

## INTRODUCTION

Consistent with the UC Policy on Sexual Violence and Sexual Harassment (“SVSH Policy”) as implemented in the *UCI Guidelines for Reporting and Responding to Reports of Sex Offenses* and the *UCI Guidelines for Reporting and Responding to Reports of Discrimination and Harassment* (“Guidelines”), the following describes the UCI’s process for investigating and adjudicating alleged violations of the Guidelines in instances where the Respondent is a University Staff, Non-Faculty Academic Personnel, Senate Faculty or Non-Senate Faculty member.<sup>1</sup>

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<sup>1</sup> This Adjudication framework pertains to University employees whose conduct is governed by Section 015 of the Academic Personnel Manual ([APM-015](#)), The Faculty Code of Conduct (“Code of Conduct”), Personnel Policies for Staff Members (“PPSMs”), and who are subject to disciplinary and termination procedures set forth in [PPSM 62](#) (Corrective Action – Professional and Support Staff) and [PPSM 64](#) (Termination and Job Abandonment) or a non-faculty academic appointee who is subject to disciplinary procedures under the Academic Personnel Manual (“APM”), [APM-150](#) (Non-Senate Academic Appointees/Corrective Action and Dismissal). A flow chart illustrating the process for complaints can be found in Attachments 1-4.

Where the Respondent’s relationship to the University falls under multiple policies, ie. staff member, faculty member and/or student then the Title IX Officer shall determine the appropriate policy(ies) that apply.

This document should be read in conjunction with the SVSH Policy, the Guidelines, as well as:

- applicable [APM provisions](#), including APM-015, [APM-016](#) (University Policy on Faculty Conduct and the Administration of Discipline), and [APM-150](#) (Non-Senate Appointees/Corrective Action and Dismissal), and applicable [Senate Bylaws](#), including Senate Bylaw 336 (procedures for disciplinary hearings) and Senate Bylaw 335 (procedures for considering grievances). The documents also incorporate recommendations issued by the Joint Committee of the Administration and the Senate, as accepted by President Napolitano.
- applicable PPSMs, including PPSM 62, [PPSM 63](#) (Investigatory Leave) and PPSM 64, and applicable provisions of the APM, including APM-150. The documents also incorporate recommendations issued by the President’s Committee on Sexual Violence Sexual Harassment Disciplinary Process for UC Personnel other than Faculty, as accepted by President Napolitano.

Applicable definitions can be found in the [SVSH Policy](#) or the UCI Guidelines for Reporting and Responding to Reports of Sex Offenses and are incorporated herein. Other definitions can be found in applicable APMs and Senate Bylaws and are incorporated herein.

The UCI [Guidelines for Reporting and Responding to Reports of Discrimination and Harassment](#), the UCI [Guidelines for Reporting and Responding to Reports of Sex Offenses](#), and the [UCI Policy on Conflicts of Interest Created by Consensual Relationships](#) are available at <http://www.oeod.uci.edu/policies/index.php>. The UC SVSH Policy is available at <http://policy.ucop.edu/doc/4000385/SVSH>. The Faculty Code of Conduct (APM-015) is available at <http://www.ucop.edu/academic-personnel-programs/files/apm/apm-015.pdf>. APM-016 is available at <http://www.ucop.edu/academic-personnel-programs/files/apm/apm-016.pdf>. APM-150 is available at <http://ucop.edu/academic-personnel-programs/files/apm/apm-150.pdf>. All provisions of the APM are accessible at <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/general-university-policy-regarding-academic-appointees/index.html>.

## **I. REPORTING OPTIONS AND RESOURCES (Stage 0)**

### **A. Reporting Options**

Any person may make a report, including anonymously, of conduct prohibited under the Guidelines (“Prohibited Conduct”) to the Title IX Office, Office of Equal Opportunity and Diversity (“OEOD”). The OEOD is responsible for receiving and responding to reports of Prohibited Conduct.

A person may also make a report to a Responsible Employee as defined by the Guidelines. The Guidelines require a Responsible Employee who becomes aware of an incident of Prohibited Conduct to report it to UCI by contacting OEOD.

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

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

### **B. Confidential Resources**

The University offers access to confidential resources for individuals who have experienced Prohibited Conduct and are seeking counseling, emotional support or confidential information about how to make a report to the University. Confidential Resources are defined pursuant to the Guidelines and include individuals who receive reports in their confidential capacity such as advocates in the [CARE Office for Sexual and Gender-Based Violence and Sexual Misconduct](#), as well as licensed counselors (e.g., Employee Assistance Program (EAP) and Counseling and Psychological Services (CAPS), and Ombudsman. Additionally, the [Respondent Services Coordinator](#) is a confidential resource available to those who have been accused of violating the Guidelines.

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

## **II. INITIAL ASSESSMENT (Stage 1)**

Upon receipt of a report of or information about alleged Prohibited Conduct, OEOD will make an initial assessment in accordance with the Guidelines, which shall include making an assessment, in collaboration with appropriate University officials regarding any concerns raised about the health and safety of the Complainant and the campus community.

### **A. Interim Measures**

OEOD will also consider and when appropriate coordinate with Academic Personnel or Human Resources to take interim measures as appropriate to ensure the safety, well-being and equal access to University employment, educational programs and activities of its students and employees. Interim measures include, but are not limited to, the following: no contact orders; stay away orders, housing assistance; Visa assistance, financial aid assistance, academic support; medical care, changes to work duties, deadlines, assignments or location, leave time, and counseling.

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

Investigatory leave of a PPSM-covered respondent may be imposed in accordance with PPSM 63. Investigatory leave of a non-faculty academic respondent may be imposed in accordance with APM-150.

