

REPORTING DISCRIMINATION AND OTHER PROHIBITED CONDUCT AND COMPLAINT RESOLUTION OPTIONS


This handout has information about how to report discrimination, harassment, or discriminatory retaliation to UCR's Office of Civil Rights (OCR), and about your options for complaint resolution under the [UC Anti-Discrimination Policy](#) ("Policy") and [UCR's local procedure](#).

KEY INFORMATION:

1. We encourage reports to be filed via our [online reporting portal](#).
2. The two main resolution options are formal investigation and alternative resolution.
3. Not all reports result in a resolution process. OCR will still take steps to stop the conduct and remedy its effects when feasible.

WHY MIGHT A REPORT *NOT* RESULT IN A RESOLUTION PROCESS? DON'T YOU INVESTIGATE EVERYTHING?

We carefully assess every report we review, but a formal investigation is lengthy process in which parties are notified, interviews conducted, records collected, and a formal report issued. Investigations usually are done when the conduct alleged, if substantiated (proven by an investigation), would warrant discipline for a current student or employee. Situations where an investigation may not be appropriate include:


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- The report is about a non-affiliate. *Usually*, it is not appropriate to conduct a formal investigation into reports about people who are not UCR students or employees. Note if an investigation is started and the respondent separates from UCR, we typically continue the investigation rather than stopping it.
 - There is not enough connection to UCR. We cannot investigate if we do not have jurisdiction. If an incident did not occur on campus or as part of a UCR program or activity, UCR may not have jurisdiction—although it might (this is complicated and depends on the facts and circumstances).
 - The Complainant does not want a resolution process. Please note that the Civil Rights Officer must review and confirm and sometimes is obligated to initiate a resolution process. This most often happens when UCR needs to investigate to protect other people.
 - The conduct reported is not a violation of Policy or may be effectively addressed and remedied without an investigation. Some reports are not about discrimination or harassment and need to be referred to another office. Some reports may use the word discrimination or harassment, but the conduct described does not meet policy definitions.

In cases where conduct is reported, and as alleged, appears to be unwelcome and harassing in nature, but not (or not yet) so severe or pervasive as to violate the Policy, OCR cannot initiate a resolution process but will seek to stop the conduct and/or prevent its escalation or recurrence when appropriate. Such steps may include, for example, offering resources and Mitigating Measures to the Complainant and providing targeted preventive education (including to the Respondent) and training programs.

I. FORMAL INVESTIGATION

A formal investigation process is a resolution process typically used when it may be appropriate or necessary to take disciplinary action against a UCR student or employee. (It is possible for disciplinary action to be agreed upon in an Alternative Resolution, but this is unusual.)

We rarely will conduct a formal investigation against the wishes of the Complainant. However, one situation in which we might have to do so, would be if the risk posed to the campus community or certain UCR people is too great.



UCR provides a fair, thorough and impartial investigative process, conducted by trained professionals. The purpose of the investigation is for the investigator to make findings of whether the Respondent violated the Policy. (Sometimes the investigation will also look into other types of policy violations.)

If an investigation is conducted, all parties have equal right to:

- meet with and be interviewed by the investigator,
- have an advisor with you when you are interviewed or at any meeting with our Office.
- submit information,
- identify witnesses who may have relevant information,
- get updates throughout the investigation, and
- receive a copy of the investigation report (with redactions as necessary to protect privacy rights).

This process typically takes about four months (90 business days). If the investigation will go past 90 business days, we will explain the reason for the delay and the new deadline.


The investigation findings and policy determinations will be based on a Preponderance of the Evidence. This means OCR considers, based on all relevant evidence, whether the Respondent more likely than not engaged in the alleged conduct, and if the conduct violated the Policy.

If there is a final determination of a policy violation, sanctions (e.g., discipline) may be imposed. Potential sanctions for violations of the Policy depend on whether the Respondent is a faculty member, student, or staff, but range up to termination or permanent dismissal.

II. ALTERNATIVE RESOLUTION

Some complaints may be resolved through an Alternative Resolution (AR). AR cannot be used in cases with a student complainant and an employee respondent.

An AR is a voluntary process in which all parties agree to participate and to specified terms which have been reviewed and approved by the Civil Rights Officer. The process will end upon any party's request. An Alternative Resolution may be appropriate when a Formal Investigation seems unlikely to lead to a resolution.



An AR may include, for example:

- separating the parties;
- a no-contact order;
- referring the parties to counseling;
- conducting targeted preventive educational and training programs.

Parties may be accompanied by an advisor throughout the process. **The AR process often is completed within 30 business days.**

III. OTHER INQUIRY

The final, least-common complaint resolution option is an inquiry. An inquiry may be used where there is some need for UCR to gathering information and make findings regarding a report, but there is not an identified student or employee respondent. An example of a situation where UCR might conduct an inquiry would be to address a complaint that a former UCR employee harassed students or employees while they were an employee, particularly if there was concern that this person might seek to return to UCR employment.

IV. OTHER GRIEVANCE AND COMPLAINT OPTIONS

This document summarizes the resolution options available under the Anti-Discrimination Policy. Depending on your status with UCR, and the status of the Respondent, there may be other campus grievance or complaint options. These are described in [Appendix I in the Anti-Discrimination Policy](#). In addition, you have external complaint options:

- [External Reporting Options for Students](#)
- [External Reporting Options for Employees](#)
- [External Reporting Options for Residents and Fellows \(UCR SOM and UCR Health\)](#)
- [External Options for Patients](#)