

NOTE: This Policy was superseded effective 2/20/2024; it is archived here because it applies to cases relating to conduct prior to 2/20/24.

UCR Policies and Procedures

Interim

For a hard copy of this document, contact the Chief Compliance Office (2-8246).

Policy Title: Discrimination, Harassment, and Retaliation Complaint and Resolution

Policy Number: 650-75

Responsible Officer:	Associate Vice Chancellor/Chief Compliance Officer
Responsible Office:	Title IX, Equal Opportunity and Affirmative Action Office
Origination Date:	06/28/2017
Date of Revision:	06/24/2022
Date of Last Review:	04/30/2020

I. Policy Summary

The University of California (UC) prohibits discrimination or harassment on the basis of race, color, national origin, religion (including religious dress and grooming practices), sex, gender, gender expression, gender identity, gender transition status, 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 protected veterans.

University policy prohibits retaliation for bringing a complaint of discrimination or harassment. University policy also prohibits retaliation against a person who assists with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment.

UC Riverside (UCR) is committed to creating and maintaining an environment in which individuals can work and learn together in an atmosphere free of all forms of discrimination and harassment. UCR will respond promptly and effectively to reports of discrimination, harassment, and retaliation and to correct or remedy misconduct found to have occurred, including through disciplinary action when appropriate.

The UCR Office of Title IX, Equal Opportunity and Affirmative Action (Title IX/EOAA) is responsible for supporting UCR's commitment to non-discrimination and equal opportunity.

This policy is intended to be consistent with applicable state and federal laws, regulations, and regulatory guidance and University policies.¹

¹ This policy establishes campus expectations for conduct which may exceed legal requirements; conduct need not violate a law in order to constitute a violation of this policy.

II. Purpose and Scope

This policy defines Prohibited Conduct (see Section III) and provides a process through which members of the UCR community, including students, employees, persons seeking employment, paid and unpaid interns, [volunteers](#), participants in a training program leading to employment, and independent contractors, may report alleged discrimination, harassment, retaliation, and other conduct that violates the applicable non-discrimination laws or University policies, including:

- UC Policy on Discrimination, Harassment, and Affirmative Action in the Workplace
- PACAOS 20.00, Policy on Nondiscrimination
- The relevant provisions of APM-15: The Faculty Code of Conduct.

See Section XIII for more information.

Exclusions: These procedures do not apply to reports of conduct prohibited under the UC Sexual Violence and Sexual Harassment Policy, which are addressed under separate procedures. These procedures do not apply to allegations or complaints against students, which are handled by Student Conduct & Academic Integrity Programs.²

III. Definitions – Prohibited Conduct

Discrimination: Discrimination is unequal treatment of an individual or group of people based upon race, color, national origin, religion (including religious dress and grooming practices), sex, gender, gender expression, gender identity, gender transition status, 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, status as a protected veteran or service in the uniformed services where there is no legitimate reason for such treatment.

Harassment: 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 interferes with a person's work, educational, or living environment such that a reasonable person would find the conduct intimidating, hostile, or offensive.

Retaliation: Retaliation is adverse action against a person based on their (i) report of Prohibited Conduct to a University employee or agent, (ii) participation in the investigation, report, remedial, or disciplinary processes provided for in this policy, (iii) requesting a disability or religious accommodation, or (iv) otherwise opposing Prohibited Conduct.³

IV. Procedure for Reporting Prohibited Conduct

Certain university employees are Responsible Employees who are required to report Prohibited Conduct. (See Section VIII) Campus community members who have experienced discrimination, harassment, or retaliation are encouraged to report the Prohibited Conduct to Title IX/EOAA. Reports under this policy should be brought as soon as possible, optimally within a year, after the alleged conduct occurs. Prompt reporting will enable the University to

² If a student is also an employee and the misconduct occurred in the student's employment role, the Title IX/EE&AA Office will consult with the Dean of Students Office regarding appropriate disposition.

³ The manner of opposition must be reasonable and it must be based on a reasonable, good faith belief.

investigate the facts, determine the issues, and provide an appropriate remedy or corrective action. Delays in reporting may impede the University's ability to conduct an investigation and/or effect appropriate actions. Reports may be made anonymously; however, anonymous reporting may limit the University's ability to respond to the report.

Reports may be made:

- Through UCR's online reporting portal at [File a Report of Harassment, Discrimination, Sexual Violence or other Prohibited Conduct | Title IX, Equal Opportunity and Affirmative Action \(ucr.edu\)](#)
- Online at <https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html>. This link leads you to the UC Whistleblower Hotline, EthicsPoint, where you can submit various kinds of complaints including discrimination, harassment and retaliation. Please click on the button, "Report a Concern Online" on the Whistleblower Hotline webpage.
- By contacting the Office of Title IX/EOAA by email (titleix@ucr.edu)

Reports do not need to be in writing. Title IX/EOAA staff may request that reporters complete an online report or provide additional information if the report does not provide sufficient information.

