed until after the faculty member has had an opportunity for a hearing before the Divisional Committee on Privilege and Tenure or the Systemwide Network Committee on Privilege and Tenure, subsequent to a filing of a charge by the appropriate administrative officer, as described in Academic Senate Bylaw 336.
 3. 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. Additionally, for an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any academic administrator at the level of department chair or above or the campus Title IX Officer. 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. There is no limit on the time within which a complainant may report an alleged violation.
 4. The Chancellor may not initiate notice of proposed disciplinary action unless there has been a finding of *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. In cases where the Chancellor wants a disciplinary action to proceed, the Divisional hearing committee or the Systemwide Network Committee on Privilege and Tenure, must hold a hearing and make findings on the evidence presented unless the accused faculty member settles the matter with the Chancellor prior to the hearing or the accused faculty member explicitly waives the right to a hearing.

5. The procedures adopted shall include designation of the following disciplinary sanctions authorized in the University Policy on Faculty Conduct and the Administration of Discipline, of which this Faculty Code of Conduct is an integral part: written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the University. Neither the Divisional Committee on Privilege and Tenure nor the Systemwide Network Committee on Privilege and Tenure shall ~~not~~ recommend the imposition of a sanction more severe than that in the notice of proposed disciplinary action. More than one disciplinary sanction may be imposed for a single act of misconduct, e.g. a letter of censure and a suspension.
- B. In the development of disciplinary procedures, it is recommended that the Systemwide Network Committee on Privilege and Tenure and each Division adhere to the following principles:
 1. In order to facilitate the efficient and timely handling of disciplinary matters, it is recommended that procedures be developed that allow the Systemwide Network Committee on Privilege and Tenure and each Divisional Committee on Privilege and Tenure to sit in hearing panels smaller than the full committee.
 2. On each campus, There should be an appropriate mechanism for consideration and investigation of allegations of misconduct received from members of the faculty, staff, students, the administration, and other members of the University community. Procedures should be developed which encourage Each campus shall develop procedures for a single formal investigation of the allegations leading to the proposed disciplinary action.
 3. Because it is desirable that the faculty meaningfully participate in its own self- discipline, and in order to provide the administration with faculty advice in the beginning stages of what may become formal disciplinary proceedings, appropriate procedures should be developed to involve the faculty in participating in the investigation of allegations of misconduct and/or in making recommendations to appropriate administrative officers whether a disciplinary charge should be filed. Divisions are encouraged to develop procedures to provide faculty investigators with training, consultation, or legal counsel to assist with the investigation of faculty disciplinary cases.
 4. There should be provision for early resolution of allegations of faculty misconduct before formal disciplinary proceedings are instituted. Procedures should be developed for mediation

of cases where mediation is viewed as acceptable by the Chancellor and the faculty member accused of misconduct. Mediators should be trained in mediation, be regarded as neutral third parties and have experience in the University environment. In cases where a settlement resolving disciplinary charges is entered into after a matter has been referred to an Academic Senate committee, the Chancellor is encouraged to consult with the Chair of the Divisional Committee on Privilege and Tenure or the Chair of the Systemwide Network Committee on Privilege and Tenure, prior to finalizing the settlement.

5. Appropriate precautions should be taken to safeguard the confidentiality of investigative and disciplinary proceedings. Procedures should be developed that allow information about an ongoing disciplinary proceeding, including information about the outcome, to be shared with complainant(s), to the extent allowable by State law and University policy.
6. There should be provision, to the maximum feasible extent, for separating investigative and judicial functions. A faculty member who has participated in investigating an allegation of misconduct or in recommending that a charge should be filed should thereafter not participate, as a member of the Committee on Privilege and Tenure or the Systemwide Network Committee on Privilege and Tenure, in the hearing of that charge.
7. In the implementation of all procedures, specific provisions should be made for the time span within which certain actions may or must be taken. Every effort should be made to conform to reasonable, specified time frames. Whenever possible, the notice of proposed discipline should include at least five (5) options for the availability of campus administration to participate in a hearing. Ideally Unless extended for good cause, a hearing should commence within 90 days of the date on which the accused faculty member has been notified of the intention to initiate a disciplinary proceeding. A faculty member who is entitled to a hearing should not be permitted thereafter to delay imposition of discipline by refusing to cooperate or being unavailable for a scheduled hearing. A hearing shall not be postponed because the faculty member is on leave or fails to appear.
8. There should be consideration of provision for the availability of removal or termination of a sanction, either automatically or by administrative discretion, in individual cases. The nature and circumstances of the offense should determine the severity and type of discipline.
9. Procedures should be developed for keeping records of disciplinary matters in a confidential manner and sharing such records with Senate and administrative officers with a need to know in accordance with State law and University policy.

Revision History

Month XX, 2026:

- Substantive revisions to incorporate the Systemwide Network Privilege and Tenure Committee and deadlines in the disciplinary process, in accordance with Academic Senate

GENERAL UNIVERSITY POLICY
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- Substantive revision to incorporate an expectation that the notice of proposed discipline to include at least five (5) options for the availability of campus administration to participate in a hearing.
- Substantive revision to incorporate an expectation that each campus develop procedures for a single formal investigation.

September 23, 2020:

- Technical revision to remove gendered language.

For details on prior revisions, please visit the policy issuance web pageAcademic Personnel and Programs website.

DRAFT-General University Policy Regarding Academic Appointees: APM - 016 - University Policy on Faculty Conduct and the Administration of Discipline

**University Policy on Faculty Conduct and
The Administration of Discipline**

The University policy on faculty conduct and the administration of discipline is set forth in its entirety in this policy and in the Faculty Code of Conduct.

**Section I -- Introduction and General
Policy**

This policy, as recommended by the President of the University and approved by The Regents on June 14, 1974, November 15, 2001, March 15, 2017, and Month XX, 2026, supersedes the President's interim statement on the same subject, issued on January 15, 1971. The present policy is to be read in conjunction with the Faculty Code of Conduct.

The Faculty Code of Conduct is set forth in [APM - 015](#). Part I of the Faculty Code of Conduct notes the responsibility of the administration to preserve conditions that protect and encourage the faculty in its central pursuits. Part II defines normative conditions for faculty conduct and sets forth types of unacceptable faculty conduct subject to University discipline. Part III makes recommendations and proposes guidelines to ensure the development of fair procedures for enforcing the Code.

