



**UCI**IRVINE | 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**  
*Revised 2/2016*

### **OEOD**

OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY

103 Multipurpose Science and Technology Building Irvine,  
CA 92697-1130

Tel: 949-824-5594 - Fax: 949-824-2112

[www.oed.uci.edu](http://www.oed.uci.edu) email:

[oeod@uci.edu](mailto:oeod@uci.edu)

*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 complaints of discrimination, harassment, and sexual offense.

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, harassment, exploitation, or intimidation.

The Guidelines contained in this packet, as well as additional information about our policies, processes and services are also available on our OEOD website, [www.oed.uci.edu](http://www.oed.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](mailto:OEOD@uci.edu).

Sincerely,

Kirsten K. Quanbeck  
Associate Chancellor – Equity, Diversity, and Inclusion  
Director, Office of Equal Opportunity & Diversity  
Title IX / Sexual Harassment Officer

# UC IRVINE ADMINISTRATIVE POLICIES AND PROCEDURES

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

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

**Revised:** February, 2016

### 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 Violence and Sexual Harassment](#)
  - [Nondiscrimination & Affirmative Action Policy Regarding Academic & Staff Employment](#)
- UC Academic Personnel Manual
  - [APM-15](#) Faculty Code of Conduct
- 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](#)
  - [UCI Student Adjudication Process for Sex Offense and Sexual Harassment](#)
  - UCI Student Adjudication Process for Discrimination
- 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](mailto: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 Scope

These Guidelines:

1. 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. See [Jurisdiction](#).
2. 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.
3. 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 Violence and Sexual Harassment](#)
4. 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 these Guidelines.
5. 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.
6. 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.

7. **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. Prohibited Conduct

1. **Discrimination** is 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. Harassment as used in these guidelines can include Sexual Harassment.
3. **Sexual Harassment:**

Sexual Harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:

- **Quid Pro Quo:** a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program; or
  - **Hostile Environment:** such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.
4. **Retaliation** includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of Prohibited Conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in these guidelines.

**Note:** Discrimination and Harassment may include incidents:

- i. 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);
- ii. in hierarchical relationships and between peers; and
- iii. between individuals of the same protected groups or dissimilar protected groups (such as between individuals of any gender or gender identity). 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.

## D. Definitions

**Complainant:** Any person who files a report of discrimination, harassment, or retaliation or any person who has been the alleged subject of such [Prohibited Conduct](#).

**Respondent:** A person alleged to have engaged in Prohibited Conduct and about whom a report of [discrimination](#), [harassment](#), or [retaliation](#) is made.

**Preponderance of Evidence:** A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.

**Confidential Resources:** 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 individuals 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.

Designation as a “Confidential Resource” for purposes of these Guidelines exempts a person from reporting discrimination or harassment to the OEOD. Confidential Resources are not exempted from other mandatory reporting obligations under [UC CANRA \(Child Abuse and Neglect Reporting Act\) Policy](#), the Clery Act as a Campus Security Authority (CSA), and other policies or laws that require reporting to campus or local law enforcement, or Child Protective Services.

The following employees who receive reports in their confidential capacity include:

- [Campus Assault Resource & Education \(CARE\), \(949\) 824-5594](#)
- [Office of the Ombudsman, \(949\) 824-7256](#)
- [Counseling Center, \(949\) 824-6457](#)

- [Employee Assistance Program \(EAP\)](#), (844) 824-3273
- Any persons with a professional license requiring confidentiality (including [health center](#) employees but excluding campus legal counsel), or someone who is supervised by such a person.

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

**Responsible Employee:** Any University employee who is not a [Confidential Resource](#) and who receives, in the course of employment, information that a student (undergraduate, graduate, or professional) has suffered discrimination or harassment shall promptly notify the [OEOD](#). This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees.