Complaints of discrimination, harassment, or retaliation filed through the Whistleblower Hotline [all employees], through a PPSM70 complaint [staff], or through APM 140 [non-senate, non-represented academics] may be directed to Title IX/EOAA.

Individuals reporting Prohibited Conduct generally will be:⁴

- provided a copy of these procedures, which set forth options for resolution as well as information on confidentiality, privacy, and record retention.
- informed about options for resolving potential violations of University policy, which may include Early Resolution, Formal Investigation, and filing grievances under applicable grievance procedures in accordance with collective bargaining agreements.
- informed about the range of possible outcomes should it be determined a violation has occurred.

V. Procedure for Responding to Reports of Prohibited Conduct

After receiving a report of Prohibited Conduct, the Title IX/EOAA Office will conduct a fair, complete, and timely initial review of the report to determine whether the report, on its face, alleges an act of Prohibited Conduct and if such conduct warrants University intervention. Title IX/EOAA may consult with other appropriate resources. An initial review of an incident or other potential Prohibited Conduct may also be initiated by Title IX/EOAA.

Reports of Prohibited Conduct may be addressed through Early Resolution, Formal Investigation, and/or a separate complaint resolution process or grievance process in accordance with applicable University policy or collective bargaining agreement.

A. Early Resolution

The goal of Early Resolution is to resolve concerns at the earliest reasonable opportunity

⁴ If the individual who reports the Prohibited Conduct is not the alleged victim (person reported to have been discriminated against, harassed, or retaliated against), these actions may be taken with the alleged victim rather than the reporter.

and with the cooperation of all parties involved. Title IX/EOAA will utilize Early Resolution when the initial review indicates that the situation may be effectively resolved cooperatively, when a complaint involves less serious violations, and/or when a Formal Investigation is not likely to lead to resolution. 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 approaches such as discussions with the parties, making recommendations for resolutions, separating the parties, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, and using follow-up measures to assure that resolutions have been implemented effectively.

Early Resolution is not required prior to a decision to initiate a Formal Investigation. Some reports are not appropriate for Early Resolution and may require a Formal Investigation at the discretion of Title IX/EOAA.

A complainant may request a Formal Investigation at any time during an Early Resolution process, but Title IX/EOAA has final authority for determining whether to initiate a Formal Investigation.

B. Formal Investigation

In cases where Early Resolution is inappropriate or unsuccessful, Title IX/EOAA may recommend the case for Formal Investigation. In the decision to initiate a Formal Investigation of a report of prohibited conduct, the wishes of the complainant will be considered, but are not determinative. Title IX/EOAA, in consultation with other appropriate offices or entities, may recommend a case for Formal Investigation after making a preliminary inquiry into the facts and taking into consideration, among other things, the seriousness of the alleged harassment or discrimination and other complaints of similar conduct or against the same individual. Conversely, if Title IX/EOAA concludes 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, harassment, or retaliation under University policy, the complainant's request to initiate a Formal Investigation may be declined.

In the event of a Formal Investigation, an investigator will be assigned. The parties will be notified of the allegations being investigated, and provided admonitions regarding retaliation, investigation interference, and confidentiality.⁵ The investigator will conduct the investigation by interviewing the parties, including other witnesses, and reviewing and evaluating other available evidence.

Upon completion of the investigation, the investigator will issue a written report of findings to Title IX/EOAA. Based on the written investigation report, the Title IX/EOAA Director will make a determination as to whether the evidence supports a finding that university policy has been violated. Investigation reports and Director determinations are not subject to appeal or revision in response to party objections. If a report forms the basis of disciplinary action, the disciplinary process typically provides opportunity for the employee to respond and object.⁶

⁵ Generally, complainants may not be required to maintain complete confidentiality regarding their complaint.

⁶ If material new evidence or information indicating a significant mistake or omission is uncovered in this process, typically this information should be considered in the disciplinary process, with consultation of the Director/investigator as appropriate to help assess the relevance of the information or evidence. In rare situations, supplemental investigation or modification of the investigation findings or Director determination may be warranted.

Title IX/EOAA will inform the complainant and the respondent promptly in writing as to whether there was a finding of violation of the University Nondiscrimination Policies. The complainant will be informed of any systemic remedies taken to resolve the complaint and of any actions taken 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 corrective action, but will not be informed of the details of the recommended corrective action.

The complainant and the respondent may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information. 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.

