



UCIIRVINE | UNIVERSITY
of CALIFORNIA

GUIDELINES FOR REPORTING AND RESPONDING TO REPORTS OF DISCRIMINATION AND HARASSMENT

**UNIVERSITY OF CALIFORNIA, IRVINE
ADMINISTRATIVE POLICIES AND PROCEDURES, Sec. 700-18**

OEOD

OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY

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Committed to Inclusive Excellence

The Office of Equal Opportunity and Diversity (OEOD) is a neutral office charged with coordinating the University's compliance with federal and state laws and University policies and procedures related to discrimination, harassment, and sexual offenses. Part of that responsibility includes responding to both formal and informal complaints of discrimination based on **race, color, national origin, religion, sex, gender, gender identity, gender expression, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services**, including sexual harassment, sexual offense, and retaliation related to a complaints of discrimination.

I encourage you to read through the information contained in this packet to learn more about your rights and responsibilities, as well as the University's commitment to creating and maintaining an environment in which all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of discrimination and harassment.

The Guidelines contained in this packet, as well as additional information about our policies, processes and services are also available our on OEOD website, www.oeod.uci.edu.

If you have any questions, please feel free to contact the Office of Equal Opportunity & Diversity at (949) 824-5594 or OEOD@uci.edu.

Sincerely,

Kirsten K. Quanbeck
Associate Vice Chancellor & Director
Office of Equal Opportunity & Diversity

BUSINESS AND FINANCIAL AFFAIRS

General Administration

Sec. 700-18: Guidelines for Reporting and Responding to Reports of Discrimination and Harassment

Responsible Office: Office of Equal Opportunity and Diversity (OEOD)

Revised: May 1, 2014

References / Resources

[California Government Code 12950.1](#)
[Department of Fair Employment and Housing \(DFEH\)](#)
[Equal Employment Opportunity Commission \(EEOC\)](#)
[U.S. Department of Education](#)

University of California
[Policy on Sexual Harassment and Sexual Violence](#)
[Nondiscrimination & Affirmative Action Policy Regarding Academic & Staff Employment](#)
[Nondiscrimination & Affirmative Action Policy Statement for University of California](#)
[Publications Regarding Employment Practices](#)

UC Academic Personnel Manual
[APM-015](#) Faculty Code of Conduct

UC Business and Finance Bulletin
[RMP-8](#) Legal Requirements on Privacy of and Access to Information

UCI Implementation of UC Policies Applying to Campus Activities, Organizations, and Students (PACAOS)
[Code of Student Conduct 102.09](#)
[Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#)
[Student Conduct Process for Discrimination, Harassment and Sex Offenses](#)

UCI Administrative Policies & Procedures
[Section 700-16](#) Policy on Conflicts of Interest Created By Consensual Relationships
[Section 700-17](#) Guidelines for Reporting and Responding to Reports of Sex Offenses

[Discrimination and Harassment Complaint Investigation Procedures Chart](#)

Contact: [Office of Equal Opportunity and Diversity \(OEOD\)](#) at 949-824-5594 or oeod@uci.edu

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A. University Policy

UC Irvine is committed to creating and maintaining an environment in which all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of discrimination and harassment. Such behavior is prohibited by law and University policy. The University will respond promptly and effectively to reports of discrimination and harassment, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates University policy and these Guidelines.

Conduct by an employee that is discrimination or harassment on a protected basis in violation of these Guidelines is considered to be outside the course and scope of employment.

In addition, it is the policy of the University to undertake affirmative action, consistent with its obligations as a Federal contractor, for minorities and women, for persons with disabilities, and for protected veterans. Protected veterans include veterans with disabilities, recently separated veterans, Vietnam era veterans, veterans who served on active duty in the U.S. Military, Ground, Naval or Air Service during a war or in a campaign or expedition for which a campaign badge has been authorized, or Armed Forces services medal veterans.