### **B. Written Rights & Options**

OEOD will ensure that Complainants, if their identity is known, are provided a written explanation of rights and available options as outlined in the Guidelines, including:

1. How and to whom to report alleged violations;
2. Options for reporting to and/or notifying law enforcement and campus authorities;
3. Information regarding confidential resources;
4. The rights of Complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts;
5. The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order;
6. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community; and
7. Options for, and available assistance to, a change to academic, living, transportation, and working situations, if the Complainant requests and if such options are appropriate and reasonably available—regardless of whether the Complainant chooses to report the crime to law enforcement.

Additionally, a written explanation of the rights, options, and resources available to the Complainant and Respondent is publicly available on the UCI Sexual Violence Prevention and Response website: <http://soinfo.uci.edu/>, the UCI Guidelines for Reporting and Responding to Reports of Sex Offenses published on the OEOD website at <http://www.oeod.uci.edu/policies/index.php>; and the UCI Annual Security Report, published on UCI Police Department website at <http://www.police.uci.edu/>.

### **III. INVESTIGATING AND RESOLVING REPORTS OF PROHIBITED CONDUCT (Stage 1)**

Provided UCI has jurisdiction over the complaint and sufficient information to respond, and in accordance with the Guidelines, UCI may resolve reports of Prohibited Conduct by Alternative Resolution or Formal Investigation. Throughout the resolution process, the Complainant and the Respondent may be accompanied by a support person and/or advisor. UCI will offer to provide support services for Complainants and Respondents who are affiliated (students, faculty, staff) with UCI through the CARE Advocate or the Respondent Services Coordinator.

#### **A. Alternative Resolution**

After a preliminary inquiry into the facts, OEOD may initiate an Alternative Resolution in accordance with the Guidelines.

#### **B. Formal Investigation**

In cases where Alternative Resolution is inappropriate or unsuccessful, OEOD may initiate a Formal Investigation, as contemplated in the [Guidelines](#).

##### **1. Notification**

OEOD will notify the Chancellor and the Chancellor's designee<sup>2</sup> when a Formal Investigation is commenced against Senate or Non-Senate faculty Respondent. OEOD will be sensitive in their communication to protect the neutrality of the Chancellor and the Chancellor's designee, as well as the privacy of the Complainant and the Respondent.

OEOD will notify the Chancellor's designee, the Respondent's supervisor, and Human Resources (for Staff cases) or Academic Personnel Office (for cases involving academic appointees) when a Formal Investigation is commenced against Staff or Non-Faculty Academic Personnel. OEOD will be sensitive in their communication to protect the neutrality of the recipient as well as the privacy of the Complainant and the Respondent.

Thereafter, OEOD will regularly (generally when there is a status change in the investigation) communicate with the Chancellor's designee regarding the status of the Formal Investigation.

##### **2. Notice of Charges**

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<sup>2</sup> For the purpose of the procedures outlined in this document, Chancellor's designee is defined as follows:

- For cases involving Senate Faculty, Non-Senate faculty, or Non-Faculty Academic Respondents: Vice Provost – Academic Personnel or designee
- For cases involving Staff respondents: Associate Chancellor/Chief Human Resources Executive or designee

When a Formal Investigation will be conducted, OEOD will send written notice of the charges to the Complainant and Respondent. In addition to the Chancellor and/or the Chancellor's designee, written notice will also be provided to Academic Personnel or Human Resources, and the appropriate supervisor(s), and/or Dean as appropriate.

The written notice will include:

- a. A summary of the allegations and potential violations of the Guidelines;
- b. The purpose of the investigation;
- c. A statement that the investigative report, when issued, will make factual findings and a determination whether there has been a violation of the Guidelines;
- d. A statement that the findings under the Guidelines will be based on the preponderance of the evidence standard. In the case of faculty, a finding of a violation of the Guidelines will establish probable cause under APM-015;
- e. A summary of the OEOD and the discipline process, including the expected investigation timeline. Investigation will typically be completed within 60 business days from the date of the notice letter but can be extended for good cause by the Title IX Officer;
- f. A summary of the rights of the Complainant and Respondent, including the right to an advisor;
- g. A description of the resources available to Complainant and Respondent; and
- h. An admonition against intimidation or retaliation.

### 3. Investigative Process

OEOD will designate an investigator to conduct a fair, thorough, and impartial investigation.

#### a. Overview:

During the investigation, the Complainant and the Respondent will be provided an equal opportunity to meet with the investigator, submit information, and identify witnesses who may have relevant information.

Respondents who are employed by UCI are required to participate in the investigation; however, the University will not draw any adverse inferences from a Respondent's decision to remain silent (refuse to answer questions and provide information) during the investigation. The investigator will reach findings and conclusions based on the information available. An investigator may draw adverse inferences when a Respondent selectively participates in the process, such as choosing to answer some but not all questions posed.

The investigator will meet separately with the Complainant, the Respondent, and any third party witnesses who may have relevant information, and will gather other available and relevant information. The investigator may follow up with the Complainant or the Respondent as needed to clarify any

inconsistencies or new information gathered during the course of the investigation. At the conclusion of the investigation, but prior to the finalization of the investigative report, the Complainant and Respondent will be provided an opportunity to review the draft report and all relevant evidence collected. At this time the Complainant and Respondent will be permitted to provide any clarifications or corrections to be included as part of the investigative record.

Disclosure of facts to persons interviewed will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be asked to maintain confidentiality when essential to protect the integrity of the investigation.