In addition, the following who, in the course of employment, receive a report of Prohibited Conduct from any other person affiliated with the University shall notify the [OEOD](#):

- Campus Police
- Human Resource Administrators, Academic Personnel, and Title IX Professionals
- Managers and Supervisors including Deans, Department Chairs, and Directors of Organized Research Units (ORU)
- Faculty members.

## E. 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. 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, 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 and ensure the provision of annual mandatory training to all students, faculty, other academic appointees, and staff in accordance with applicable State and federal law and University policies.

## F. 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.

## G. Response to Reports of Harassment and Discrimination

This section provides an overview of the procedures the University uses to respond to reports of [Prohibited Conduct](#). While the OEOD has general responsibility for oversight of the reporting process and investigation of a report, other offices will be involved and consulted as necessary.

### 1. Reporting Options

Any person may make a report, including anonymously\*, of Prohibited Conduct to the OEOD, or to any [Responsible Employee](#), or to another appropriate office such as the Academic Personnel Office, Student Affairs, Office of the Provost, or to the Human Resources Office. The report shall be sent forward to the OEOD. If the person to whom a report normally would be made is the [Respondent](#), reports may be made to another Responsible Employee.

Reports of alleged harassment or discrimination may be made to OEOD 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.

\* Anonymous reporting may limit the University’s ability to respond to the report.

#### a. Timelines for Making Reports

While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible; all incidents should be reported even if significant time has elapsed but prompt reporting will better enable the University to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. Delayed reporting may impede the University’s ability to conduct an investigation and/or to take appropriate remedial actions.

## 2. Initial Assessment of a Report

As soon as practicable after receiving a report, the OEOD will make an initial assessment of the report to determine whether (i) the report, on its face, alleges an act of [Prohibited Conduct](#); and (ii) such conduct has a sufficient nexus with the University for it to intervene. The OEOD may consult with appropriate academic officers for faculty and other academic appointees' complaints, with Student Affairs Offices for student complaints, and with Human Resources, or Employee and Labor Relations Offices for staff complaints.

### a. Jurisdiction over Reports of Prohibited Conduct:

The University has jurisdiction over alleged violations of these Guidelines that occur on University property (such as offices and residence halls) or in connection with University activities, programs, or events. In addition, the University may exercise jurisdiction over conduct that occurs off-campus (i) but affects the learning or working environment; or (ii) that would violate other University Policies had it occurred on campus, (see [Section 101.00 of the Policy on Student Conduct and Discipline](#)).

## 3. Required Notifications

- a. Individuals making reports shall be informed about:
  - confidentiality of reports, including when reports cannot be kept confidential; and
  - the range of possible outcomes of the report, including Health and Safety measures, remedies, and disciplinary actions that may be taken against the Respondent, and information about the procedures leading to such outcomes.
- b. If the report results in a [Formal Investigation](#), after the conclusion of the investigation, the [Complainant](#) and [Respondent](#) will be simultaneously informed in writing of:
  - the outcome of the investigation and its rationale;
  - any available appeal rights and procedures; and
  - how to obtain a copy of [the Investigation Report](#), which may be redacted as necessary to protect privacy rights. (See [APM-160](#) and other University policies governing privacy.)
- c. If the matter results in a disciplinary proceeding, at the conclusion of that proceeding the Complainant and the Respondent will be simultaneously informed in writing of:
  - the outcome of the disciplinary proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed, and the rationale for the results;
  - any available appeal rights and procedures; and
  - any subsequent change to the results and when results will become final.

The Complainant will be sent a notice documenting any individual remedies offered to the Complainant, and other steps taken to eliminate the effects of the violation. The Respondent will be informed of no contact orders affecting them, but should not be notified of other individual remedies offered or provided to the Complainant.

#### 4. Overview of Resolution Processes

Reports of [Prohibited Conduct](#) may be addressed through Alternative Resolution, Formal Investigation or, a separate employee grievance or complaint process.