B. Purpose and Application

These Guidelines apply to all members of the UCI community, including faculty and other academic personnel, staff and other employees, students, and those participating in University programs. These Guidelines (1) implement the [UC Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#), the [UC Nondiscrimination & Affirmative Action Policy Regarding Academic & Staff Employment](#), and the sexual harassment portion of the [UC Policy on Sexual Harassment and Sexual Violence](#); and (2) provide a process through which all members of the University community may report alleged discrimination or harassment or other conduct that violates the policies implemented by Guidelines.

These Guidelines also cover reports of retaliation related to reports of discrimination or harassment and reports of making intentionally false complaints or providing information to University officials in connection with a report of discrimination or harassment.

These Guidelines cover unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies. These Guidelines may be used to report violations of [Section 700-16](#), Policy on Conflicts of Interest Created by Consensual Relations, and/or violations of [APM 015, Part II.A.6 & 7, Faculty Code of Conduct](#). While romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence.

These Guidelines **do not** apply to reports of sex offenses, including sexual assault, domestic violence, dating violence and stalking. Such complaints are addressed in [Section 700-17](#), Guidelines for Reporting and Responding to Reports of Sex Offenses.

C. Responsibilities and Resources

1. Director, Office of Equal Opportunity and Diversity (OEOD Director)

The OEOD Director ensures the University's compliance with nondiscrimination and affirmative action policies. Responsibilities include the following duties which may be reassigned:

- Plan and manage nondiscrimination, diversity, and affirmative action education and training programs that will disseminate policy information to the UCI community; provide educational materials that promote policy compliance and familiarity with local reporting procedures; and inform employees of their responsibility to report or respond to reports of discrimination.
- Develop and implement procedures for a prompt and effective response to reports of discrimination.
- Maintain records of reports of discrimination and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary actions. Identify and address patterns or systemic problems that arise during the review of discrimination or harassment complaints.
- Prepare and maintain an annual affirmative action plan which must be approved by Office of the President and Office of General Counsel before it is implemented.
- Review and employ policies, procedures and actions for compliance with the University's nondiscrimination and affirmative action policies.

2. **Title IX Compliance Coordinator / Sexual Harassment Officer (Title IX Officer)**

UCI has designated the OEOD Director as its Title IX Officer. Responsibilities include the following duties which may be reassigned:

- Plan and manage the sexual harassment prevention education and training programs for the UCI community. Programs will disseminate policy information to the UCI community; provide educational materials that promote policy compliance and familiarity with local reporting procedures; and inform employees of their responsibility to report or respond to reports of sexual harassment. Consistent with [California Government Code 12950.1](#), sexual harassment training and education will be provided to every supervisory employee.
- Provide a prompt and effective response to reports of sexual harassment.
- Maintain records of reports of sexual harassment, and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary actions. Identify and address patterns or systemic problems that arise during the review of sexual harassment complaints.

3. **Sexual Harassment Advisors (SHAs)**

SHAs are faculty and staff who are trained to assist anyone with concerns about behavior that may be considered sexual harassment. They are listed on the [OEOD](#) website and report to the Title IX Officer. SHAs have knowledge of the applicable laws, University policies, options available for complaint resolution, and confidentiality requirements. As an information resource, they will:

- Provide relevant policy and contact information
- Explain the difference between an informal and a formal complaint
- Share information on options, including mediation, which may be chosen without filing a formal complaint
- Discuss confidentiality and the "need to know" basis of sharing information
- Encourage the reporting of criminal acts
- Inform and consult with the Title IX Officer.

4. **Administrator Responsibilities**

Administrators are responsible for understanding and implementing relevant policies and guidelines, and for ensuring that their units are free of discrimination and harassment . This includes the Chancellor, Vice Chancellors, Deans, Directors, academic department chairs, and administrative department heads. These employees are obliged to respond to reports, even if the individual making the report requests that no action be taken. Any manager, supervisor or designated employee responsible for reporting or responding to a report, and who knew about an incident and took no action to stop it or failed to report it, may be subject to disciplinary action.

5. **Resources for Confidential Consultation**

Confidential resources are available to anyone considering making a report. These resources provide a place where information can be obtained in a safe place, where concerns can be discussed and a Complainant can learn about procedures and potential outcomes while remaining anonymous. When consulting with confidential resources, individuals will be advised that their discussions in these settings are not considered reports and that, without their additional action, the University will not take any action to resolve their concerns.