The Complainant or the Respondent may have a support person and/or an advisor present when personally interviewed and at any related meeting. An advisor can be an attorney. During investigatory meetings, an advisor may act as a consultant for the Complainant or Respondent, however, an advisor may not speak on behalf of the Complainant or Respondent. If a Complainant or Respondent chooses to have an attorney as the advisor, they shall pay all fees, costs, and expenses for the retention of an attorney. A support person provides emotional support but does not speak on behalf of the Complainant or Respondent. At the discretion of the investigator, a support person or advisor may be excluded from investigatory meetings if their attendance would jeopardize the integrity of the investigation ie. if they are a witness or party to the complaint or have been identified as a potential safety threat. Witnesses may have a representative present at the discretion of the investigator or as required by University policy or collective bargaining agreement.

b. **Coordination with Law Enforcement:**

When a law enforcement agency is conducting its own investigation into the alleged conduct, the OEOD investigator will make reasonable efforts to coordinate fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed temporarily to meet specific needs of the criminal investigation.

4. **Investigation Report and Finding**

Following conclusion of the investigation, the OEOD investigator will prepare a written report. The written investigation report will include a statement of the allegations and issues, the positions of the parties, and a summary of the evidence.

If the Complainant or the Respondent offered witnesses or other evidence that was not relied upon by the investigator, the investigation report will explain why it was not relied upon.

The investigation report will include findings of fact and a determination regarding whether, applying the preponderance of the evidence standard, there is sufficient evidence to conclude that Respondent violated the Guidelines.

A finding that a faculty Respondent violated the Guidelines will establish probable cause as defined in the Code of Conduct. ([APM-015](#) at III.A.4.)

5. Notice of Investigation Outcome

Upon completion of the OEOD investigation report, OEOD will send to the Complainant and the Respondent a written notice of investigation outcome regarding whether a violation of the Guidelines was found. The notice of investigation outcome will generally (as allowed by policy, procedure, and law) be accompanied by a copy of the investigation report, which may be redacted as necessary to protect privacy rights.

OEOD will also send the notice of investigation outcome and accompanying investigation report to the Chancellor or Chancellor's designee, Academic Personnel or Human Resources, Respondent's supervisor(s) and/or Dean, and other appropriate administrative authority.

The notice of investigation outcome will include:

- a. A statement of whether a preponderance of the evidence demonstrated that Respondent violated the Guidelines;
- b. An admonition against intimidation or retaliation;
- c. An explanation of any interim measures that will remain in place;
- d. A statement that the Complainant and Respondent have an opportunity to respond:
  - in writing and/or in person to the Chancellor or Chancellor's designee in the case of Senate Faculty and Non-Senate Faculty; or
  - in writing to the Chancellor's designee and supervisor or other appropriate administrative authority for Non-Faculty Academic Personnel and Staff; and
- e. As appropriate, the notice will include a statement indicating whether it appears that further investigation by the Chancellor or Chancellor's designee or other appropriate body may be necessary to determine whether other violations of University policy or Code of Conduct occurred, separate from any allegations of Prohibited Conduct that were investigated.

In addition, if the investigation determined that a Respondent violated the Guidelines, the notice of investigation outcome will also include:

- a. For matters involving Senate Faculty Respondents:
  - (1) A statement that the finding that Respondent violated the Guidelines constitutes a finding of probable cause as defined in APM-015;

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(2) A statement that the investigation findings have been provided to the Chancellor's designee for decision regarding disciplinary action, including a statement that the Chancellor's designee will engage the Peer Review Committee to advise on appropriate resolution, which may include pursuing discipline in accordance with APM-016;

(3) A statement that the Complainant and the Respondent will be informed of the final resolution of the matter, including any discipline imposed, and a statement of the anticipated timeline.

b. For matters involving Non-Senate Faculty Respondents:

(1) A statement the investigation findings have been provided to the Chancellor's designee and the appropriate supervisor for decision regarding disciplinary action, including a statement that the Academic Personnel Office will be consulted to advise on appropriate resolution, which may include corrective action or termination in accordance APM-150;

(2) A statement that the Complainant and the Respondent will be informed of the final resolution of the matter, including any discipline imposed, and a statement of the anticipated timeline.

c. For matters involving Non-Faculty Academic Personnel Respondents:

(1) A statement that the investigation findings have been provided to the Chancellor's designee and the appropriate supervisor for decision regarding disciplinary action, including a statement that the supervisor or other appropriate administrative authority will propose a resolution, which may include corrective action or dismissal as described in APM-150, and that the proposal will be subject to review and approval by the Chancellor's designee;

(2) A statement that the Complainant and the Respondent will be informed of the final resolution of the matter, including any discipline imposed, and a statement of the anticipated timeline.

d. For matters involving PPSM-covered Staff Respondents:

(1) A statement that the investigation findings have been provided to the Chancellor's designee and the appropriate supervisor for decision regarding disciplinary action, including a statement that the supervisor will propose a resolution, which may include corrective action as defined by PPSM-62 or termination in accordance with PPSM-64, and that the proposal will be subject to review and approval by the Chancellor's designee;

(2) A statement that the Complainant and the Respondent will be informed of the final resolution of the matter, including any discipline imposed, and a statement of the anticipated timeline.

6. Timeframe for Completion of Investigation; Extension for Good Cause

The notice of investigation outcome and accompanying investigation report will be issued promptly, typically within sixty (60) business days of the date of the Formal Investigation notice letter, unless extended by the Title IX Officer for good cause, with written notice to the Complainant and the Respondent of the reason for the extension and the projected new timeline.

OEOD will keep the Complainant and the Respondent regularly informed concerning the status of the investigation, typically upon status changes in the investigation. Parties may contact their OEOD investigator at any time for status updates.

**IV. ASSESSMENT AND CONSULTATION (Stage 2)**

**A. Involving Senate and Non-Senate Faculty Respondent**

As the Chancellor's designee, the Vice Provost-Academic Personnel, has the authority and responsibility to decide what action to take in response to the findings of the OEOD investigation report. The Chancellor's designee may determine that additional investigation is required to determine whether other Code of Conduct violations occurred, but will not reinvestigate the allegations of Prohibited Conduct investigated by OEOD. The Chancellor's designee may consult with the OEOD, the Academic Personnel Office, or other appropriate entities at any time during the decision-making process.

