A. Policy Statement
The University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University is strongly opposed to sexual harassment, and that such behavior is prohibited both by law and by University policy. The University will respond promptly and effectively to reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

This policy applies to all University of California campuses, the three DOE Laboratories, the Medical Centers, and the Office of the President, including Agriculture and Natural Resources (the locations).

B. Definition of Sexual Harassment
Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person’s employment or education, unreasonably interferes with a person’s work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. In the interest of preventing sexual harassment, the University may respond to reports of any such conduct. In order to be grounds for discipline, the harassing conduct must be sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, housestaff, students, and nonstudent or non-employee participants in University programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex.

In determining 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.

This policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies governing conflicts of interest and faculty-student relationships. 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, subject to this policy.

Harassment that is not sexual in nature but is based on gender, sex-stereotyping, or sexual orientation also is prohibited by the University’s nondiscrimination policies if it is sufficiently severe to deny or limit a person’s ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, sex-stereotyping, or sexual orientation.

C. Retaliation
This policy also prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment, or participates in any manner in an investigation or resolution of a sexual harassment report. Retaliation includes threats, intimidation, reprisals,
and/or adverse actions related to employment or education.

D. Dissemination of the Policy, Educational Programs, and Employee Training
As part of the University’s commitment to providing a harassment-free working and learning environment, this policy shall be disseminated widely to the University community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. The locations shall make educational materials available to all members of the University community to promote compliance with this policy and familiarity with local reporting procedures. In addition, the locations shall designate University employees responsible for reporting or responding to reports of sexual harassment and provide training to those designated employees. Generally, such persons include supervisors, managers, academic administrators, deans, department chairs, student advisors, graduate advisors, residence hall staff, coaches, law enforcement officers, student judicial affairs staff, counselors, and health center staff.

E. Reports of Sexual Harassment
Any member of the University community may report conduct that may constitute sexual harassment under this policy. In addition, supervisors, managers, and other designated employees are responsible for taking whatever action is necessary to prevent sexual harassment, to correct it when it occurs, and to report it promptly to the Title IX Compliance Coordinator or other appropriate official designated to review and investigate sexual harassment complaints. The locations shall develop procedures providing for a prompt and effective response to reports of sexual harassment in accordance with the procedures set forth below. A prompt and effective response may include early resolution, formal investigation, and/or targeted training or educational programs. An individual also may file a complaint or grievance alleging sexual harassment under the applicable University complaint resolution or collective bargaining agreement grievance procedure (Appendix I).

F. Response to Sexual Harassment: Remedies and Disciplinary Action
Upon findings of sexual harassment, the University may offer remedies to the individual or individuals harmed by the harassment consistent with applicable grievance procedures (Appendix I). Such remedies may include counseling, an opportunity to repeat course work, or other appropriate interventions. Any member of the University community who is found to have engaged in sexual harassment is subject to disciplinary action up to and including dismissal in accordance with the applicable University disciplinary procedure (Appendix II) or other University policy. Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment who knew about the harassment and took no action to stop it or failed to report the prohibited harassment also may be subject to disciplinary action. Conduct that is sexual harassment or retaliation in violation of this policy is considered to be outside the normal course and scope of employment.

G. Intentionally False Reports
Because sexual harassment frequently involves interactions between persons that are not witnessed by others, reports of sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or “proof” should not discourage individuals from reporting sexual harassment under this policy. 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 the applicable University disciplinary procedure (Appendix II). 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. This policy is intended to protect members of the University community from
discrimination, not to regulate protected speech. This policy 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 this policy 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) also investigate complaints of unlawful harassment in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful 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 listed in the telephone directory.

II. PROCEDURES FOR RESPONDING TO REPORTS OF SEXUAL HARASSMENT
All campuses, DOE Laboratories, Medical Centers, the Office of the President, and Agriculture and Natural Resources (the locations) shall implement procedures for responding to reports of sexual harassment in accordance with the principles set forth in this policy. The primary purpose of the procedures is to provide all members of the University community with a process for reporting sexual harassment so that the University can take prompt and appropriate action to end any harassment and to prevent recurrence of the harassment. These procedures also cover reports of retaliation related to reports of sexual harassment.

The procedures below contain both required and recommended components for local procedures for responding to reports of sexual harassment, with the recognition that specific elements may vary according to each location’s organizational needs.

A. Local Sexual Harassment Resources

1. Title IX Compliance Coordinator
Local procedures shall designate a Title IX Compliance Coordinator, whose responsibilities should include the duties listed below. Additional duties may be assigned by local procedures.
   a. Plan and manage the local sexual harassment education and training programs. The programs should include wide dissemination of this policy to the University community; providing educational materials to promote compliance with the policy and familiarity with local reporting procedures; and training University employees responsible for reporting or responding to reports of sexual harassment.
   b. Implement local procedures to provide for a prompt and effective response to reports of sexual harassment in accordance with this policy.
   c. Maintain records of reports of sexual harassment at the location and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.