Counseling Center - licensed counselors (949) 824-6457
Office of the Ombuds - licensed counselors (949) 824-7256
Faculty and Staff Conflict Resolution Services (949) 824-8355
Cascade Center Employee Assistance Program (800-433-2320)

Other resources can be found on the [OEOD](#) website.

D. Definitions

1. **Discrimination** is defined as unequal treatment of an individual or group of people based upon race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services where there is no legitimate reason for such treatment.
2. **Harassment**, on any of the bases set forth above in the definition of discrimination, is defined as unwelcome conduct, including verbal, nonverbal, or physical conduct, that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive.

- a. **Incidents Between Any Members of the UCI Community**

Such prohibited harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients). Such prohibited harassment may occur in hierarchical relationships, between peers, or between individuals of the same protected groups or dissimilar protected groups. For example, a complaint of harassment on the basis of religion could involve members of the same religious affiliation or different religious affiliations. To determine whether the reported conduct constitutes harassment on a protected basis, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

b. Incidences Between Students

Consistent with the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09, harassment of one student by another student is defined as unwelcome conduct on a protected basis that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities. For harassment between students outside of employment, this definition applies.

3. **Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive. The University will respond to reports of any such conduct in accordance with these Guidelines.

a. Incidences Between Any Members of the UCI Community

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

b. Incidences Between Students

Consistent with the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09, harassment of one student by another student is defined as unwelcome conduct of a sexual nature that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities. For sexual harassment between students outside of employment, this definition applies.

E. Response to Reports of Harassment and Discrimination

These Guidelines are designed to provide a prompt and effective response to reports of discrimination and harassment. A prompt and effective response may include early resolution, formal investigation, and/or targeted training or educational programs. Interim measures may be taken as appropriate.

Upon a finding of discrimination or harassment on a protected basis, the University may offer remedies to the individual or individuals harmed by the discrimination or harassment. Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions, such as changes in academic, living, transportation, or working situations.

Any member of the University community who is found to have engaged in discrimination or harassment on a protected basis is subject to disciplinary action up to and including dismissal in accordance with the applicable [University disciplinary procedure](#) or other University policy. Generally, disciplinary action will be recommended when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs.

F. Retaliation

These Guidelines prohibit retaliation against a person who reports discrimination or harassment on a protected basis, assists someone with such a report, or participates in any manner in an investigation or resolution of a report of discrimination or harassment on a protected basis. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

G. Intentionally False Reports

Because complaints of discrimination or harassment may involve interactions between persons that are not witnessed by others, reports of discrimination or harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting discrimination or harassment under these Guidelines.

However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action under applicable [University disciplinary procedures](#) or other University policy. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

H. Free Speech and Academic Freedom

As participants in a public university, the faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. These Guidelines are intended to protect members of the University community from discrimination, not to regulate protected speech. These Guidelines shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of these Guidelines shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

I. Additional Enforcement Information

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate complaints of unlawful discrimination or harassment in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful discrimination or harassment of students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC, DFEH or OCR. Contact information for these agencies can be found on the [OEOD](#) website.

J. Reporting and Responding to Reports of Harassment and Discrimination

1. Reporting Harassment or Discrimination

All members of the University community are encouraged to report conduct they observe or encounter that may be subject to these Guidelines. This includes conduct by employees, students, or third parties.

Reports of alleged harassment or discrimination may be made in any of the following ways:

- By telephone by calling the Office of Equal Opportunity and Diversity (OEOD) at (949) 824-5594 or (949) 824-7593 TDD
- In person by visiting the OEOD office, located at 103 Multipurpose Science and Technology Building (MSTB)
- Online by visiting the [OEOD](#) website

Reports may also be brought to any manager or supervisor. If the person to whom discrimination or harassment would normally be reported is the individual accused of discrimination or harassment, reports may be made to another manager or supervisor. Managers or supervisors are required to notify OEOD to review and investigate reports of discrimination or harassment when they receive a report. Any manager or supervisor responsible for reporting or responding to discrimination or harassment who knew about the incident and took no action to stop it or failed to report the prohibited act may be subject to disciplinary action.