Nothing in the Faculty Code of Conduct, or in this policy, is intended to change the various authorities and responsibilities of the Academic Senate, the administration, and The Regents as currently set forth in The Regents' Bylaws, the policies and regulations of the University, and the Bylaws and Regulations of the Academic Senate.

The Faculty Code of Conduct explicitly does not deal with policies, procedures, or possible sanctions pertaining to strikes by members of the faculty. These are covered by Regental and administrative policies external to the Code.

Except for the matter of strikes, and with recognition that Part III of the Faculty Code of Conduct consists of mandatory principles and recommendations to the Divisions of the Academic Senate and the campus administrations, the Faculty Code of Conduct, as set forth in [APM - 015](#), is the official basis for imposing discipline on members of the faculty for professional misconduct.

With respect to the imposition of disciplinary sanctions, the Faculty Code of Conduct deals only with the professional responsibilities, ethical principles, and standards of conduct that pertain to the professional obligations of faculty members. No disciplinary sanctions described in this policy may be imposed on faculty members other than through the procedures pursuant to this policy and the Faculty Code of Conduct. In addition, faculty members may be subject to certain administrative actions which are outside the scope of faculty discipline. For example, like all other members of the University community, faculty members are subject to the general rules and regulations of the

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University such as those pertaining to parking, library privileges, health and safety, and use of University facilities. Faculty are subject to appropriate administrative actions for failure to comply with such rules and regulations. Another example applies to faculty members serving in administrative appointments who are subject to administrative actions for misconduct in their role as administrators. Faculty members serving in administrative roles may be subject to disciplinary sanctions under this policy in addition to administrative actions, if the faculty member's misconduct in the role of an administrator also violates the ethical and professional standards for faculty set forth in the Faculty Code of Conduct.

To maintain consistency in the future between the Faculty Code of Conduct, if it should be further amended by the Academic Senate, and any new or changed Regental or administrative policies relating to faculty conduct that might be adopted, the President will consult with appropriate agencies of the Academic Senate, and will undertake to facilitate any needed joint action by the Senate and The Regents or the administration.

Authority for discipline derives from The Regents. The Regents have made the Chancellor of each campus responsible for discipline on the campus ([Regents' Bylaw 31](#)), subject to certain procedures and safeguards involving the President and the Academic Senate ([Regents' Bylaws 30, 31, and 40](#)).

This policy regarding faculty discipline requires a spirit of active cooperation between the administration and faculty, as embodied by the Chancellor and the Academic Senate. In case of disagreement between the administration and the faculty over the interpretation or application of the Faculty Code of Conduct, conflicts will be resolved on a case-by-case basis, with the fullest consideration given to peer judgments achieved through procedures for discipline. In cases where a Chancellor's tentative decision regarding the imposition of discipline on a faculty member disagrees with the recommendation of the Divisional or Systemwide Network Committee on Privilege and Tenure, the Chancellor shall inform the Chair of the Divisional Committee on Privilege and Tenure or the Chair of the Systemwide Network Committee on Privilege and Tenure, in writing that the Chancellor may disagree and ask if the Chair would like the Chancellor to meet with the Chair or with the whole committee prior to making a final decision or recommendation.

Disciplinary action is to be distinguished from certain other administrative actions taken as the result, not of willful misconduct but rather, for example, of disability or incompetence. The administration naturally bears the responsibility of assuring that the University's resources are used productively and appropriately. In meeting this responsibility, administrators must occasionally take actions which resemble certain disciplinary sanctions but which are actually of an entirely different character. These actions are subject to separate procedures with due process guarantees and should not be confused with disciplinary action with its implications of culpability and sanction. [APM - 075](#) on Termination for Incompetent Performance articulates the conditions under which faculty members with tenure or security of employment may be terminated for incompetent performance.

Section II -- Types of Disciplinary Sanctions

The types of discipline that may be imposed on a member of the faculty are as follows, in order of increasing severity: written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the University. In any disciplinary proceeding, the Chancellor may not impose a type of discipline more severe than that which was set forth in a written notice of proposed disciplinary action to the faculty member. The Chancellor may impose additional appropriate remedial or corrective sanctions not set forth in this Code only with the consent of the accused faculty member. More than one disciplinary sanction may be imposed for a single act of misconduct, e.g. a letter of censure and a suspension. The Chancellor may remove or terminate a sanction, either automatically or by administrative discretion, in individual cases. The severity and type of discipline selected for a particular offense must be appropriately related to the nature and circumstances of the case.

1. Written Censure

A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor. Written censure is to be distinguished from an informal written or spoken warning, and must be delivered confidentially to the recipient and maintained in a designated personnel file or files indefinitely or for a lesser period of time specified in the writing. Informal written or spoken warning is not an official disciplinary action.

2. Reduction in Salary

Reduction to lower salary without change in rank or step. The authority to reduce the salary of any faculty member rests with the Chancellor. This authority may not be redelegated. The amount and duration of the reduced salary shall be specified.

3. Demotion

Reduction to lower rank or step with corresponding reduction in salary. Demotion as a disciplinary action should be imposed in a manner consistent with the merit based system for advancement. Generally, demotion is an appropriate sanction when the misconduct is relevant to the academic advancement process of the faculty member. The authority to reduce the rank of a faculty member who does not have tenure or security of employment rests with the Chancellor. The authority to reduce, within rank, the step of any faculty member to a lower step rests with the Chancellor. This authority may not be redelegated.

Authority for demoting a faculty member with tenure or with security of employment to a lower rank, also with tenure or with security of employment, rests with the President, on recommendation of the Chancellor. Demotion of a faculty member with tenure or with security of employment to a lower rank without tenure or security of employment is not an option.

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. Unless otherwise noted, the terms of a suspension will include loss of normal faculty privileges such as access to University property, participation in departmental governance, voting rights, administration of grants, supervision of graduate students, and use of University administrative staff, and may include loss of other campus privileges such as parking and library privileges. The degree and duration of the suspension shall be specified.

Authority for the suspension of a faculty member rests with the Chancellor and may not be redelegated. Suspension as a disciplinary action is to be distinguished from involuntary leave, which is a precautionary action.

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. The denial or curtailment of emeritus status does not affect the faculty member's entitlement to earned retirement benefits. Authority for the denial or curtailment of emeritus status of a faculty member rests with the President, on recommendation of the Chancellor.

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. This authority may not be redelegated. 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.

Prior to the imposition of any disciplinary sanction(s) as described above, the Chancellor may waive or limit any or all disciplinary sanction(s) on the condition that the accused faculty member performs some specified action(s) designed to address the harm and/or to prevent future harm. Such actions may include, but are not limited to, monetary restitution, repayment of misappropriated resources, compliance with a commitment not to repeat the misconduct, or other act to make whole injury caused by the faculty member's professional misconduct or to prevent future misconduct.