1. Opportunity to Respond

The Chancellor's designee will offer the Complainant and the Respondent an opportunity to respond to the notice of investigation outcome and accompanying investigation report, either through an in-person meeting with the Chancellor's designee, a written statement to the Chancellor's designee, or both. Typically, this meeting will occur within 10 business days of the issuance of the Report of Findings.

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

2. Peer Review Committee for Senate Faculty

In the event that the OEOD investigation finds a Senate Faculty Respondent responsible for violating the Guidelines, the Chancellor's designee will engage the campus Peer Review Committee to advise on appropriate resolution.

The Peer Review Committee, composed of five (5) Senate faculty members nominated by the Academic Senate, will advise the Chancellor's designee regarding how to resolve the matter, including whether the Chancellor's designee should pursue a formal charge for violation of the Code of Conduct or pursue an early resolution. The Peer Review Committee should also provide advice on the appropriate discipline, other corrective, or remedial measures.

The Peer Review Committee will be engaged in all cases where the OEOD investigation has found a Senate Faculty Respondent has violated the Guidelines.

3. Consultation with Academic Personnel for Non-Senate Faculty  
In the event that the OEOD investigation finds a Non-Senate faculty Respondent responsible for violating the Guidelines, the Chancellor's designee and the respondent's supervisor will consult with the Academic Personnel Office. Such consultation, will occur in all cases where the OEOD investigation has found that the Non-Senate Faculty Respondent has violated the Guidelines.

## **B. Involving Staff and Non-Faculty Academic Respondent**

The Respondent's supervisor or other appropriate administrative authority has the responsibility to propose and implement action in response to the findings of the OEOD investigative report. The proposed decision by the supervisor or other appropriate administrative authority will be reviewed and approved by Chancellor's designee. The supervisor or other appropriate administrative authority may determine that additional investigation is required to determine whether violations of other policies occurred, but will not reinvestigate allegations of Prohibited Conduct investigated by OEOD. The Chancellor's designee, as well as the supervisor or other appropriate administrative authority, may consult with OEOD, Human Resources (for Staff cases), or the Academic Personnel Office (for cases involving Non-Faculty academics), or any other appropriate entities at any time during the decision-making process.

1. Opportunity to Respond  
The Complainant and the Respondent may respond to the notice of investigation outcome and accompanying investigation report through a written statement to the Respondent's supervisor and the Chancellor's designee. This response should be submitted by Complainant and/or Respondent to the Respondent's supervisor and the Chancellor's designee within 10 days of transmission of the investigative report to the parties.

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

2. **Decision Proposal and Submission for Approval**

In the event that the OEOD investigation finds the Respondent responsible for violating the Guidelines, the Respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor's designee for review and approval.

In the event the Chancellor's designee does not approve the proposed decision, they will send it back to the supervisor or other appropriate administrative authority for reconsideration and submission of a revised proposed decision.

In the event the Chancellor's designee approves the proposed decision, they will inform the supervisor or other appropriate administrative authority who will take steps to implement the approved decision.

This proposal and approval process will occur in all cases where the OEOD investigation has found the Respondent has violated the Guidelines pursuant to these procedures. Staff Human Resources or the Academic Personnel Office will be consulted throughout the process as appropriate.

**V. DECISION ON SANCTIONS / CORRECTIVE OR OTHER ACTIONS (Stage 3)**

**A. Involving SENATE FACULTY RESPONDENTS**

Following consultation with the Peer Review Committee, in accordance with APM-016, the Chancellor's designee will decide what action to take to resolve the matter.

As stated in APM-015, "The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the Respondent no later than three years after the Chancellor is deemed to have known about the alleged violation." As further stated in APM-015, "[f]or 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." (APM-015, Part III, A.3.)

1. No Formal Discipline

In the event the Chancellor's designee determines to resolve the matter without taking any formal disciplinary action, the Chancellor's designee will promptly, within a reasonable time in view of all of the facts and circumstances, communicate this decision and its rationale in writing to the Respondent and the Title IX Officer who in turn will communicate it to the Complainant.

2. Early Resolution

The Chancellor's designee can enter into an early resolution with the Respondent in accordance with APM 016. Early resolution may include disciplinary actions as well

as actions less than discipline to include education or training. An early resolution can be achieved at any time prior to the final imposition of discipline.

Subsequent to the Respondent agreeing to the terms of the early resolution, the Chancellor's designee will promptly, within a reasonable time in view of all of the facts and circumstances, inform the Title IX Officer, who will inform the Complainant in writing of those terms, including any discipline or other corrective or remedial measures, and the rationale for the terms.

If the matter has not been otherwise resolved within forty (40) business days, a charge will be filed with the Academic Senate's Privilege & Tenure Committee. A charge will not be held in abeyance or suspended while an early resolution is being pursued or finalized.

**3. Charge Filed with Academic Senate Privilege & Tenure Committee**

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

The Chancellor's designee will within a reasonable time in view of all of the facts and circumstances, inform the Title IX Officer that the charge has been filed. OEOD will promptly inform the Complainant in writing.

**4. Process Following the Filing of a Senate Charge**

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

The OEOD investigative report will be accepted as evidence in the Privilege and Tenure hearing. The Chancellor's designee will ensure that Complainant and Respondent receive regular updates regarding the status of the proceedings, generally when a status change occurs, directly or through OEOD as appropriate.