Reports of discrimination or harassment should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting, prompt reporting will better enable the University to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report may impede the University's ability to conduct an investigation and/or to take appropriate remedial actions. Reports may be made anonymously; however, anonymous reporting may limit the University's ability to respond to the report.

2. **Options for Resolution**

Individuals reporting harassment or discrimination will be provided with a copy of these Guidelines, which set forth options for resolution and include policies relating to privacy and confidentiality of reports.

Individuals reporting discrimination or harassment will be informed about the range of possible outcomes, including interim protections, remedies for the individual harmed by the harassment or discrimination, and disciplinary actions that might be taken against the respondent as a result of the report, including information about the procedures leading to such outcomes.

a. **Early Resolution**

The goal of Early Resolution is to resolve concerns at the earliest stage possible with the cooperation of all parties involved. Early Resolution options may be appropriate when the parties desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Participation in the Early Resolution process is voluntary. Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution are flexible and encompass a full range of possible appropriate outcomes. Early Resolution includes options such as

mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense. Early Resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively. Early Resolution may be appropriate for responding to anonymous reports and/or third party reports. Agreements reached through Early Resolution efforts are documented.

While the University encourages early resolution of a complaint, the University does not require that parties participate in Early Resolution. Some reports of discrimination or harassment may not be appropriate for Early Resolution, but may require a formal investigation at the discretion of the OEOD Director (see “Procedures for Formal Investigation” below). A Complainant who has requested Early Resolution may request a formal investigation at any time during the resolution process. The University will not compel a Complainant to engage in mediation.

b. Formal Investigation

In response to reports of discrimination or harassment in cases where Early Resolution is inappropriate (such as when the facts are in dispute in reports of serious misconduct, or when reports involve individuals with a pattern of inappropriate behavior or allege criminal acts such as physical assault) or in cases where Early Resolution is unsuccessful, the individual making the report may file a written request for Formal Investigation. [Accommodations shall be provided for complainants unable to make a written request for Formal Investigation due to a disability. Personal information included in a written request for Formal Investigation may be redacted.] In the decision to initiate a Formal Investigation of a report of discrimination or harassment, the wishes of the individual making the request will be considered, but are not determinative.

In cases where a Complainant states he or she does not want to pursue a Formal Investigation, the Complainant will be informed that the ability to investigate may be limited. Even if a Complainant does not want to pursue an investigation, under some circumstances, OEOD may have an obligation to investigate a complaint, such as when there is a risk to the campus community if the Respondent remains on campus. In cases where OEOD learns of potential discrimination or harassment from third parties, such as the media, witnesses, or an anonymous report, OEOD has the discretion to initiate a Formal Investigation, after considering the source and nature of the information, the seriousness of the alleged incident, the specificity of the information, the objectivity and credibility of the source of the report, and the ability to effectively gather evidence, including obtaining cooperation from the recipient of the alleged conduct and

witnesses.

OEOD may decline to initiate a Formal Investigation despite a complainant's request if OEOD concludes, in its judgment, that the facts as alleged by the complainant and/or as found by a preliminary inquiry demonstrate that the alleged conduct does not meet the standards for discrimination or harassment under University policy or federal or state law.

In order to provide a prompt, fair and impartial investigation and resolution, any Formal Investigation of reports of discrimination or harassment incorporate the following standards:

- i. The individual(s) accused of conduct violating the University Nondiscrimination or Sexual Harassment policies (Respondent) is provided a copy of the written request for Formal Investigation or otherwise given a full and complete written statement of the allegations, and a copy of the appropriate policy and these Guidelines within a reasonable period of time following initiation of the investigation, typically within seven (7) working days.
- ii. The investigation generally includes interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses is limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of the investigation.
- iii. Upon request, the Complainant and the Respondent may each have a representative present when they are interviewed. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy or collective bargaining agreement. Any representative may not obstruct or impede the interview.
- iv. At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate University officials, such as senior supervisors, Office of Student Conduct, or other administrators who have authority over the recommended remedy. These protections or remedies may include separating the parties, placing limitations on contact between parties, or making alternative working or student housing arrangements. Failure on the part of a student or employee to comply with the terms of interim protections or remedies may be considered a separate violation of these Guidelines. The final decision on whether to implement interim protections or remedies rests with the responsible University officials, not OEOD. A decision to implement interim protections or remedies does not

constitute a finding or evidence of a violation of policy and shall not be admitted or construed as such in any official proceeding. To the extent interim remedies are provided, they are done so in a manner to minimize impact on the parties.

