

**FILE**

January 12, 2009

\* Faculty Conduct  
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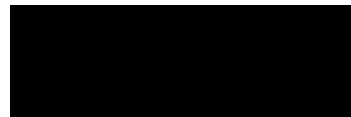
**VICE PROVOST ACADEMIC AFFAIRS AND FACULTY WELFARE**

**RE: Delegation of Authority for the Faculty Code of Conduct and Disciplinary Procedures for the Berkeley Campus**

I am delegating to the Vice Provost for Academic Affairs and Faculty Welfare the authority to act on all matters vested in the Executive Vice Chancellor and Provost under the Disciplinary Procedures and Sanctions section of the Faculty Code of Conduct and Disciplinary Procedures for the Berkeley Campus ([http://apo.chance.berkeley.edu/faculty\\_misconduct\\_015.pdf](http://apo.chance.berkeley.edu/faculty_misconduct_015.pdf)). This delegation includes authority to designate an investigative officer, review the investigative report, decide whether to lodge a formal complaint, negotiate a settlement and file a complaint with the committee on Privilege and Tenure. For proceedings governed by Academic Senate Bylaw 336, references to the Chancellor's designee shall be interpreted as referring to the Vice Provost for Academic Affairs and Faculty Welfare.

This delegation is effective immediately and supersedes all previous delegations regarding these matters. This authority can not be further re-delegated.

Sincerely,



George W. Breslauer  
Executive Vice Chancellor and  
Provost

cc: Chancellor Robert J. Birgeneau

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## DISCIPLINARY PROCEDURES AND SANCTIONS

1. (a) Along with APM 015 and 016, the following procedures shall govern the discipline of members of the faculty and, except as herein otherwise provided, no discipline of any type shall be imposed on a member of the faculty except in accordance with these procedures.
  - (b) The following disciplinary sanctions are authorized in the University Policy on Faculty Conduct and the Administration of Discipline: written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the University. (APM-016.)
  - (c) Communications to faculty members by department chairs or comparable officers of administration, not authorized to impose disciplinary sanctions, shall not be subject to these procedures.
  - (d) These procedures are also inapplicable to communications by administrators at a level higher than department chairs which are not disciplinary sanctions; a faculty member who receives a communication from such an administrator which has not gone through these procedures shall not be regarded, for any purpose, as having been disciplined by such communication.
  - (e) Actions which do not constitute discipline, e.g., those described in subparagraphs (c) and (d) above, failure to reappoint at the expiration of a term appointment, and which are therefore not subject to these procedures may nevertheless provide the occasion for a claim of violation of privilege or tenure under Senate Bylaw 337.
  - (f) Allegations of faculty misconduct shall be lodged with the Executive Vice Chancellor and Provost (EVCP), and may be made by any member of the University community—faculty, staff, students, and administrators.
  - (g) Consistent with Senate Bylaw 336(B)(4), no disciplinary action may commence if more than three years have passed between the time when the Chancellor or the Chancellor's designee knew or should have known about the alleged violation of the Faculty Code of Conduct and the delivery of the notice of proposed disciplinary action.
2. (a) The Berkeley Division shall maintain a Panel of Counselors, consisting of a chair and four to seven members of the faculty appointed by the Committee on Committees. The chair shall, if feasible, be a former member of the Committee on Privilege and Tenure (P & T).
  - (b) Members of the Panel of Counselors shall serve as mediators in disciplinary cases as set forth in paragraph 9 below.