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

The Chancellor's designee will inform the Title IX Officer of the final decision on disciplinary action. OEOD will inform the Complainant in writing of the decision

regarding discipline and its rationale by the Academic Senate's Privilege and Tenure Committee, as appropriate.

## **B. Involving NON-SENATE FACULTY RESPONDENTS**

Following consultation with the Academic Personnel Office, and in accordance with APM-150, the Chancellor's designee shall decide what action to take to resolve the matter.

As stated in APM-015, "The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the Respondent no later than three years after the Chancellor is deemed to have known about the alleged violation." As further stated in APM-015, "[f]or 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." (APM-015, Part III, A.3.)

### 1. No Disciplinary Action

The Chancellor's designee may determine to resolve the matter without taking any disciplinary action or corrective action, the Chancellor's designee, in consultation with department chair and dean of the Respondent faculty, will promptly, within a reasonable time in view of all of the facts and circumstances, communicate this decision and its rationale in writing to the Respondent and the Title IX Officer who will then communicate it to the Complainant.

### 2. Informal Resolution

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

Subsequent to the Respondent agreeing to the terms of the informal resolution, the Chancellor's designee will promptly, within a reasonable time in view of all of the facts and circumstances, inform the Title IX Officer in writing of those terms, including any discipline or other corrective or remedial measures, and the rationale for these terms, who will in turn inform the Complainant.

### 3. Disciplinary Action

In consultation with department chair and dean of the Respondent faculty, a corrective action, including termination, can be implemented in accordance with APM-150.

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

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

Subsequent to any final decision, the Chancellor's designee will promptly inform the Title IX Officer of the decision, including any final decision on discipline and its rationale, who will in turn inform the Complainant in writing.

### **C. Involving Non-Faculty Academic Personnel Respondents**

Following approval by the Chancellor's designee, the Respondent's supervisor or other appropriate administrative authority will implement the approved action in accordance with APM-150.

1. No Further Action:

The supervisor may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated in writing by the supervisor to the Respondent and to the Title IX Officer who will in turn communicate the decision in writing to the Complainant.

2. Informal Resolution

The supervisor or appropriate administrative authority may propose an informal resolution in accordance with APM-150, which may include discipline and/or other corrective or remedial measures. The proposed informal resolution and its terms will be reviewed by the Chancellor's designee for approval. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

In the event the informal resolution is approved and agreed to by the Chancellor's designee and the Respondent, the Title IX Officer will be promptly informed in writing by the supervisor of its terms and the rationale. In turn, OEOD will promptly inform the Complainant.

3. Disciplinary Action

The supervisor or other appropriate administrative authority may propose to implement corrective action, including termination, in accordance with APM-150. The proposed terms of the disciplinary action shall be reviewed by the Chancellor's designee for approval.

Following the provision of a notice of intent, corrective action or termination will be implemented in accordance with APM-150. The terms of the implemented action and its rationale will be promptly communicated in writing to the Respondent and the Title IX Officer, who will in turn communicate the action and rationale in writing to the Complainant.

In the event that a Non-Faculty Academic appointee Respondent submits a grievance under [APM-140](#), the Chancellor's designee will ensure that the Complainant receive regular updates, generally when a status change occurs, regarding the status of the grievance.

Subsequent to any final decision, the Chancellor's designee will promptly inform the Title IX Officer in writing of the decision, including any final decision on discipline and its rationale. OEOD will inform the Complainant of the decision and rationale.

#### **D. Involving Staff Respondents**

Following approval by the Chancellor's designee, the Respondent's supervisor will implement the approved decision in accordance with applicable PPSMs, including PPSM-62 and PPSM-64.

1. No Further Action

The supervisor may propose to resolve the matter without taking disciplinary action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated in writing by the supervisor to the Respondent and the Title IX Officer, who will in turn communicate it in writing to the Complainant.

2. Action Not Requiring Notice of Intent

The supervisor may propose corrective or remedial actions that do not amount to corrective action as defined by PPSM 62 or termination under PPSM 64. The proposed actions will be reviewed by the Chancellor's designee for approval.

In the event it is approved, the decision will be implemented by the supervisor and the decision and its terms and rationale will be promptly communicated in writing by the supervisor to the Respondent and the Title IX Officer, who will in turn communicate it in writing to the Complainant.

3. Disciplinary Action

The supervisor may propose to institute corrective action or notice of intent to terminate. The proposed terms of the discipline will be reviewed by the Chancellor's

designee for approval. The corrective action will be taken in accordance with PPSM-62 and/or actions to terminate will be taken in accordance with PPSM-64. The terms of the implemented action and its rationale will be promptly communicated in writing by the supervisor to the Title IX Officer, who will communicate it to the Complainant.

Following the provision of a notice of intent, corrective action will be taken in accordance with PPSM-62 and/or actions to terminate will be taken in accordance with PPSM-64. The terms of the implemented action and its rationale will be promptly communicated in writing by the supervisor to the Respondent and the Title IX Officer, who will communicate it to the Complainant.

In the event that a PPSM-covered Respondent submits a complaint and/or grieves the disciplinary action under [PPSM-70](#), the Chancellor's designee will ensure that both the Complainant and the Respondent receive regular updates, generally when a status change occurs, regarding the status of the complaint or grievance.

Subsequent to any final decision, the Chancellor's designee will promptly inform the Title IX Officer in writing of the decision, including any final decision on discipline and its rationale. OEOD will inform the Complainant of the decision and rationale.

#### **E. Timeframe for Implementation of Decision; Extension for Good Cause**

##### **1. Involving Senate Faculty**

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

Extensions to this timeline may be granted by the Chancellor for good cause with written notice to the complainant and respondent stating the reason for the extension and the projected new timeline.