If the imposition of a disciplinary sanction is waived, the subsequent failure to perform the required act or otherwise comply with the conditions of the waiver will immediately subject the faculty member to the implementation of the underlying sanction without an additional hearing. The authority to determine whether the faculty member has complied with the conditions of the waiver rests with the Chancellor. The Chancellor may designate a fixed time period for compliance with the terms of the waiver, after which the authority to impose discipline will lapse. If a faculty member disputes the Chancellor's determination, the faculty member may grieve under applicable faculty grievance procedures.

A Chancellor is authorized to initiate involuntary leave with pay prior to, or at any time following, the initiation of a disciplinary action if it is found that there is a strong risk that the accused faculty member's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the University community or impede the investigation of wrongdoing, or in situations where the faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency. When such action is necessary, it must be possible to impose the involuntary leave swiftly, without resorting to normal disciplinary procedures. In rare and egregious cases, a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action. This is in addition to the Chancellor's power to suspend the pay of a faculty member who is absent without authorization and fails to perform duties for an extended period of time, pending the resolution of the faculty member's employment status with the University.

Thereafter, the faculty member may grieve the decision to place the faculty member on involuntary leave pursuant to applicable faculty grievance procedures. The Divisional Committee on Privilege and Tenure shall handle such grievances on an expedited basis if so requested by the faculty member; the Committee may recommend reinstatement of pay and back pay in cases where pay status was suspended. Within 5 (five) working days after the imposition of involuntary leave, the Chancellor must explain to the faculty member in writing the reasons for the involuntary leave including the allegations being investigated and the anticipated date when charges will be brought, if substantiated.

Every such document must include the following statements: (1) the Chancellor has the discretion to end the leave at any time if circumstances merit; (2) the involuntary leave will end either when the allegations are resolved by investigation or when disciplinary proceedings are concluded and a decision has been made whether to impose disciplinary sanctions; and (3) the faculty member has the right to contest the involuntary leave in a grievance proceeding that will be handled on an expedited basis, if so requested by the faculty member.

Section III -- Procedures for Imposition of Disciplinary Sanction

Safeguards against arbitrary or unjust disciplinary actions, including provision for hearings and appeals, are well established in the University.

The Regents' Bylaws provide that actions of certain types, some of them disciplinary in character, may not be carried out without the opportunity of a prior hearing before, or without advance consultation with, "a properly constituted advisory committee of the Academic Senate" ([Regents' Bylaws 30, 31, and 40.3.](#)).

The Academic Senate has established Committees on Privilege and Tenure in each of the ten Divisions, as well as a Systemwide Network Committee on Privilege and Tenure to which cases of alleged faculty misconduct will be referred in the event that the Divisional Committee on Privilege and Tenure cannot appoint a hearing panel within 14 calendar days of the administration filing

disciplinary charges. The composition and duties of the Divisional committees are defined by the Academic Senate, and the Systemwide Network Committee on Privilege and Tenure will be comprised of members from the Divisional committees. One of the traditional roles of the Divisional Committees on Privilege and Tenure is to conduct hearings on disciplinary charges initiated by the Chancellor under this policy and make findings of fact and recommendations to the Chancellor regarding proposed disciplinary sanctions. The role of the Systemwide Network Committee on Privilege and Tenure is to conduct hearings on disciplinary cases referred to it. The procedures for disciplinary hearings are set forth in [Academic Senate Bylaw 336](#).

Another traditional role of the Divisional Committee on Privilege and Tenure, to be distinguished from the conduct of campus disciplinary hearings, is to consider grievances by members of the Academic Senate regarding their rights and privileges as faculty members. The Systemwide Network Committee on Privilege and Tenure does not hear grievances. The procedures for considering grievances by the Divisional Committee on Privilege and Tenure are set forth in [Academic Senate Bylaw 335](#). A disciplinary action is distinguished from a grievance action in that a disciplinary action generally is commenced by the administration against a faculty member based on charges that the faculty member has violated the Faculty Code of Conduct. A grievance action is initiated by a faculty member who believes that he or she has suffered injury as the result of a violation of the faculty member's rights or privileges. A grievance action specifically requests the administration to take appropriate action to eliminate or mitigate the faculty member's injury. A grievance alleging misconduct by another member of the Academic Senate may result in disciplinary proceedings commenced against that faculty member.

The Faculty Code of Conduct applies to all faculty members, Senate and non-Senate. For members of the Academic Senate, the procedures for disciplinary actions are governed by Senate Bylaws and Divisional rules. For academic appointees who are not members of the Academic Senate (and this group includes certain categories of faculty members) there are procedures for disciplinary actions separate from that of the Senate's committees. Those procedures are found in [APM - 150](#) and relevant collective bargaining agreements or Memoranda of Understanding.

The Faculty Code of Conduct also applies to faculty members holding administrative appointments. Faculty members serving as administrators may be subjected to disciplinary action under this Code for professional misconduct in their administrative role that violates the ethical principles and falls within the types of unacceptable conduct set forth in this Code. A disciplinary action against a faculty member holding an administrative title may proceed in two parts. One part involves the removal of an administrative title or other administrative action under procedures established by The Regents and the administration. Such action need not adhere to the disciplinary procedures set forth in this policy. The other part involves the proposed imposition of any type of disciplinary sanction set forth in this policy, which must proceed in accordance with the procedures for discipline outlined in the Faculty Code of Conduct and the applicable Senate Bylaws and Divisional rules. The removal of the administrative title or other administrative action does not preclude or require the imposition of a disciplinary sanction under this policy. Administrative incompetence does not in itself constitute a violation of the Faculty Code of Conduct.

It is the responsibility of each Chancellor to establish procedures for the administration of discipline on the campus, in consultation with the campus Division of the Academic Senate and such other advisory groups as are appropriate. No disciplinary sanction for professional misconduct shall be imposed except in accordance with specified procedures. With the exception of established timelines in the disciplinary process, it is not essential that the procedures be identical on every campus. It is important, however, that the same basic principles and standards prevail throughout the University. Upon receipt of a report of, or information about, an alleged Faculty Code of Conduct violation, the campus will make an initial assessment in accordance with the applicable policies, which shall include making an immediate assessment concerning the health and safety of the complainant and the campus community. Unless extended for good cause, all campuses must adhere to the following deadlines: the initial assessment, including a limited inquiry when appropriate to determine how to proceed, should be completed within 30 business days following case intake; the investigation and the investigation report should be concluded within 120 business days following commencement of the investigation; and disciplinary charges should be filed within 40 business days of the conclusion of the investigation and investigation report. These procedures are set forth in [Academic Senate Bylaw 336](#).

