



OFFICE OF THE PRESIDENT
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January 24, 2023

CHANCELLORS
ACADEMIC COUNCIL CHAIR SUSAN COCHRAN
LABORATORY DIRECTOR MICHAEL WITHERELL
ANR VICE PRESIDENT GLENDA HUMISTON

Re: Systemwide Review of Proposed Presidential Policy – Anti-Discrimination

Dear Colleagues:

Enclosed for systemwide review is a proposed new systemwide Presidential Policy - Anti-Discrimination (Policy).

The proposed Policy is responsive to a request from President Drake for a systemwide analysis of the University's policies and procedures for responding to complaints of all forms of discrimination and harassment based on protected categories. This analysis led to the development of a systemwide policy on discrimination, harassment, and retaliation that applies to all staff, faculty and academic appointees, and students. With this Policy, the University is rising to meet ongoing challenges and ensuring equal and equitable access to University employment, programs, and activities.

Background

In spring 2021, President Drake convened a systemwide working group with representatives from a variety of leadership positions from all campus locations as well as the Office of the President. After key decisions were made by the working group, a smaller writing group convened to draft the Policy. Throughout the evaluation and drafting processes, key subject matter experts across the system were consulted to ensure the draft Anti-Discrimination Policy reflects best practices.

President Drake recently accepted the recommendation from the working group to establish a central office to oversee the implementation of this Policy. This systemwide office will develop standard procedures, guidance, and training for campus offices that handle complaints of harassment and discrimination related to protected categories, ensuring consistency across the system.

Key Policy Principles

The proposed systemwide Policy affirms the University's commitment to maintaining a community where all individuals can work and learn together in an atmosphere free of discrimination and harassment. The proposed Policy contains the following key provisions:

Policy Coverage. The Policy addresses harassment, discrimination, and retaliation on University property, in connection with University activities, or in the context of a University program, and is applicable to all staff, faculty and academic appointees, and students.

Prohibited Conduct. The Policy prohibits harassment, discrimination, and retaliation, including but not limited to physical actions, any form of communication, non-verbal means, and other forms of contact.

Free Speech and Academic Freedom. The Policy is intended to protect University community members from harassment and discrimination, not to regulate protected speech. The Policy affirms that academic freedom and free speech are essential to the mission of the University and upholds protections for these types of speech.

Confidential Resources. The Policy includes the use of confidential resources to encourage Complainants to speak confidentially with someone about alleged harassment, discrimination, and/or retaliation. Confidential Resources do not need to report information they receive while acting in their confidential capacity.

Reporting and Investigation Procedures. The Policy provides reporting and investigation procedures, which will help ensure consistency in responding to allegations of harassment, discrimination, and retaliation across UC campuses.

Except as otherwise expressly provided in applicable collective-bargaining agreements, this Policy will supersede any existing guidance, local policies, or procedures that address discrimination, harassment, and retaliation across the UC system.

Management Consultation

Summarized below are some of the key issues identified and addressed as a result of feedback from management consultation. These include:

Policy Name. The words "Harassment and Retaliation" were removed from the name of the proposed policy. The updated name of the proposed Policy was simplified to "Anti-Discrimination."

Definitions. Several of the definitions were edited or reorganized for increased clarity and understanding.

Protected Status. The term "Protected Status" was changed to "Protected Category" to reflect more common terminology and increase shared understanding.

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Responsible Employees. Individuals who must adhere to Responsible Employee obligations remained at the supervisor level and above. Although some commentators advocated for a broadening of Responsible Employee obligations consistent with UC's SVSH Policy, many others supported the narrower scope, citing the need to protect campus spaces from these obligations to encourage openness and sharing (i.e., campus resource centers).

Alternative Resolution. Alternative Resolution availability was broadened to include employees. However, consistent with UC's SVSH Policy, Alternative Resolution is not available when the Complainant is a student and the Respondent is an employee.

Systemwide Review

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

Employees should be afforded the opportunity to review and comment on the draft policy. Attached is a Model Communication which may be used to inform non-exclusively represented employees about these proposals. The Labor Relations Office at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

We would appreciate receiving your comments no later than April 24, 2023. Please submit your comments and questions to Abigail K. Bates at NDPolicyReview@ucop.edu. The proposed Policy can be found at UCnet.

Sincerely,



Yvette Gullatt
Vice President for Graduate
and Undergraduate Affairs
and Vice Provost for Equity,
Diversity and Inclusion



Cheryl Lloyd
Vice President
Systemwide Human
Resources



Douglas M. Haynes
Vice Provost
Academic Personnel and
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Enclosures:

- Proposed Draft Presidential Policy - Anti-Discrimination Policy
- Model Communication

cc: President Drake

Provost and Executive Vice President Newman
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Executive Vice President Byington
Senior Vice President and Chief Compliance Officer Bustamante

Vice President Maldonado
Academic Council Vice Chair Steintrager
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Deputy General Counsel Nosowsky
Deputy General Counsel Woodall
Assistant Vice Provosts/Vice Chancellors - Academic Personnel
Health System Chief Executive Officers
Chief Human Resources Officers
Campus Ethics and Compliance Officers
Campus Policy Managers
Executive Director and Chief of Staff Henderson
Executive Director Lin
Executive Director Silas
Interim Chief of Staff Halimah
Chief of Staff Kao
Chief of Staff Levintov
Chief Policy Advisor McAuliffe
Director Anders
Director Hairston
Director Heng
Director Roller
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