##### a. Alternative Resolution

After a preliminary assessment of the facts, and, if useful, in consultation with other offices depending on whether the [Complainant](#) and [Respondent](#) are faculty, other academic appointees, staff, student employees, or students, the OEOD may initiate an Alternative Resolution process, which may include:

- mediation (except in cases of sexual violence);
- separating the parties;
- providing for safety;
- referring the parties to counseling;
- referral for disciplinary action;
- a settlement agreement;
- conducting targeted preventive educational and training programs; and
- conducting a follow-up review to ensure that the resolution has been implemented effectively.

Alternative Resolution may be especially useful when: a report is made by a third party or anonymously; a Formal Investigation is not likely to lead to a resolution; both parties prefer an informal process; or a case involves less serious violations. The Complainant has the right to request a Formal Investigation at any time, but the OEOD has final authority for determining whether to initiate a Formal Investigation. Both the Complainant and Respondent may be accompanied by an advisor throughout the process.

##### b. Formal Investigation

If Alternative Resolution is inappropriate or unsuccessful, the OEOD may initiate a Formal Investigation (“investigation”) in coordination with other offices, depending on whether the [Complainant](#) and [Respondent](#) are faculty, other academic appointees, staff, or students. A Complainant’s request for an investigation will be considered but is not determinative.

If the Complainant requests that no investigation occur, the OEOD shall determine whether the allegations nonetheless require an investigation to mitigate a potential risk to the campus community. If proceeding with an investigation without the participation of a Complainant, the OEOD shall attempt to maintain the identity of the Complainant confidential from the Respondent or inform the Complainant that such confidentiality cannot be maintained. If determining not to proceed with an investigation, the OEOD shall inform the Complainant that the ability to provide remedies may be limited, but the OEOD shall nonetheless afford such remedies as are consistent with maintaining confidentiality and the absence of an administrative finding.

When the OEOD determines to conduct a Formal Investigation, the Complainant and Respondent will be provided with a written summary of the allegations, the

procedures that will be followed, resources available to them, and a copy of these Guidelines.

The investigation shall be completed promptly, typically within 60 business days of its initiation, unless extended by the OEOD for good cause followed by written notice to the Complainant and Respondent of the reason for the extension and the projected new timeline. If the alleged conduct is also the subject of a criminal investigation, the OEOD will coordinate its investigation with the police but must nonetheless act promptly without delaying its investigation until the conclusion of the criminal investigation.

The investigation generally includes interviews with the Complainant, the Respondent, and witnesses, if available, and a review of documents as appropriate. Disclosure of facts to persons interviewed shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be advised to maintain confidentiality when essential to protect the integrity of the investigation.

The Complainant or Respondent may have an advisor present when personally interviewed and at any related meeting. Other support persons may be allowed under other policies. Other witnesses may have an advisor present at the discretion of the investigator or as required by University policy or collective bargaining agreement.

In cases where the investigation contemplates issues of academic merit or academic freedom, the investigator shall consult with the appropriate academic officer for relevant academic judgment.

**c. Grievance/Complaint Procedures for Employees**

Instead of, or in addition to, reporting to the OEOD or other [Responsible Employee](#), a University employee who believes they have been subjected to [Prohibited Conduct](#) may file a grievance or complaint. That grievance or complaint must meet all of the requirements, including time limits for filing, under the applicable complaint resolution or grievance procedure listed in [Appendix I: Applicable Complaint Resolution and Grievance Procedures](#). Any such grievance or complaint will be forwarded to the OEOD for processing under these Guidelines, and the grievance or complaint procedure will be held in abeyance pending resolution under these Guidelines. After completion of the process under these Guidelines, the grievance or complaint may be reactivated but only as a means of appeal.

**5. The Investigation Report**

In the event that a [Formal Investigation](#) is conducted, the investigator will prepare a written report that includes a statement of the allegations and issues, the positions of the [Complainant](#) and [Respondent](#), a summary of the evidence, an explanation why any proffered evidence was not investigated, and findings of fact and an analysis of whether a violation has occurred. When both parties are students, the report will include a recommendation to the

Student Conduct Officer regarding whether there are any policy violations. (See [Appendix II: University Disciplinary Procedures](#).) For all other matters the report will include an analysis and determination by the investigator of whether these Guidelines have been violated. The investigator will apply the [preponderance of evidence](#) standard.