- v. The investigator shall apply a preponderance of evidence standard to determine whether there has been a violation of these Guidelines.
 - vi. The investigation shall be completed as promptly as possible. Generally, OEOD expects that most investigations will be completed within 60 business days of the date the request for Formal Investigation was filed.
 - vii. An investigation results in a written report that includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, a determination by the investigator as to whether these Guidelines have been violated and a statement of the standard of proof used to make that determination. The report will be submitted to a designated University official with authority to implement the actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances, and/or disciplinary actions.
 - viii. The Complainant and the Respondent will be informed promptly in writing when the investigation is completed. The Complainant will be informed whether there were findings made that University policy was violated and of actions taken to resolve the complaint, if any, that are directly related to the Complainant, such as an order that the Respondent not contact the Complainant. In accordance with University policies protecting individuals' privacy, the Complainant may generally be notified that the matter has been referred for disciplinary action, but will not be informed of the details of the recommended disciplinary action without the consent of the Respondent.
 - ix. The Complainant and the Respondent may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information (see UC Business & Finance Manual, RMP-8). However, the report will be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report in accordance with University policy.
 - x. Within 15 working days of taking corrective action and/or disciplinary action against the Respondent, or a decision not to take any action, the appropriate University official(s) shall provide written notification to the OEOD Director of the action or decision, including the results of any appeals.
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K. Complaints or Grievances Involving Allegations of Harassment or Discrimination

In addition to making a report to OEOD, an employee who believes that he or she has been subjected to discrimination or harassment may file a complaint or grievance pursuant to an [applicable complaint resolution or grievance procedure](#), such as under a collective bargaining agreement. A complaint or grievance alleging discrimination or harassment must meet all the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing.

If an employee files a complaint or grievance alleging harassment or discrimination pursuant to an applicable complaint resolution or grievance procedure and also makes a report of the same alleged conduct to OEOD, the complaint or grievance will be held in abeyance, subject to the requirements of any applicable complaint resolution or grievance procedure, pending the outcome of OEOD's Early Resolution and/or Formal Investigation procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution and Formal Investigation may constitute the first step or steps of the applicable complaint resolution or grievance procedures.

L. Remedies and Referral to Disciplinary Procedures

Findings of violations under these Guidelines may be considered in determining remedies for individuals harmed by the discrimination or harassment, and violators will be referred to [applicable disciplinary procedures](#). Procedures under these Guidelines will be coordinated with applicable complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible. Violations of University policies include, among other things, engaging in discriminatory or harassing behavior, retaliating against a complainant reporting discrimination or harassment, violating interim protections, filing intentionally false charges of discrimination or harassment, or making intentionally false statements to investigators. Investigative reports made pursuant to these Procedures may be used as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

M. Privacy

The University shall protect the privacy of individuals involved in a report of discrimination, harassment, or retaliation to the extent required by law and University policy. Such reports may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of discrimination or harassment. An individual who has made a report may be advised of sanctions imposed against the respondent when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). However, information regarding disciplinary action taken against the Respondent will not be disclosed without the Respondent's consent, unless it is necessary to ensure compliance with the action or the safety of individuals.