Requirements and recommendations for developing campus disciplinary procedures pursuant to this policy are set forth in the Faculty Code of Conduct and the Senate Bylaws. Chancellors are to keep the President informed about campus procedures and to report any significant changes made in such procedures. The President will consult periodically with the Chancellors and the Academic Senate about procedures that are being employed in order to assure equitable standards for discipline throughout the University.

Revision History

Month XX, 2026:

- Substantive revisions to incorporate the Systemwide Network Privilege and Tenure Committee and deadlines in the disciplinary process, in accordance with [Academic Senate Bylaw 336](#).
- Technical revision to update the number of Academic Senate Committee on Privilege and Tenure divisions from nine to ten.

April 20, 2022:

- Technical revisions to update references to Regental governing documents.

September 23, 2020:

- Technical revision to remove gendered language.

For details on prior revisions, please visit the [policy issuance web page](#).

DRAFT-General University Policy Regarding Academic Appointees: APM - 016 - University Policy on Faculty Conduct and the Administration of Discipline

**University Policy on Faculty Conduct and
The Administration of Discipline**

The University policy on faculty conduct and the administration of discipline is set forth in its entirety in this policy and in the Faculty Code of Conduct.

**Section I -- Introduction and General
Policy**

This policy, as recommended by the President of the University and approved by The Regents on June 14, 1974, November 15, 2001, ~~and~~ March 15, 2017, ~~and Month XX, 2026~~, supersedes the President's interim statement on the same subject, issued on January 15, 1971. The present policy is to be read in conjunction with the Faculty Code of Conduct.

The Faculty Code of Conduct is set forth in [APM - 015](#). Part I of the Faculty Code of Conduct notes the responsibility of the administration to preserve conditions that protect and encourage the faculty in its central pursuits. Part II defines normative conditions for faculty conduct and sets forth types of unacceptable faculty conduct subject to University discipline. Part III makes recommendations and proposes guidelines to ~~assure~~ensure the development of fair procedures for enforcing the Code.

Nothing in the Faculty Code of Conduct, or in this policy, is intended to change the various authorities and responsibilities of the Academic Senate, the administration, and The Regents as currently set forth in The Regents' Bylaws, the policies and regulations of the University, and the Bylaws and Regulations of the Academic Senate.

The Faculty Code of Conduct explicitly does not deal with policies, procedures, or possible sanctions pertaining to strikes by members of the faculty. These are covered by Regental and administrative policies external to the Code.

Except for the matter of strikes, and with recognition that Part III of the Faculty Code of Conduct consists of mandatory principles and recommendations to the Divisions of the Academic Senate and the campus administrations, the Faculty Code of Conduct, as set forth in [APM - 015](#), is the official basis for imposing discipline on members of the faculty for professional misconduct.

With respect to the imposition of disciplinary sanctions, the Faculty Code of Conduct deals only with the professional responsibilities, ethical principles, and standards of conduct that pertain to the professional obligations of faculty members. No disciplinary sanctions described in this policy may be imposed on faculty members other than through the procedures pursuant to this policy and the Faculty Code of Conduct. In addition, faculty members may be subject to certain administrative actions which are outside the scope of faculty discipline. For example, like all other members of the University community, faculty members are subject to the general rules and regulations of the

University such as those pertaining to parking, library privileges, health and safety, and use of University facilities. Faculty are subject to appropriate administrative actions for failure to comply with such rules and regulations. Another example applies to faculty members serving in administrative appointments who are subject to administrative actions for misconduct in their role as administrators. Faculty members serving in administrative roles may be subject to disciplinary sanctions under this policy in addition to administrative actions, if the faculty member's misconduct in the role of an administrator also violates the ethical and professional standards for faculty set forth in the Faculty Code of Conduct.

To maintain consistency in the future between the Faculty Code of Conduct, if it should be further amended by the Academic Senate, and any new or changed Regental or administrative policies relating to faculty conduct that might be adopted, the President will consult with appropriate agencies of the Academic Senate, and will undertake to facilitate any needed joint action by the Senate and The Regents or the administration.

Authority for discipline derives from The Regents. The Regents have made the Chancellor of each campus responsible for discipline on the campus ([Regents' Bylaw 31](#)), subject to certain procedures and safeguards involving the President and the Academic Senate ([Regents' Bylaws 30, 31, and 40](#)).

This policy regarding faculty discipline requires a spirit of active cooperation between the administration and faculty, as embodied by the Chancellor, and the Academic Senate. In case of disagreement between the administration and the faculty over the interpretation or application of the Faculty Code of Conduct, conflicts will be resolved on a case-by-case basis, with the fullest consideration given to peer judgments achieved through procedures for discipline. In cases where a Chancellor's tentative decision regarding the imposition of discipline on a faculty member disagrees with the recommendation of the Divisional or Systemwide Network Committee on Privilege and Tenure, the Chancellor shall inform the Chair of the Divisional Committee on Privilege and Tenure or the Chair of the Systemwide Network Committee on Privilege and Tenure, in writing that the Chancellor may disagree and ask if the Chair would like the Chancellor to meet with the Chair or with the whole committee prior to making a final decision or recommendation.

Disciplinary action is to be distinguished from certain other administrative actions taken as the result, not of willful misconduct but rather, for example, of disability or incompetence. The administration naturally bears the responsibility of assuring that the University's resources are used productively and appropriately. In meeting this responsibility, administrators must occasionally take actions which resemble certain disciplinary sanctions but which are actually of an entirely different character. These actions are subject to separate procedures with due process guarantees and should not be confused with disciplinary action with its implications of culpability and sanction. [APM - 075](#) on Termination for Incompetent Performance articulates the conditions under which faculty members with tenure or security of employment may be terminated for incompetent performance.

Section II -- Types of Disciplinary Sanctions

The types of discipline that may be imposed on a member of the faculty are as follows, in order of increasing severity: written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the University. In any disciplinary proceeding, the Chancellor may not impose a type of discipline more severe than that which was set forth in a written notice of proposed disciplinary action to the faculty member. The Chancellor may impose additional appropriate remedial or corrective sanctions not set forth in this Code only with the consent of the accused faculty member. More than one disciplinary sanction may be imposed for a single act of misconduct, e.g. a letter of censure and a suspension. The Chancellor may remove or terminate a sanction, either automatically or by administrative discretion, in individual cases. The severity and type of discipline selected for a particular offense must be appropriately related to the nature and circumstances of the case.