#### 6. **Remedy**

- a. If the Report finds Prohibited Conduct in violation of these Guidelines, the University shall take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects.
- b. To the extent that the remedy has not already been provided, the OEOD, in consultation with appropriate administrators, will oversee the implementation of this remedy.

#### 7. **Discipline**

The OEOD shall forward the [Investigation Report](#) (with attachments and any necessary redactions) to the appropriate administrator responsible for discipline. The specific procedures for imposing discipline depend upon the nature of the [Respondent](#)'s relationship to the University (student, faculty, other academic appointee, staff, or third party). If there is a question about the Respondent's relationship to the University, the OEOD should indicate which role predominated when the Respondent engaged in the [Prohibited Conduct](#). When a Respondent is both a student and an employee (such as a Teaching Assistant or Graduate Student Researcher), the Respondent may be subject to both the sanctions applicable to students and to employees. Any member of the University community who is found to have engaged in Prohibited Conduct may be subject to disciplinary action, up to and including dismissal in accordance with the applicable University disciplinary procedure ([Appendix II: University Disciplinary Procedures](#)) or other policy.

## **H. Privacy**

The University will protect the privacy of individuals involved in a report of [Prohibited Conduct](#) to the extent permitted by law and by University policy and procedures. However, it should be recognized that an investigation may involve interviews with a number of persons to inquire if they have relevant evidence, and extremely sensitive information may be gathered. While such information is considered confidential, University policy may also require the disclosure of certain information during or following an investigation.

## **I. 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.

## **J. Free Speech and Academic Freedom**

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, and 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 (See [APM-010](#) and [015](#).)

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.

## **K. Resources**

[Office of Equal Opportunity and Diversity \(OEOD\)](#) is responsible for receiving and conducting the administrative investigation of all reports of discrimination filed at UCI and is available to discuss options, provide assistance, explain University policies and procedures, and provide education on relevant issues including discrimination. The OEOD investigation is not a criminal procedure. The OEOD is available during normal business hours. Address: 103 MSTB, Irvine, CA 92697 Phone: (949) 824-5594.

[Counseling Center](#) offers free and confidential short-term and crisis counseling by licensed mental health providers to all UCI students on an urgent basis, or by appointment. The Counseling Center also offers certain free and confidential psychiatric services. Referrals to off-campus psychotherapeutic and psychiatric providers are also available through the Counseling Center. The Counseling Center is available during normal business hours. Address: 203 Student Services 1, Irvine, CA, 92697 Phone: (949) 824-6457.

[Employee Assistance Program \(EAP\)](#) is a free confidential service provided by Guidance Resources that can help UCI employees with any personal concerns including relationship concerns and issues related to sex offenses. Guidance Resources is available 24 hours a day, seven days a week to assist employees face to face, over the phone, and on-line. This service is available at 844.824.3273 or on their website Guidance Resources Online at [www.guidanceresources.com](http://www.guidanceresources.com) and enter UCI's ID: UCIEAP3

[Office of the Ombudsman](#) provides a safe and comfortable environment to discuss complaints, concerns or problems confidentially. The ombudsman acts as an independent, impartial resource. The Office of the Ombudsman does not serve as an office of notice or record for the University.

The office does not conduct formal investigations nor does it maintain or keep records. If the ombudsman deems it proper, he or she will refer visitors to the office most appropriate for their concern or complaint. The Office of the Ombudsman serves all students, faculty, staff and administrators of the UCI community – both on the main campus and at the medical center. The Office of the Ombudsman is available during normal business hours. Address: 205 MSTB, Irvine, CA 92697 Phone: (949) 824-7256.