N. Confidentiality of Reports

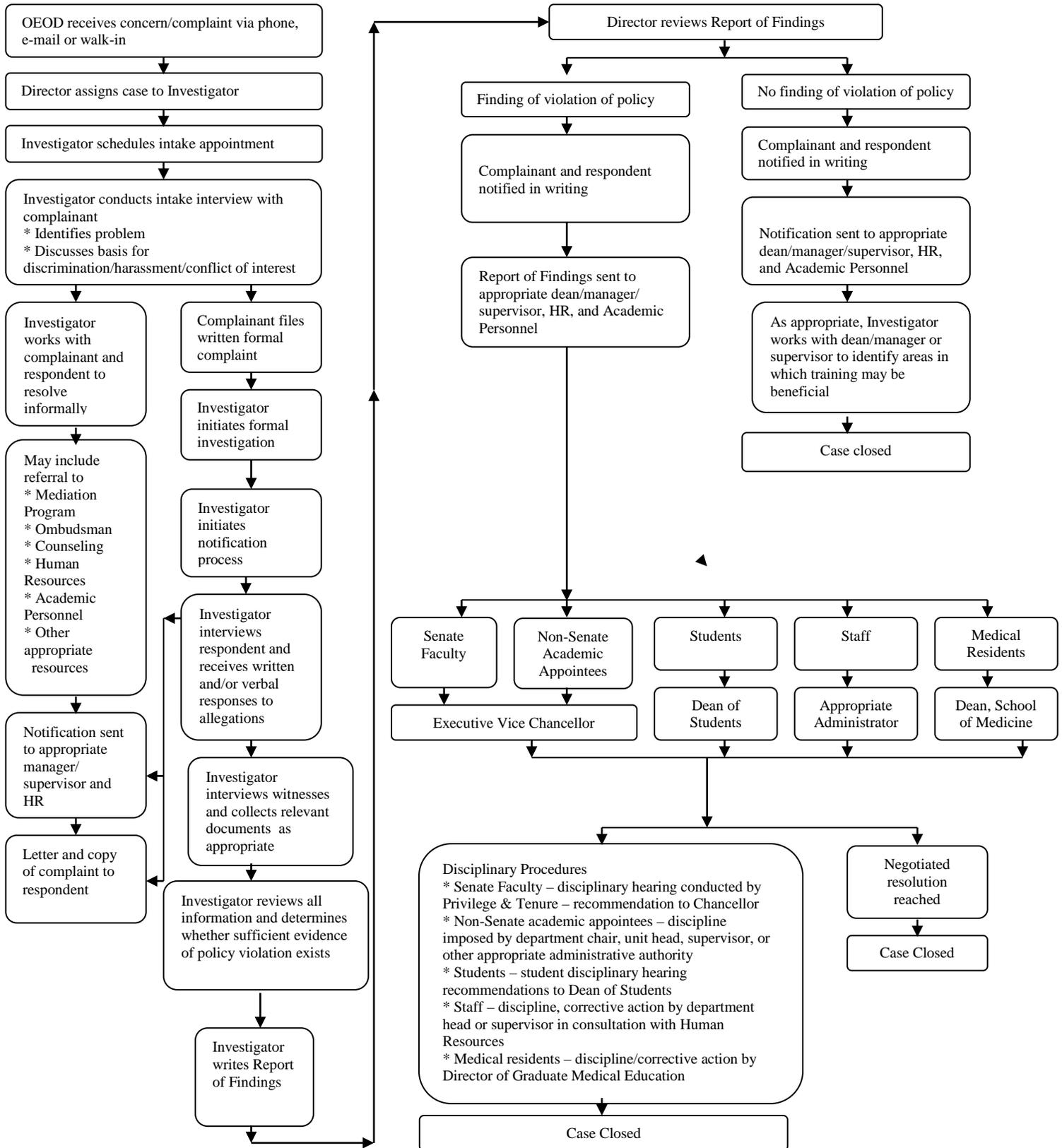
Many University employees, such as the OEOD Director, Office of Student Conduct, managers, supervisors, and other designated employees have an obligation to respond to reports of discrimination, harassment or retaliation, even if the individual making the report requests that no action be taken. An individual's requests regarding confidentiality of such reports will be considered in determining an appropriate response; however, such requests will be weighed in consideration of the University's legal obligation to ensure a working and learning environment free from discrimination, harassment or retaliation and to protect the due process rights of the Respondent to be informed of the allegations and their source.