2. Trained Sexual Harassment Advisors
Local procedures may designate trained individuals to serve as additional resources for members of the University community who have questions or concerns regarding behavior that may be sexual harassment. Local procedures shall define the duties of these individuals.
B. Response to Reports of Sexual Harassment

1. Making Reports of Sexual Harassment
Local procedures shall encourage all members of the University community to contact the Title IX Compliance Coordinator if they observe or encounter conduct that may be subject to the University's Policy on Sexual Harassment. Local procedures shall designate that reports of sexual harassment may be brought to the Title IX Compliance Coordinator (or designee) or to any manager, supervisor, or designated employee responsible for responding to reports of sexual harassment. If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to another manager, supervisor, or designated employee. Managers, supervisors, and designated employees shall be required to notify the Title IX Compliance Coordinator when a report is received. The name, address, and contact information for the Title IX Compliance Coordinator shall be readily accessible to the campus community.

Local procedures shall encourage reports of sexual harassment to be brought as soon as possible after the alleged conduct occurs, optimally within one year. Prompt reporting will enable the University to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. The one-year time frame may be extended in individual cases at the discretion of the Title IX Compliance Coordinator.

2. Options for Resolution
Local procedures shall require that individuals making reports of sexual harassment be informed about options for resolving potential violations of the Policy on Sexual Harassment. These options shall include procedures for early resolution, procedures for formal investigation, and filing complaints or grievances under applicable University complaint resolution or grievance procedures. Local procedures also shall inform individuals about policies applying to confidentiality of reports under this policy.

Local procedures may provide for informing individuals bringing reports of sexual harassment about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the harassment, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

Local procedures shall indicate that an individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of sexual harassment in good faith, who assisted someone with a report of sexual harassment, or who participated in any manner in an investigation or resolution of a report of sexual harassment, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment and will be subject to the same procedures.

3. Procedures for Early Resolution
Local procedures should encourage early resolution of reports of sexual harassment in appropriate cases. The goal of early resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Early resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for early resolution should be flexible and encompass a full range of possible appropriate outcomes. Early resolution may include 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 educational and training programs, or remedies for the individual harmed by the harassment. Procedures for early resolution may include discussions with the parties, making recommendations for resolution, and conducting follow-up after a period of time to assure that the resolution has been implemented effectively. Steps taken to encourage early resolution and agreements reached through early resolution efforts should be documented. While local procedures should encourage early resolution of a complaint, those procedures shall
not require that parties participate in early resolution as a pre-condition for initiating a formal investigation. Some reports of sexual harassment may not be appropriate for early resolution, but may require a formal investigation at the discretion of the Title IX Compliance Coordinator. Examples include reports of serious misconduct where the facts are in dispute, and reports of conduct involving individuals with a pattern of inappropriate behavior or criminal acts such as stalking, sexual assault, or physical assault.

4. Procedures for Formal Investigation
Local procedures shall provide for formal investigation of reports of sexual harassment in cases where early resolution is inappropriate or unsuccessful. In such cases, the individual making the report shall be encouraged to file a written request for formal investigation. The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a formal investigation of a report of sexual harassment. In other cases, the Title IX Compliance Coordinator, in consultation with the administration, may initiate a formal investigation after making a preliminary inquiry without a written request.

Local procedures for formal investigation of reports of sexual harassment shall incorporate the following standards:

a. The individual(s) accused of conduct violating the Policy on Sexual Harassment shall be 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 Policy on Sexual Harassment and Procedures for Responding to Reports of Sexual Harassment.

b. The individual(s) conducting the investigation shall be familiar with the Policy on Sexual Harassment and have training or experience in conducting investigations.

c. The investigation may include interviews with the parties and other witnesses if available, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses should be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation should be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

d. Upon request, the complainant and the accused may each have a representative present when he or she is interviewed. Other witnesses may have a representative present at the discretion of the investigator or as required by the applicable University policy or collective bargaining agreement.

e. At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by the appropriate University officials. These may include separating the parties, placing limitations on contact between the parties, or making alternative working or housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the Policy on Sexual Harassment.

f. The investigation should be completed as promptly as possible and in most cases within 60 working days of the date of the filing of the request for formal investigation was filed. This deadline may be extended on approval by a designated University official.

g. Generally, an investigation should result in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator as to whether University policy has been violated. The report also may contain a recommendation for actions to resolve the complaint, including educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The report shall 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.

h. The complainant and the accused shall be informed promptly in writing when the investigation is completed. The complainant shall be informed if there were findings made that the policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with University policies protecting individuals’ privacy, the complainant may be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the accused. The complainant and the accused shall be informed in writing that action was taken or that no action was taken in response to
the complaint.

   i. The complainant and the accused may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information. However, the report shall 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.