1. Written Censure

A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor. Written censure is to be distinguished from an informal written or spoken warning, and must be delivered confidentially to the recipient and maintained in a designated personnel file or files indefinitely or for a lesser period of time specified in the writing. Informal written or spoken warning is not an official disciplinary action.

2. Reduction in Salary

Reduction to lower salary without change in rank or step. The authority to reduce the salary of any faculty member rests with the Chancellor. This authority may not be redelegated. The amount and duration of the reduced salary shall be specified.

3. Demotion

Reduction to lower rank or step with corresponding reduction in salary. Demotion as a disciplinary action should be imposed in a manner consistent with the merit based system for advancement. Generally, demotion is an appropriate sanction when the misconduct is relevant to the academic advancement process of the faculty member. The authority to reduce the rank of a faculty member who does not have tenure or security of employment rests with the Chancellor. The authority to reduce, within rank, the step of any faculty member to a lower step rests with the Chancellor. This authority may not be redelegated.

Authority for demoting a faculty member with tenure or with security of employment to a lower rank, also with tenure or with security of employment, rests with the President, on recommendation of the Chancellor. Demotion of a faculty member with tenure or with security of employment to a lower rank without tenure or security of employment is not an option.

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. Unless otherwise noted, the terms of a suspension will include loss of normal faculty privileges such as access to University property, participation in departmental governance, voting rights, administration of grants, supervision of graduate students, and use of University administrative staff, and may include loss of other campus privileges such as parking and library privileges. The degree and duration of the suspension shall be specified.

Authority for the suspension of a faculty member rests with the Chancellor and may not be redelegated. Suspension as a disciplinary action is to be distinguished from involuntary leave, which is a precautionary action.

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. The denial or curtailment of emeritus status does not affect the faculty member's entitlement to earned retirement benefits. Authority for the denial or curtailment of emeritus status of a faculty member rests with the President, on recommendation of the Chancellor.

6. Dismissal from the Employ of the University

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Prior to the imposition of any disciplinary sanction(s) as described above, the Chancellor may waive or limit any or all disciplinary sanction(s) on the condition that the accused faculty member performs some specified action(s) designed to address the harm and/or to prevent future harm. Such actions may include, but are not limited to, monetary restitution, repayment of misappropriated resources, compliance with a commitment not to repeat the misconduct, or other act to make whole injury caused by the faculty member's professional misconduct or to prevent future misconduct.

If the imposition of a disciplinary sanction is waived, the subsequent failure to perform the required act or otherwise comply with the conditions of the waiver will immediately subject the faculty member to the implementation of the underlying sanction without an additional hearing. The authority to determine whether the faculty member has complied with the conditions of the waiver rests with the Chancellor. The Chancellor may designate a fixed time period for compliance with the terms of the waiver, after which the authority to impose discipline will lapse. If a faculty member disputes the Chancellor's determination, the faculty member may grieve under applicable faculty grievance procedures.

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the initiation of a disciplinary action if it is found that there is a strong risk that the accused faculty member's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the University community or impede the investigation of wrongdoing, or in situations where the faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency. When such action is necessary, it must be possible to impose the involuntary leave swiftly, without resorting to normal disciplinary procedures. In rare and egregious cases, a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action. This is in addition to the Chancellor's power to suspend the pay of a faculty member who is absent without authorization and fails to perform duties for an extended period of time, pending the resolution of the faculty member's employment status with the University.

Thereafter, the faculty member may grieve the decision to place the faculty member on involuntary leave pursuant to applicable faculty grievance procedures. The Divisional Committee on Privilege and Tenure shall handle such grievances on an expedited basis if so requested by the faculty member; the Committee may recommend reinstatement of pay and back pay in cases where pay status was suspended. Within 5 (five) working days after the imposition of involuntary leave, the Chancellor must explain to the faculty member in writing the reasons for the involuntary leave including the allegations being investigated and the anticipated date when charges will be brought, if substantiated.

Every such document must include the following statements: (1) the Chancellor has the discretion to end the leave at any time if circumstances merit; (2) the involuntary leave will end either when the allegations are resolved by investigation or when disciplinary proceedings are concluded and a decision has been made whether to impose disciplinary sanctions; and (3) the faculty member has the right to contest the involuntary leave in a grievance proceeding that will be handled on an expedited basis, if so requested by the faculty member.

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Safeguards against arbitrary or unjust disciplinary actions, including provision for hearings and appeals, are well established in the University.

The Regents' Bylaws provide that actions of certain types, some of them disciplinary in character, may not be carried out without the opportunity of a prior hearing before, or without advance consultation with, "a properly constituted advisory committee of the Academic Senate" ([Regents' Bylaws 30, 31, and 40.3.](#)).

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Academic Senate, and the Systemwide Network Committee on Privilege and Tenure will be comprised of members from the Divisional committees. One of the traditional roles of the Divisional Committees on Privilege and Tenure is to conduct hearings on disciplinary charges initiated by the Chancellor under this policy and make findings of fact and recommendations to the Chancellor regarding proposed disciplinary sanctions. The role of the Systemwide Network Committee on Privilege and Tenure is to conduct hearings on disciplinary cases referred to it. The procedures for disciplinary hearings are set forth in [Academic Senate Bylaw 336](#).

Another traditional role of the Divisional Committee on Privilege and Tenure, to be distinguished from the conduct of campus disciplinary hearings, is to consider grievances by members of the Academic Senate regarding their rights and privileges as faculty members. The Systemwide Network Committee on Privilege and Tenure does not hear grievances. The procedures for considering grievances by the Divisional Committee on Privilege and Tenure are set forth in [Academic Senate Bylaw 335](#). A disciplinary action is distinguished from a grievance action in that a disciplinary action generally is commenced by the administration against a faculty member based on charges that the faculty member has violated the Faculty Code of Conduct. A grievance action is initiated by a faculty member who believes that he or she has suffered injury as the result of a violation of the faculty member's rights or privileges. A grievance action specifically requests the administration to take appropriate action to eliminate or mitigate the faculty member's injury. A grievance alleging misconduct by another member of the Academic Senate may result in disciplinary proceedings commenced against that faculty member.