##### **2. Involving Non-Senate Faculty**

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

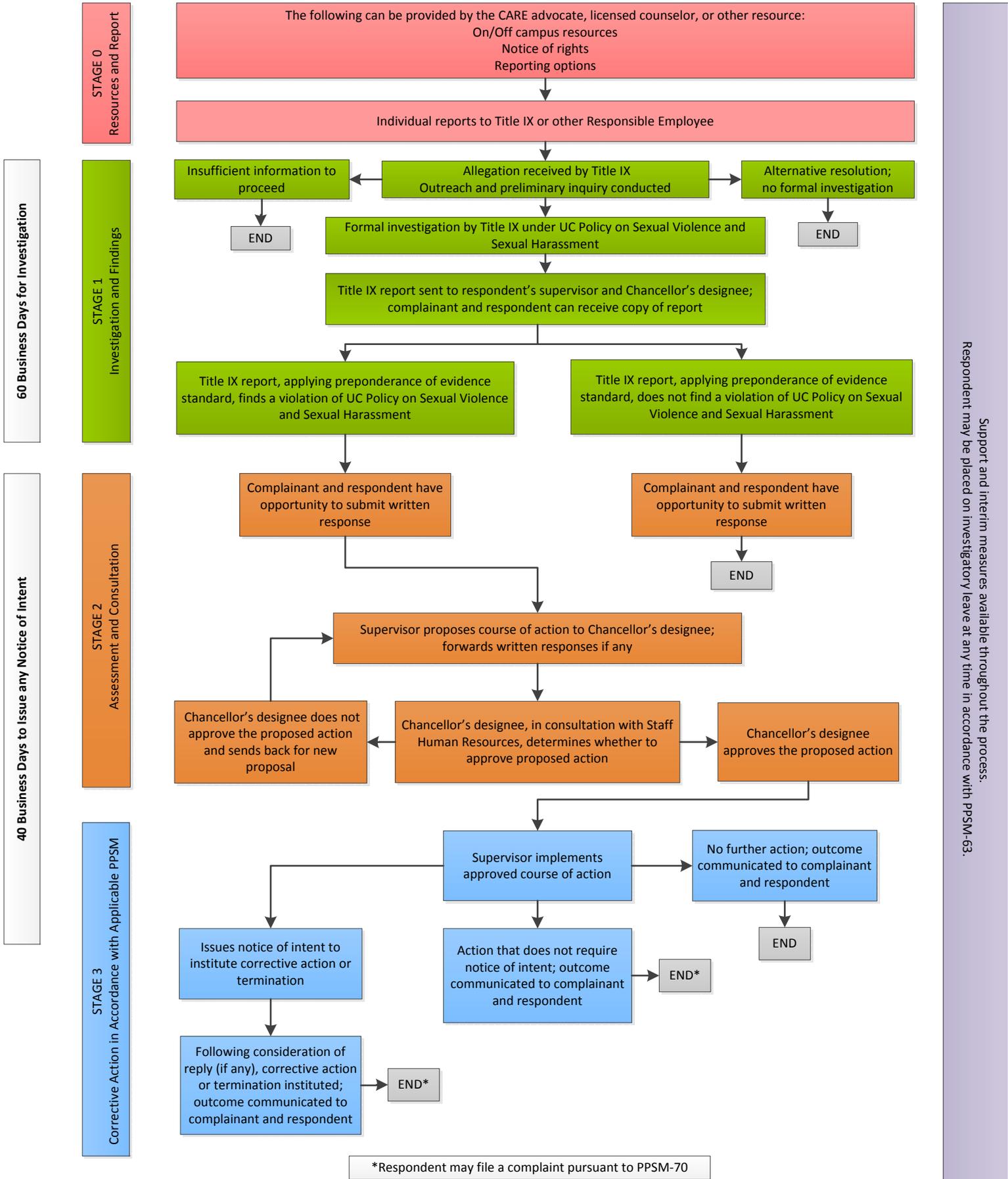
##### **3. Extensions to this timeline may be granted by the Chancellor for good cause with written notice to the complainant and respondent stating the reason for the extension and the projected new timeline.**

4. Staff, Non-Faculty Academic Personnel

The supervisor or other appropriate administrative authority should implement the approved decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, a notice of intent will be issued.