C. Complaints or Grievances Involving Allegations of Sexual Harassment

An individual who believes he or she has been subjected to sexual harassment may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure (Appendix I) either instead of or in addition to making a report of sexual harassment to the Title IX Compliance Coordinator under this policy. A complaint or grievance alleging sexual harassment must meet all the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing.

If a complaint or grievance alleging sexual harassment is filed in addition to a report made to the Title IX Compliance Coordinator under this policy, the complaint or grievance may be held in abeyance subject to the requirements of any applicable complaint resolution or grievance procedure, pending the outcome of the early resolution or formal investigation procedures. If the individual wishes to proceed with the complaint or grievance, the early resolution or formal investigation may constitute the first step or steps of the applicable complaint resolution or grievance procedure.

An individual who has made a report of sexual harassment also may file a complaint or grievance alleging that the actions taken in response to the report of sexual harassment did not follow University policy. Such a complaint or grievance may not be filed to address a disciplinary sanction imposed upon the accused. Any complaint or grievance regarding the resolution of a report of sexual harassment under this procedure must be filed in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment investigation or other resolution process pursuant to this policy, and/or of the actions taken by the administration in response to the report of sexual harassment, whichever is later.

D. Remedies and Referral to Disciplinary Procedures

Local procedures shall specify that findings of violations of the Policy on Sexual Harassment may be considered in determining remedies for individuals harmed by the sexual harassment and shall be referred to applicable local disciplinary procedures (Appendix II). Locations are encouraged to coordinate procedures under this policy with applicable local grievance and disciplinary procedures to avoid duplication in the factfinding process whenever possible. Violations of the policy may include engaging in sexual harassment, retaliating against a complainant reporting sexual harassment, violating interim protections, and filing intentionally false charges of sexual harassment. Investigative reports made pursuant to this policy may be used as evidence in subsequent grievance and disciplinary proceedings as permitted by the applicable procedures.

E. Privacy

Local procedures shall provide for protecting the privacy of individuals involved in a report of sexual harassment to the extent allowed by law and University policy. A report of sexual harassment 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 sexual harassment. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of sexual harassment may be advised of sanctions imposed against the accused 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 accused shall not be disclosed without the accused’s consent, unless it is necessary to ensure compliance with the action or the safety of individuals.

F. Confidentiality of Reports of Sexual Harassment
Local procedures shall identify resources for advice and information regarding reports of sexual harassment in a confidential setting, in order to provide individuals who may be interested in bringing reports of sexual harassment with a safe place to discuss their concerns and learn about the procedures and potential outcomes in confidence. Examples of confidential resources may include campus ombudspersons and/or licensed counselors in employee assistance programs or student health services. Individuals who consult with confidential resources must be advised that their discussions in these settings are not considered reports of sexual harassment and that without additional action by the individual, the discussions will not result in any action by the University to resolve their concerns.

Local procedures shall notify the campus community that certain University employees, such as the Title IX Compliance Coordinator, managers, supervisors, and other designated employees have an obligation to respond to reports of sexual harassment, even if the individual making the report requests that no action be taken. An individual’s requests regarding the confidentiality of reports of sexual harassment will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University’s legal obligation to ensure a working and learning environment free from sexual harassment and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests to the extent possible.

G. Retention of Records Regarding Reports of Sexual Harassment
Local procedures shall designate the Title IX Compliance Coordinator as the office responsible for maintaining records relating to sexual harassment reports, investigations, and resolutions. Records shall be maintained in accordance with University records policies, generally five years after the date the accused is no longer a student, employee, or otherwise affiliated with the University. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.

APPENDIX I: University Complaint Resolution and Grievance Procedures
If a member of the University community elects to file a grievance containing allegations of sexual harassment, the following complaint resolution and grievance procedures may be applicable:

**Academic Personnel:**
Members of the Academic Senate Senate Bylaw 335
Non-Senate Academic Appointees APM - 140
Exclusively Represented Academic Appointees The applicable collective bargaining agreement

**Students:**
Policies Applying to Campus Activities, Organizations and Students, Section 110.00

**Staff Personnel:**
Senior Managers PPSM II-70
Managers and Senior Professionals, PPSM 71
Salary Grades VIII and IX
Managers and Senior Professionals, PPSM 70
Salary Grades I – VII; and
Professional and Support Staff
Exclusively Represented Staff Personnel The 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
If a report of sexual harassment results in a recommendation for disciplinary action, the following disciplinary action procedures may be applicable:

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, outlines 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 the Academic Personnel Policies governing 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.