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It is the responsibility of each Chancellor to establish procedures for the administration of discipline on the campus, in consultation with the campus Division of the Academic Senate and such other advisory groups as are appropriate. No disciplinary sanction for professional misconduct shall be imposed except in accordance with specified procedures. With the exception of established timelines in the disciplinary process, it is not essential that the procedures be identical on every campus. It is important, however, that the same basic principles and standards prevail throughout the University. Upon receipt of a report of, or information about, an alleged Faculty Code of Conduct violation, the campus will make an initial assessment in accordance with the applicable policies, which shall include making an immediate assessment concerning the health and safety of the complainant and the campus community. Unless extended for good cause, all campuses must adhere to the following deadlines: the initial assessment, including a limited inquiry when appropriate to determine how to proceed, should be completed within 30 business days following case intake; the investigation and the investigation report should be concluded within 120 business days following commencement of the investigation; and disciplinary charges should be filed within 40 business days of the conclusion of the investigation and investigation report. These procedures are set forth in Academic Senate Bylaw 336.

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April 20, 2022:

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September 23, 2020:

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For details on prior revisions, please visit the policy issuance web page Academic Personnel and Programs website.

Attachment A: Faculty Respondent Disciplinary Sanction Guidelines for Misconduct Related to Expressive Activity

Types of Faculty Disciplinary Sanctions under APM - 016



Factors that Affect the Types of Disciplinary Sanctions for Faculty Respondents

Violations of APM - 015 and (where applicable) Campus Time, Place, and Manner (TPM) Policies (see attached companion document)

Tier 1

- Failing to comply with instructions of a UC or public official upon initial instruction
- Disturbing the peace
- Camping or unauthorized lodging on UC property
- Climbing or rappelling activities on UC-managed property
- Using amplified sound without a permit

Tier 2

- Failing to comply with repeated instructions of a UC or public official
- Escalating misconduct activity contrary to de-escalating instructions of a UC or public official
- Engaging in disorderly conduct as defined by TPM policy
- Blocking entrances or interfering with the normal free flow of traffic on campus and the immediate environs
- Obstructing or disrupting teaching or other UC operations
- Threatening others with forcible detention or harm

Tier 3

- Inciting others to engage in misconduct
- Intimidating or coercing others to engage in misconduct
- Detaining unwilling parties by any means
- Possessing or using a firearm, explosive, or any device that can cause mass casualties

Evaluate Severity of Impact

Minor Impact

- Minor damage to UC property
- Minor impact on community members and their families
- Minor harm to others by physical or other means

Major Impact

- Major damage to UC property
- Major impact on community members and their families
- Major harm to others by physical or other means

Mitigating vs Aggravating Factors

Mitigating Factors

- No prior history of counseling or remedial intervention
- Engaging in activity tied to a reasonable teaching or research purpose/Engaging in activity inside the broadest interpretation of academic freedom
- Activity does not discriminate on UC policy-protected grounds
- One or rare occurrence(s)
- Accepting responsibility for misconduct without recurrent offense

Aggravating Factors

- Escalating misconduct in view of recent counseling or remedial intervention
- Discriminating on UC policy-protected grounds
- Violating policy in a repeated fashion
- Not accepting responsibility for misconduct

Less severe sanctions are typically recommended for cases where violations are relatively few and mostly in lower tiers

More severe sanctions are typically recommended when there are multiple violations in higher tiers

Mitigating and aggravating factors are considered in the final sanction determination

ATTACHMENT B – COMPANION DOCUMENT – FACULTY DISCIPLINARY SANCTIONS GUIDELINES RE EXPRESSIVE ACTIVITY

UC Academic Personnel Manual (APM), Presidential, and Campus Policies Related to Expressive Activity

If a formal investigation of allegations of faculty misconduct results in the assessment that a policy violation has occurred, the accompanying **Faculty Respondent Disciplinary Sanctions Guidelines for Misconduct Related to Expressive Activity** are intended to support calibration of disciplinary responses under APM - 016. The following UC policies could be implicated in allegations of faculty misconduct in the realm of expressive activity. As systemwide calibration guidance already exists for the Sexual Violence and Sexual Harassment (SVSH) Policy, SVSH provisions from the Faculty Code of Conduct will not be addressed in this document. While the calibration guidance for the SVSH Policy informed the accompanying disciplinary sanction guidelines, the two guidance documents differ insofar as the accompanying disciplinary sanction guidelines distinguish between misconduct that has minor versus major severity of impact. The guidelines do not quantify the extent of damage to UC property, but reviewers may wish to do so in their assessments. As an example, in California, property damage of less than \$400 constitutes a misdemeanor, whereas damage in the amount of \$400 or more represents a felony. Assessing minor versus major severity of impact on or harm to UC community members and their families is far less easily tangibly quantifiable, as, in addition to interfering with University operations or access to educational opportunities, the impact or harm may be physical and/or by “other means,” such as psychological. Quantification alone may be insufficient in reviewers’ assessment, as a single incident that results in physical or psychological harm to one individual may be so egregious as to constitute major impact or harm. As in cases of SVSH policy violations, reviewers will need to assess the frequency, nature, and severity of the APM - 015 violation(s), including whether the misconduct resulted in economic damage, or was threatening, impactful, and/or harmful in a physical or psychological manner.

APM - 015, The Faculty Code of Conduct

The policy recognizes the University’s obligation to preserve conditions that are hospitable to the University’s central functions and to protect the faculty in its missions of teaching, learning, research, and service: “The faculty’s privileges and protections, including that of tenure, rest on the mutually supportive relationships between the faculty’s special professional competence, its academic freedom, and the central functions of the University. These relationships are also the source of the professional responsibilities of faculty members.” Part I of the policy sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty’s pursuit of the University’s central functions. Part II elaborates standards of professional conduct and identifies types of conduct that represent unacceptable behavior and, as a result, a violation of the Faculty Code of Conduct.

Part II, Paragraph A, covers specific situations that provide for protecting safety and protecting access to educational opportunities. Part II, Paragraph A contains the following provisions surrounding failure to meet the responsibilities of instruction:

- A.1.a, regarding arbitrary denial of access to instruction;
- A.1.b, regarding significant intrusion of material unrelated to the course;
- A.1.c, regarding significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;

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A.2, regarding discrimination, including harassment, against a student on political grounds or for protected categories;

A.5, regarding the use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons; and

A.6, regarding participating in or deliberately abetting disruption, interference, or intimidation in the classroom.