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

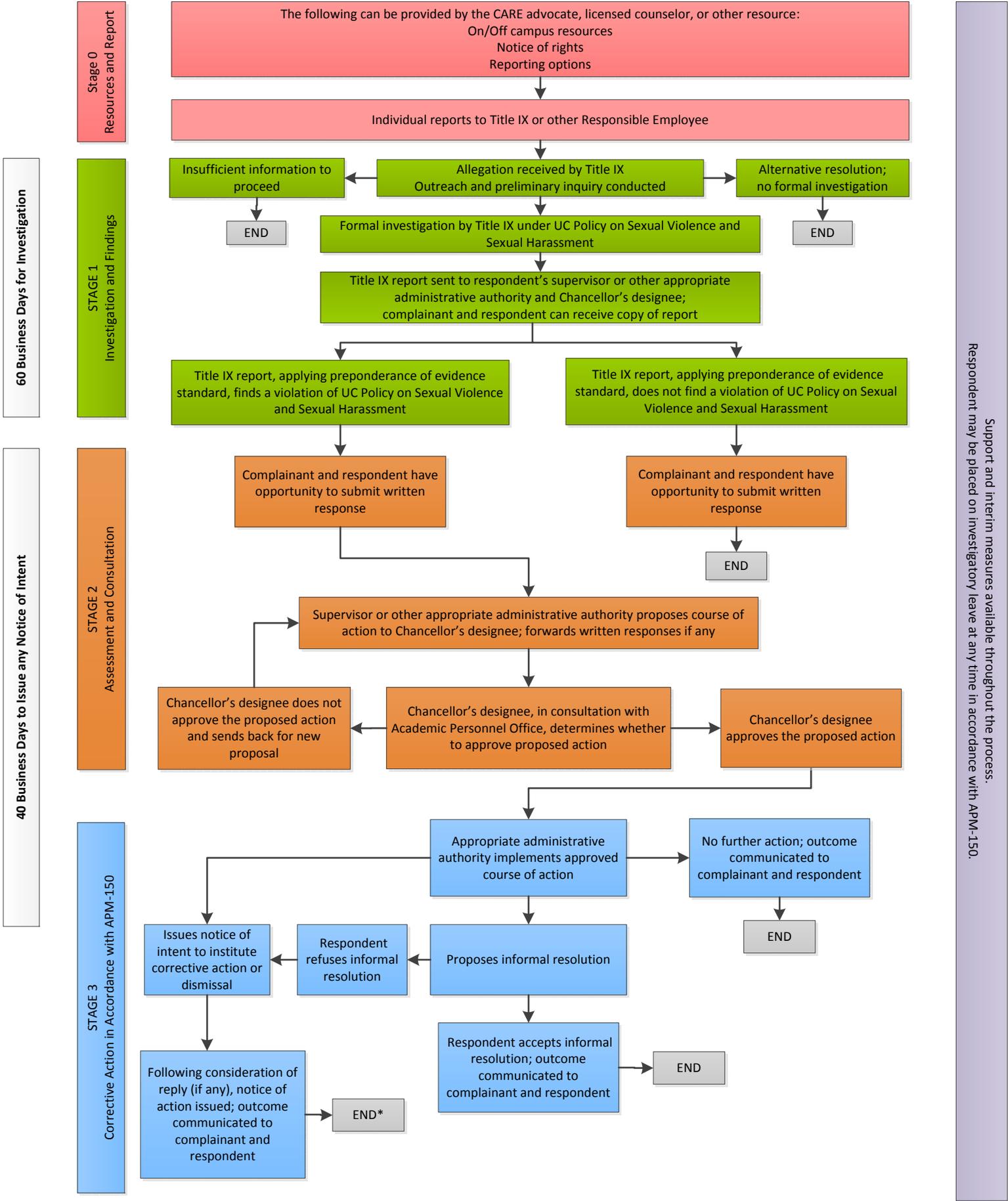
UNIVERSITY OF CALIFORNIA  
PPSM-COVERED STAFF ADJUDICATION MODEL – PROCESS FLOW CHART



\*Respondent may file a complaint pursuant to PPSM-70

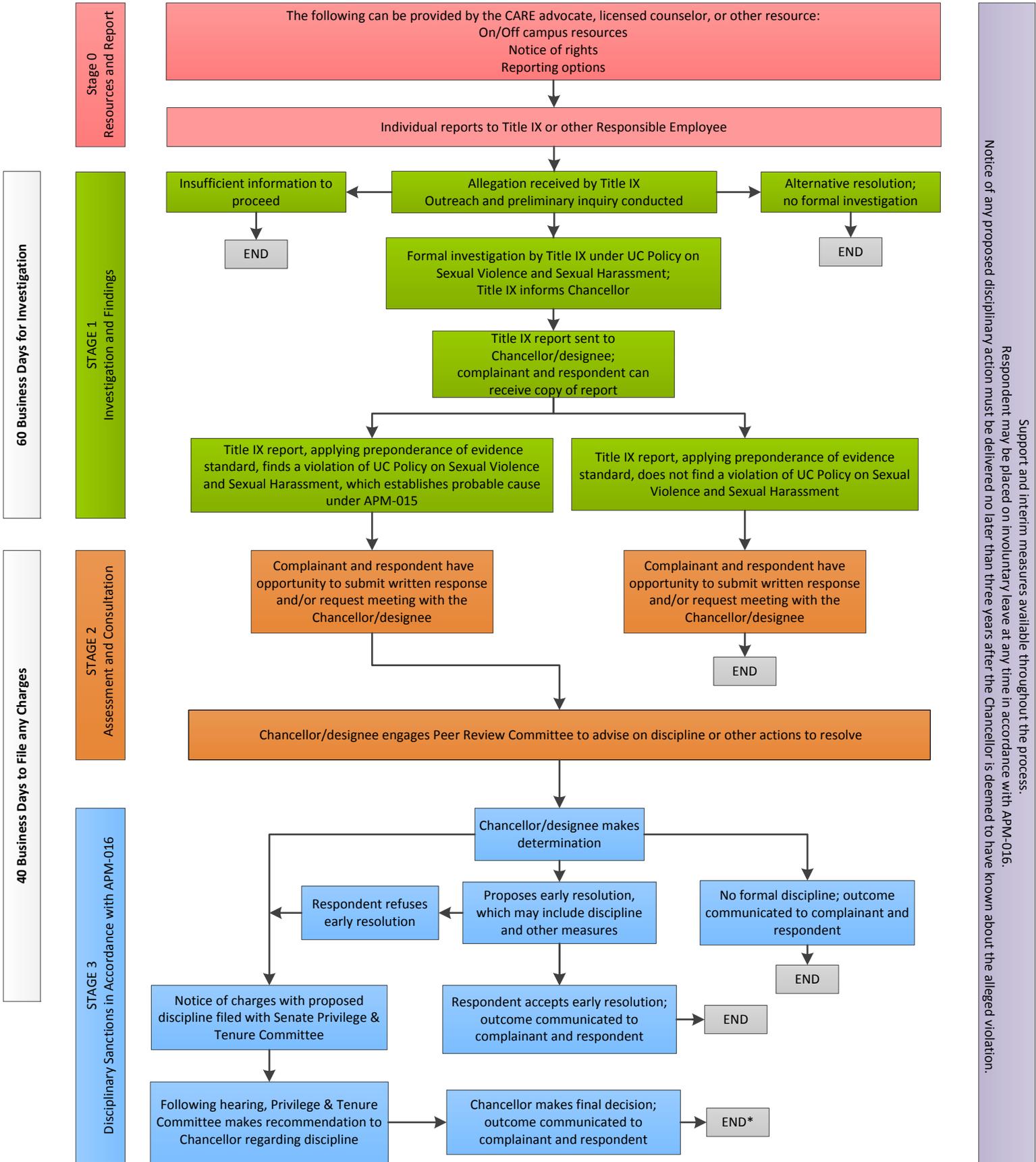
Support and interim measures available throughout the process.  
Respondent may be placed on investigatory leave at any time in accordance with PPSM-63.