VI. Remedies and/or Referral for Corrective Action

If the Formal Investigation finds Prohibited Conduct occurred, Title IX/EOAA or other appropriate office, in consultation with relevant administrators, and the University, shall take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects.

Title IX/EOAA will forward the investigative report (with attachments and any necessary redactions) to the relevant administrator(s). The specific procedures for determining corrective action depend upon the nature of the respondent's relationship to the university (e.g., faculty, other academic appointee, staff, or third party). 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. Individuals found to have engaged in Prohibited Conduct may be subject to corrective action, up to and including dismissal, in accordance with the applicable University procedures or collective bargaining agreement.

VII. Confidential Resources

Confidential resources are available for individuals who wish to have a confidential discussion about an issue involving discrimination, harassment, or retaliation without an official response from the University. These offices provide a safe place to discuss concerns and learn about the procedures and potential outcomes while remaining anonymous. Discussion with these confidential offices are not considered reports under this policy and will not result in any actions by the University to resolve the concerns. The following are confidential resources:

- Office of the Ombuds
- Faculty & Staff Assistance Program
- Campus Assault Resources & Education (CARE)

VIII. Responsible Employees

The following University employees, excluding Confidential Resources, who receive information that an individual has suffered discrimination, harassment, or retaliation from any

other person affiliated with the university are required to promptly notify Title IX/EOAA:

- Campus Police
- Human Resource Administrators, Academic Personnel, and Chief Compliance unit professionals
- Managers and Supervisors including Deans, Department Chairs, and Directors of Organized Research Units
- Faculty Members
- Resident Assistants and Graduate Teaching Assistants.

IX. 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 policies and procedures. However, it should be recognized that an investigation may involve interviews with a number of individuals to inquire if they have relevant evidence, and extremely sensitive information may be gathered. While such information is considered confidential, University policies and procedures may also require the disclosure of certain information during or following an investigation, including discipline results.

X. Retention of Records

Title IX/EOAA is responsible for maintaining records relating to discrimination, harassment, and retaliation reports, investigations, and resolutions, and for making reports of a statistical nature. Records will be maintained in accordance with UC Records Retention Schedule. All records pertaining to pending litigation or a request for records will be maintained in accordance with instructions from the Office of Legal Affairs.

XI. Intentional False Reports

Individuals who make a report of discrimination, harassment or retaliation that is found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action under applicable university disciplinary policy and procedure. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated.

XII. 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 retaliation in employment. For more information, contact the nearest office of the EEOC or DFEH.

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

Note: Time limit to file a charge of discrimination is 300 days (10 months) from last incident.

- 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

Note: Time limit to file a charge of discrimination is 365 days from last incident.

The U.S. Department of Education's Office for Civil Rights (OCR) receives complaints of discrimination against students on the basis of race, color, or national origin (Title VI of the Civil Rights Act), on the basis of sex (Title IX), on the basis of disability (Section 504 of the Rehabilitation Act of 1973 and Section II of the Americans with Disabilities Act), and on the basis of age (Age Discrimination Act of 1975). To file a complaint, visit <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

XIII. Related Policies and Procedures

- A.** UC Discrimination, Harassment, and Affirmative Action in the Workplace
<https://policy.ucop.edu/doc/4000376/DiscriminatioHarassmentAffirmAction>
- B.** APM-15: Faculty Code of Conduct
http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf
- C.** UC Sexual Violence and Sexual Harassment Policy
<http://policy.ucop.edu/doc/4000385/SVSH>
- D.** Policies Applying to Campus Activities, Organizations and Students (PACAOS)
<https://policy.ucop.edu/doc/2710522/PACAOS-20>
- E.** APM-140: Non-Senate Academic Appointees/Grievances
https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-140.pdf

XIV. Approval and Revision History

This policy originated in October 2017. It was revised effective August 14, 2018. It was revised on an interim basis effective December 1, 2019, to (i) expand the scope to apply to student complaints against employees, (ii) revise certain policy definitions to conform to changes in law and other university policy, (iii) update policy references and office names and contact information, (iv) clarify that Title IX/EOAA may initiate an investigation, and (v) specify notification to parties at the outset of a Formal Investigation. Effective April 30, 2020, it was revised to (i) modify contact information during the campus closure, (ii) make minor clarifications regarding report intake and informal resolution and formal investigation procedures, and (iii) correct formatting and typographical errors. Effective July 1, 2020, it was revised to update the mechanism and contact information for reporting, on August 7, 2020 to update the name of the responsible office from Title IX/EEAA to Title IX, Equal Opportunity and Affirmative Action (Title IX/EOAA), and on June 24, 2022 to further update a mechanism for reporting.