Part II, Paragraph C, identifies the following types of unacceptable conduct, engagement in which would constitute a violation of the Faculty Code of Conduct:

1. Intentional disruption of functions or activities sponsored or authorized by the University.

2. Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University's central functions will be significantly impaired.

3. Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes.

4. Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities.

5. Discrimination, including harassment, against University employees or individuals...engaged in...training program leading to employment on political grounds, or for reasons of race, color, religion...

7. Violation of the University policy, including the pertinent guidelines, applying to nondiscrimination against employees on the basis of disability....

8. Serious violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections.

Part II, Paragraph E, item 2 covers situations involving the “commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty.”

APM - 010, Academic Freedom

APM - 010 provides in relevant part, “The University of California is committed to upholding and preserving principles of academic freedom. These principles reflect the University's fundamental mission, which is to discover knowledge and to disseminate it to its students and to society at large. The principles of academic freedom protect freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. These freedoms enable the University to advance knowledge and to transmit it effectively to its students and to the public.”

“Academic freedom requires that teaching and scholarship be assessed by reference to the professional standards that sustain the University's pursuit and achievement of knowledge. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body. The competence of the faculty to apply these standards of assessment is recognized in the Standing Orders of The Regents, which establish a system of shared governance between the Administration and the Academic Senate. Academic

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freedom requires that the Academic Senate be given primary responsibility for applying academic standards, subject to appropriate review by the Administration, and that the Academic Senate exercise its responsibility in full compliance with applicable standards of professional care.”

“The exercise of academic freedom entails correlative duties of professional care when teaching, conducting research, or otherwise acting as a member of the faculty.”

The academic freedom protections of APM-010 are distinct from the legal right to freedom of speech, to which all University employees are entitled.

Regents Policy 4403: Statement of Principles Against Intolerance

Paragraph A of this policy states that, “The University therefore strives to foster an environment in which all are included, all are given an equal opportunity to learn and explore, in which differences as well as commonalities are celebrated, and in which dissenting viewpoints are not only tolerated but encouraged. Acts of hatred and other intolerant conduct, as well as acts of discrimination that demean our differences, are antithetical to the values of the University and serve to undermine its purpose.”

Paragraph B acknowledges that the University’s mission “is best served when members of the University community collaborate to foster an equal learning environment for all, in which all members of the community are welcomed and confident of their physical safety.”

Paragraph C states that, “In a community of learners, teachers, and knowledge-seekers, the University is best served when its leaders challenge speech and action reflecting bias, stereotypes, and/or intolerance.”

Paragraph D states that, “Freedom of expression and freedom of inquiry are paramount in a public research University and form the bedrock on which our mission of discovery is founded. The University will vigorously defend the principles of the First Amendment and academic freedom against any efforts to subvert or abridge them.”

Under Paragraph E, “Each member of the University community is entitled to speak, to be heard, and to be engaged based on the merits of their views, and unburdened by historical biases, stereotypes and prejudices. Discourse that reflects such biases, stereotypes or prejudice can undermine the equal and welcoming learning environment that the University of California strives to foster.”

Paragraph H states that, “Actions that physically or otherwise interfere with the ability of an individual or group to assemble, speak, and share or hear the opinions of others (within time place and manner restrictions adopted by the University) impair the mission and intellectual life of the University and will not be tolerated.”

Finally, Paragraph I affirms that, “Harassment, threats, assaults, vandalism, and destruction of property, as defined by University policy, will not be tolerated within the University community.”

Anti-Discrimination Policy and the Abusive Conduct in the Workplace Policy

These Presidential Policies affirm the University’s commitment to maintaining a working and learning environment and the institution’s intolerance of behavior that is discriminatory or that disrupts the functioning of the University community and interferes with individuals’ ability to learn, teach, work, and conduct research.

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Campus TPM Policies

In addition to APM, Regental, and Presidential Policies, each UC campus has a Time, Place, and Manner policy that protects the right to freedom of expression, provides for non-interference with University functions and access to University activities and facilities, and ensures compliance with pertinent laws and other applicable University policies. Local TPM policies include:

UC Berkeley: [Berkeley Campus Regulations Implementing University Policies](#)

UC Davis: [Time, Place, and Manner Regulations in Freedom of Expression Policy \(PPM 400-01\)](#)

UC Irvine: [Time, Place, and Manner Policy](#)

UCLA: [UCLA Regulations on Activities, Registered Campus Organizations, and Use of Properties](#)

UC Merced: [Expressive Activities and Assembly: Protests, Demonstrations, Non-University Speakers and Signage on Campus and in University Facilities -- Interim Policy](#)

UC Riverside: [Policy 700-70, Time Place Manner Regulations](#)

UC San Diego: [Interim Policy on Expressive Activity Time, Place, and Manner](#)

UCSF: 600-27: [Interim: Expressive Activities Held on UCSF Property](#)

UC Santa Barbara: [Time, Place, and Manner Regulations -- Chapter 3: Campus Activities - Speech and Advocacy in Campus Regulations and UC Santa Barbara Campus Guidance](#)

UC Santa Cruz: [Interim Conduct Regulations \(Time, Place, and Manner\)](#)