## L. Noncompliance with Guidelines

Engaging in [Prohibited Conduct](#), defined in these Guidelines, is governed by these Guidelines and the [Policy on Student Conduct and Discipline](#); [Personnel Policies for Staff Members 61, 62, 63, 64, 65, & 67](#) pertaining to discipline and separation matters; [The Faculty Code of Conduct \(APM- 015\)](#) and University [Policy on Faculty Conduct and the Administration of Discipline \(APM-016\)](#); [Non- Senate Academic Appointees/Corrective Action and dismissal \(APM-150\)](#); and as applicable, collective bargaining agreements, and other policies. See Appendices [I](#) & [II](#). Non-compliance with these Guidelines, other than violations of Prohibited Conduct, may result in educational efforts or employment or educational consequences up to and including informal counseling, adverse performance evaluations, corrective actions, and termination.

## Appendix I: Applicable Complaint Resolution and Grievance Procedures

### Academic Personnel:

Members of the Academic Senate	<a href="#">UC Senate Bylaw 335</a>
Non-Senate Academic Appointees	<a href="#">APM - 140</a>
Exclusively Represented Academic Appointees	Applicable collective bargaining agreement

### Students:

UCI Code of Student Conduct

### Staff Personnel

Senior Managers	<a href="#">PPSM II-70</a>
Managers and Senior Professionals, Salary Grades VIII and IX	<a href="#">PPSM 71</a>
Managers and Senior Professionals, Salary Grades I – VII	<a href="#">UCI PPSM 70</a>
Professional and Support Staff	<a href="#">UCI PPSM 70</a>
Exclusively Represented Staff Personnel	Applicable collective bargaining agreement

### All members of the University community:

The University of California [Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities \(Whistleblower Policy\)](#) governs the reporting and investigation of violations of State or federal laws or regulations, including sexual harassment.

## **All University employees and applicants for employment:**

The University's [Whistleblower Protection Policy](#) provides a complaint resolution process for employees and applicants for employment who have been subjected to retaliation as a result of having made a protected disclosure under the [Whistleblower Policy](#) or refused to obey an illegal order. See [UCI Sec. 700-06: Guidelines for Reporting Improper Activities and Guidelines for Filing Complaints of Retaliation for Reporting Improper Activities](#).

## **External Resources and Time Limits for Filing Complaints**

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

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](http://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](http://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

## Appendix II: University Disciplinary Procedures

The following are the University's disciplinary procedures:

- A. The [Faculty Code of Conduct \(APM - 015\)](#) (as approved by the Assembly of the Academic Senate and by The Regents) establishes the ethical and professional standards which University faculty are expected to observe.

Because the forms of unacceptable behavior listed in The Faculty Code of Conduct also apply to discrimination and harassment, a violation of the University's Policy on Sexual Violence and Sexual Harassment may constitute a violation of the Faculty Code of Conduct. The [University Policy on Faculty Conduct and the Administration of Discipline \(APM- 16\)](#), as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.

- B. Provisions of the [policy on 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) allow for corrective action or dismissal for conduct which violates these Guidelines.
- C. [UCI Student Adjudication Process for Sex Offense and Sexual Harassment](#) and UCI Student Adjudication Process for Discrimination sets forth UCI's procedures for resolving complaints of discrimination and harassment where the parties are both students, including the discipline of students found in violation of these Guidelines. See also, the [Policy on Student Conduct and Discipline](#).
- D. Provisions of the [Personnel Policies for Staff Members](#) (applicable to non-exclusively represented staff employees) and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct that violates these Guidelines and provide for disciplinary action for violation of University policies.
- [PPSM-62: Corrective Action](#)
  - [PPSM-63: Investigatory Leave](#)
  - [PPSM-64: Termination of Career Employees – Professional and Support Staff](#)
  - [PPSM-65: Termination of Career Employees – Managers & Senior Professionals, Salary Grades I through VII](#)
  - [PPSM-67: Termination of Career Employees – Managers & Senior Professionals, Salary Grades VIII and IX](#)
  - [PPSM II-64: Termination of Appointment](#)