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NON-FACULTY (NON-REPRESENTED) ACADEMIC PERSONNEL ADJUDICATION MODEL – PROCESS FLOW CHART



\*Respondent may grieve decision pursuant to APM-140.

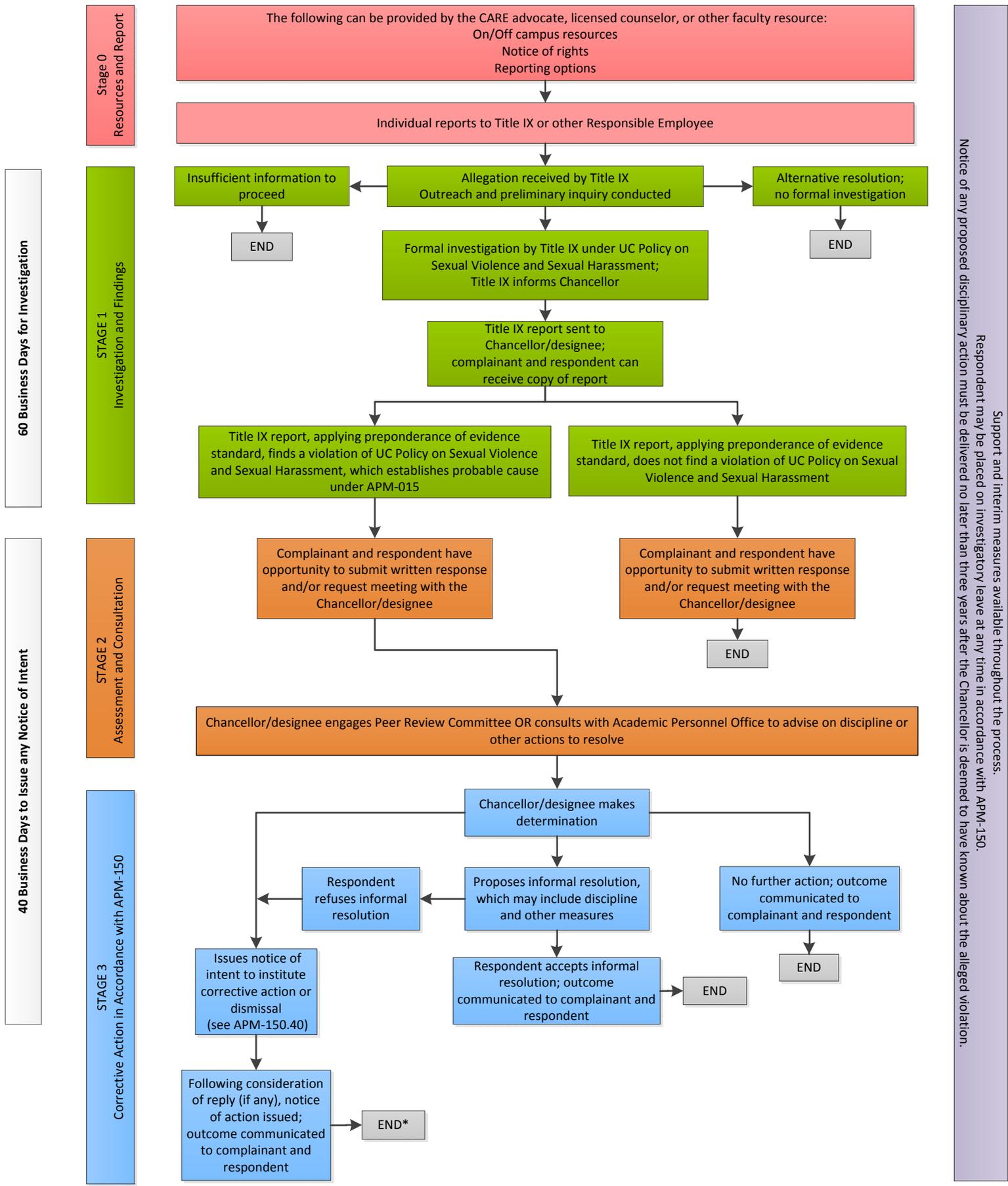
Support and Interim measures available throughout the process. Respondent may be placed on investigatory leave at any time in accordance with APM-150.



\*See APM-016 regarding dismissal of faculty respondent with tenure or security of employment

Support and interim measures available throughout the process. Respondent may be placed on involuntary leave at any time in accordance with APM-016. Notice of any proposed disciplinary action must be delivered no later than three years after the Chancellor is deemed to have known about the alleged violation.

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NON-SENATE (NON-REPRESENTED) FACULTY ADJUDICATION MODEL – PROCESS FLOW CHART



Support and interim measures available throughout the process. Respondent may be placed on investigatory leave at any time in accordance with APM-150. Notice of any proposed disciplinary action must be delivered no later than three years after the Chancellor is deemed to have known about the alleged violation.

\*Respondent may grieve decision pursuant to APM-140