

**Procedures for Employment Related Discrimination,  
Harassment and Retaliation Complaint and Resolution**

*April 2018*

**I. University Policy**

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 (40 and over), 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 will take reasonable steps to prevent and correct harassment and, when necessary, appropriate action to discipline behavior that violates university policy.

The UCR Human Resources Equal Employment and Affirmative Action department (EEAA) is responsible for supporting UCR's commitment to non-discrimination, and equal employment opportunity in all aspects of employment.

**II. Related Policies and References**

- A. Discrimination, Harassment, and Affirmative Action in the Workplace - <https://policy.ucop.edu/doc/4000376/DiscriminatioHarassmentAffirmAction>
- B. PPSM-12: Nondiscrimination in Employment- <http://policy.ucop.edu/doc/4010391/PPSM-12>
- C. APM-15: Faculty Code of Conduct - [http://www.ucop.edu/academic-personnel-programs/\\_files/apm/apm-015.pdf](http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf)
- D. University of California Sexual Violence and Sexual Harassment Policy – <http://policy.ucop.edu/doc/4000385/SVSH>
- E. UCR 650-85: Volunteer (without salary) Appointments – <http://fboapps.ucr.edu/policies/index.php?path=viewPolicies.php&policy=650-85>

**III. Propose and Scope**

The UC Riverside Procedures for Employment Related Discrimination, Harassment and Retaliation Complaint and Resolution provide a process through which persons seeking employment and employees, including faculty and other academic personnel, staff, 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 University Nondiscrimination Policies.

These procedures implement Discrimination, Harassment, and Affirmative Action in the Workplace, PPSM-12: Nondiscrimination in Employment policy, and the relevant provisions of APM-15: The Faculty Code of Conduct. These procedures do not apply to reports of sex offenses, including sexual harassment and sexual violence. Such complaints are processed in accordance with the UC Sexual Violence and Sexual Harassment policy through the Title IX Office. Reports made to EEAA regarding sexual harassment or sexual violence will be referred to the Title IX office.

#### **IV. Prohibited Conduct**

##### **A. 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, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age (40 or over), sexual orientation, citizenship, status as a protected veteran or service in the uniformed services where there is no legitimate reason for such treatment.

##### **B. 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 explicitly or implicitly affects a person's employment or interferes with a person's work or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive.

##### **C. Retaliation**

Retaliation includes threats, intimidation, reprisals, and/or adverse employment 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.

#### **V. Procedure for Reporting Prohibited Conduct**

Individuals are encouraged to report Prohibited Conduct to EEAA. 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 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 to EEAA in any of the following ways:

- By calling the EEAA department at 951-827-5604
- By emailing the EEAA department at [affirmativeaction@ucr.edu](mailto:affirmativeaction@ucr.edu)
- In person by visiting the EEAA department located at 1201 University Ave; University Village Ste. 208
- Online by completing and submitting a UCR Discrimination/Harassment Complaint Form

Complaints of employment related discrimination, harassment or retaliation filed through the Whistleblower hotline may be directed to EEAA.

Individuals reporting prohibited conduct will be:

- 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 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.

## **VI. Procedure for Responding to Reports of Prohibited Conduct**

After receiving a report, which does not need to be in writing, of Prohibited Conduct, EEAA 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. EEAA may consult with other appropriate resources.

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 and with the cooperation of all parties involved. EEAA 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 appropriate outcomes such as discussions with the parties, mediating an agreement between the parties, making recommendations for resolutions, separating the parties, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, and employing follow-up measures to assure that resolutions have been implemented effectively.

While EEAA will utilize Early Resolution when appropriate, Early Resolution is not required prior to a decision to initiate a Formal Investigation. Some reports under the University Nondiscrimination Policies may not be appropriate for Early Resolution, but may require a Formal Investigation at the discretion of the EEAA office.

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

### **B. Formal Investigation**

In cases where Early Resolution is inappropriate or where Early Resolution is unsuccessful, EEAA 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. EEAA, in consultation with other appropriate offices, 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, EEAA may decline to initiate a Formal Investigation despite a complainant's request if EEAA 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.

In the event of a Formal Investigation, an investigator will be assigned. The Investigator will conduct the investigation by interviewing the parties, including other witnesses, and reviewing and evaluating other available evidence. The investigator will determine whether the evidence supports a finding that university policy has been violated and will issue a written report of findings to EEAA or other appropriate office.

EEAA will inform the complainant and the respondent promptly in writing upon completion of the investigation. The complainant and the respondent will be informed as to whether there was a finding of violation of the University Nondiscrimination Policies. 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.

## **VII. Remedies and/or Referral for Corrective Action**

If the Formal Investigation finds Prohibited Conduct occurred, EEAA 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.

EEAA shall forward the investigative report (with attachments and any necessary redactions) to the relevant administrator. The specific procedures for determining corrective action depend upon the nature of the violator's relationship to the university (e.g., faculty, other academic appointee, staff, or third party). When a violator is both a student and an employee (such as a Teaching Assistant or Graduate Student Researcher), the violator 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 procedure.

## **VIII. 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)

## **IX. 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 EEAA:

- Campus Police
- Human Resource Administrators, Academic Personnel, and Title IX Professionals
- Managers and Supervisors including Deans, Department Chairs, and Directors of Organized Research Units
- Faculty members
- Resident Assistants and Graduate Teaching Assistants

## **X. Privacy**

The University shall 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 and procedure may also require the disclosure of certain information during or following an investigation, including discipline results.

#### **XI. Retention of Records**

EEAA 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.

#### **XII. Intentional False Reports**

Individuals who make a report of employment related discrimination, harassment or retaliation that is later 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.

#### **XIII. 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](http://www.eeoc.gov)  
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](http://www.dfeh.ca.gov)  
365 days from last incident

#### **XIV. Revision History**

Changes effective April 23, 2018.

As a result of the issuance of this procedure, the following procedure is rescinded as of the effective date of this procedure and is no longer applicable:

- Procedures for Employment Related Discrimination, *Harassment and Retaliation Complaint and Resolution, June 2017*