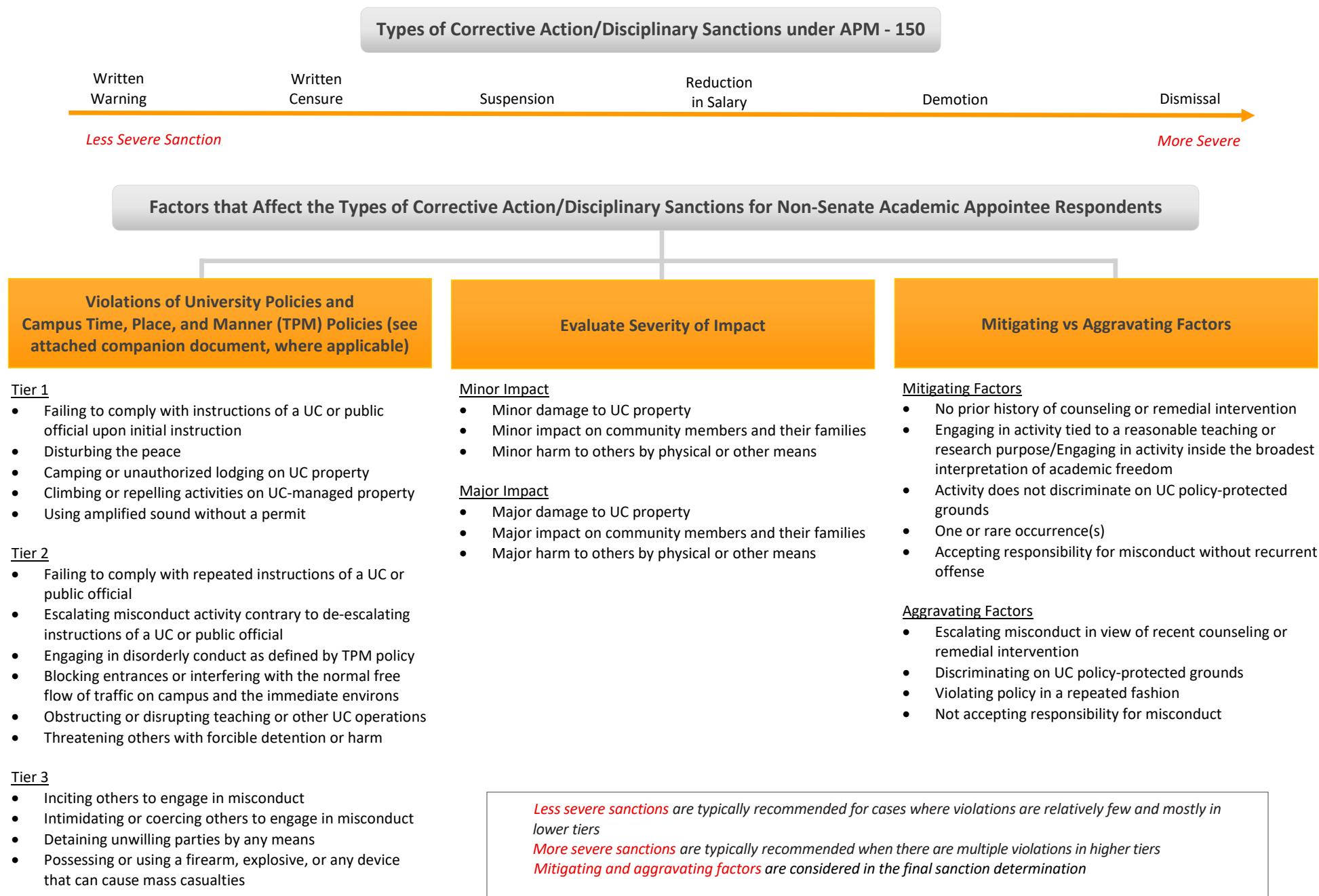
Interplay of the Above Policies and Extramural Speech

Faculty members are entitled to the academic freedom protections described in APM - 010 as well as the constitutional right to free expression, which all University employees enjoy. However, this does not mean that expressive conduct by faculty can never be subject to discipline. APM - 015 identifies certain expressive conduct as misconduct, including: incitement that creates clear and present danger of violence or abuse of persons or property; threats of physical harm to another member of the University community that interferes with their performance of University activities; intentional misrepresentation of personal views as a statement of position of the University or any of its agencies; and harassment, which can be verbal.

The same is true for faculty extramural speech, which may be protected under APM - 010 only insofar as it is consistent with the standards of professional conduct set forth in APM - 015. The standard provided in APM - 015 allows for discipline only for conduct which is not justified by the faculty's ethical principles stated in APM - 015 and which significantly impairs the University's central functions, as defined in APM - 015's preamble. This analysis must recognize the particular context of the University as an environment that encourages free inquiry and the exchange of ideas and, as described in APM - 015, "seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and furthering the search for wisdom."

Faculty, like all University employees, are also entitled to First Amendment protection for speech on matters of public concern, but only insofar as the employee's expressive interests outweigh the University's interests in fulfilling its public service mission.

Attachment C: Non-Senate Academic Appointee Respondent Corrective Action/Disciplinary Sanction Guidelines for Misconduct Related to Expressive Activity



Attachment D: Guidelines on Good Cause Factors re Extensions of Time

Employee Investigation & Adjudication – Timeline Factors

Timeline Factors – Support & Assessment

- Unknown or unidentified parties
 - Anonymous
- Delays in response or non-response to outreach
- Availability of impacted person(s)
- Availability of support resources
 - CARE and/or CAPS
- Implementation of safety measures
- Coordination with law enforcement (in some instances)
- Outreach to impacted person(s)
- Information
 - rights
 - resources
 - reporting options
- Implement safety & supportive measures
- Initial assessment
 - including safety assessment
 - limited factual inquiry to determine next steps
- Interim and support measures
- Information Gathering
 - Party and Witness Interview
 - Documentary and other evidence
- Evidence Review
- Reliable investigation report
 - documents process
 - evidence gathered
 - reasoned conclusion/preliminary conclusions

Timeline Factors – Investigation

- Complexity of the matter
- Severity and extent of the alleged conduct
- Number of witnesses
- Volume of evidence
 - review
 - redactions to ensure privacy

- Availability of parties
- Availability of advisors/support persons
- Investigator caseload, etc.

Timeline Factors – TIX Hearing (SVSH cases)

- Whether parties accept preliminary findings
- Availability of external hearing officers
- Willingness of parties and witnesses to participate
- Scope of hearing
- Availability of parties
- Availability of advisors/support persons
- Interim and support measures
- In DOE Grievance Process and anytime the Respondent is a student
- Title IX Officer will inform parties of:
 - their right to contest or not accept the investigator's preliminary determination; and
 - request a hearing to determine whether the SVSH Policy was violated
 - 130 days was the mean time to completion for TIX Hearings Systemwide in 2024.

Proposed Discipline

Corrective Action

Employee Investigation & Adjudication ends

Conclusion

Considerations Regarding Timeline Extensions

The University's interest in the timeliness, integrity, and reliability of the investigation and adjudication outcomes is paramount.

Timeline extensions are approved when there are material or unforeseen circumstances directly related to the complaint that impede completion within the policy time frame(s).

- Unavailability of key witnesses/parties
- Interactive process & disability accommodations
- Consideration of the health or emotional well-being of the parties
- Additional time for evidence review
- Serious illness of a party/key witness
- Discovery on new evidence late in the process
- Coordination with law enforcement
- Provide language interpreters

There are limited circumstances under which timelines may justifiably be extended without good cause, for example:

- the assigned investigator is on an approved leave (due to illness, jury duty, adoption of a child, etc.)
- the assigned investigator left the University's employ and the case was transitioned to a new investigator
- the assigned investigator's workload impedes their ability to meet the time frame because they are assigned more than a full caseload.