Individuals wishing complete confidentiality in the exploration of their concerns are directed to consult with the [confidential resources](#) for advice and information regarding making a report of discrimination, harassment or retaliation. These resources can provide individuals who may be interested in consulting with someone about such reports with information about the procedures and potential outcomes involved. Individuals who consult with confidential resources are advised that their discussions in these settings are not considered notice to the University of reports of discrimination, harassment or retaliation and that without additional action taken by the individual, the discussions will not result in any action by the University to resolve their concerns.

O. Retention of Records Relating to Discrimination, Harassment and Retaliation Reports

OEOD is responsible for maintaining records relating to discrimination, harassment and retaliation reports, investigations, and resolutions, and for making reports of a statistical nature. Records shall be maintained in accordance with University records policies. All records pertaining to pending litigation or a request for records will be maintained in accordance with instructions from legal counsel.

Discrimination and Harassment Complaint Investigation Procedures



Individuals may have additional rights through applicable grievance or complaint procedures.

APPENDIX I: University Complaint Resolution and Grievance Procedures

Applicable complaint resolution and grievance procedures if a member of the University community elects to file a complaint or grievance containing allegations of sexual harassment:

Academic Personnel:

Members of the Academic Senate	UC Senate Bylaw 335
Non-Senate Academic Appointees	APM - 140
Exclusively Represented Academic Appointees	Applicable collective bargaining agreement

Students:

Policies Applying to Campus Activities, Organizations and Students, Section 102.09

Staff Personnel:

Senior Managers	PPSM II-70
Managers and Senior Professionals, Salary Grades VIII and IX	PPSM 71
Managers and Senior Professionals, Salary Grades I – VII; and Professional and Support Staff	PPSM 70
Exclusively Represented Staff Personnel	Applicable collective bargaining agreement
DOE Laboratory Employees	Applicable Laboratory policy

All:

The *University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy)* and the *University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy)*, which govern the reporting and investigation of violations of state or federal laws or regulations and University policy, including sexual harassment.

APPENDIX II: University Disciplinary Procedures

Applicable disciplinary action procedures if a report of sexual harassment results in a recommendation for disciplinary action:

- A. The *Faculty Code of Conduct (APM - 015)* and the *University Policy on Faculty Conduct and the Administration of Discipline (APM - 016)*, as approved by the Assembly of the Academic Senate and by The Regents, outline ethical and professional standards which University faculty are expected to observe. It also identifies various forms of unacceptable behavior which are applicable in cases of sexual harassment and outlines sanctions and disciplinary procedures. Because the forms of unacceptable behavior listed in the *Faculty Code of Conduct* are interpreted to apply to sexual harassment, a violation of the University's *Policy on Sexual Harassment* constitutes a violation of the *Faculty Code of Conduct*
- B. Provisions of *Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150)* (applicable to non-exclusively represented academic appointees) and collective bargaining agreements (applicable to exclusively represented academic appointees) provide for corrective action or dismissal for conduct which violates University policy.
- C. *Policies Applying to Campus Activities, Organizations, and Students* sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that may be imposed for violation of University policies or campus regulations.
- D. Provisions of the *Personnel Policies for Staff Members* and the DOE Laboratories personnel policies (applicable to non-exclusively represented staff employees) and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct which violates University policy with respect to sexual harassment and provide for disciplinary action for violation of University policy.

EXTERNAL RESOURCES AND TIME LIMITS FOR FILING COMPLAINTS

Department of Fair Employment and Housing (DFEH)
Los Angeles District Office
611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
Employment Discrimination: 800-884-1684
Housing Discrimination: 800-233-3212
www.dfeh.ca.gov
365 days from last incident

Equal Employment Opportunity Commission (EEOC)
255 E. Temple Street, 4th Floor
Los Angeles, CA 90012
800-669-4000 213-894-1121
www.eeoc.gov
300 days (10 months) from last incident

U.S. Department of Education
Office for Civil Rights, San Francisco Office
Old Federal Building, 09-801050
50 United Nations Plaza, Room 239
San Francisco, CA 94102-4102
415-556-4275
www.ed.gov/offices/OCR (online complaint form available)
180 days from last incident or outcome of grievance