

Responsible Officer:	UC Agriculture and Natural Resources Title IX Officer
Responsible Office:	UC Agriculture and Natural Resources Human Resources
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Scope:	This section of the UC ANR Administrative Handbook will apply to all UC ANR-controlled programs, and to all participants in programs over which UC ANR has authority.

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Members of the UC ANR community in need of **confidential assistance regarding sexual violence, sexual harassment**, dating violence, domestic violence and stalking may access help by going to: <http://sexualviolence.universityofcalifornia.edu/get-help/index.html>, or by contacting the [UC ANR Title IX Officer](#).

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I. POLICY SUMMARY

The University of California's (UC's) division of [Agriculture and Natural Resources](#) (UC ANR) will comply fully with UC's [Sexual Violence and Sexual Harassment \(SVSH\) policy](#). This section of the UC ANR [Administrative Handbook](#) describes the procedures by which [UC's SVSH policy](#) will be implemented in UC ANR's non-campus environment.

II. DEFINITIONS

All of the definitions provided in [UC's SVSH policy](#) are incorporated herein by reference and will be applied to UC ANR's non-campus environment as follows.

Confidential Resources: Person(s) who can offer confidential consultations without reporting the incident to the [Title IX Officer](#). The UC Davis [Academic and Staff Assistance Program](#) (ASAP) serves as the Confidential Resource for UC ANR.

Complainant: A person who files a report of sexual violence or sexual harassment or other prohibited behavior or retaliation, or a person who has been the alleged subject of such Prohibited Conduct or retaliation.

Respondent: A person alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behavior or retaliation is made.

Faculty: UC ANR's non-senate represented academic appointees.

Participant: A person participating in any UC ANR activity or program who is not a UC employee or a certified UC ANR volunteer. Participants include minors participating in UC ANR programs or activities, as well adult volunteers.

Responsible Employee:

For All Reports Made By UC Students: All UC ANR employees

For All Other Reports:

- a. [Title IX Officer](#)
- b. Academic Appointees
- c. All personnel of the UC ANR [Human Resources](#) office, including those responsible for academics and staff
- d. Directors, Managers and Supervisors

Executive Officer: The UC ANR [Vice President](#).

Responsible Officer:

1. UC ANR [Associate Vice President](#)
2. UC ANR [Human Resources Executive Director](#)

3. UC ANR [Title IX Officer](#)

Volunteer: A person that is not a UC employee and has written certification as a volunteer in any UC ANR activity or program.

III. POLICY TEXT

- A.** UC ANR will maintain an environment in which all individuals who are employed or participate in UC ANR programs and activities can work and learn together in an atmosphere free of sexual violence and sexual harassment.
- B.** Any member of the UC ANR community may report conduct that may constitute sexual violence, sexual harassment, retaliation and other prohibited behavior by contacting the UC ANR [Title IX Officer](#) or other Responsible Employee (visit the UC ANR's [website](#)).
- C.** UC ANR will respond promptly and equitably to such reports, and will take appropriate action to stop, prevent, and remedy the Prohibited Conduct and when necessary, to discipline the Respondent.
- D.** Protection of Complainant, Respondent, and Witnesses
1. Immunity
To encourage reporting, neither a Complainant nor a witness in a Formal Investigation of sexual violence will be subject to disciplinary sanctions for a violation of the relevant UC conduct policy at or near the time of the incident, unless the violation placed the health or safety of another at risk, or was otherwise egregious.
 2. Retaliation
Retaliation against a person for bringing a complaint, assisting someone with a complaint or for participating in any manner in a Formal Investigation or resolution of a complaint of sexual violence or sexual harassment is prohibited. Retaliation includes threats, intimidation, reprisals, and/or adverse actions.
 3. Privacy
UC ANR will attempt to protect the privacy of individuals involved in a report of Prohibited Conduct (even when proceeding with an investigation without the Complainant's participation) to the extent permitted by law, UC policy and procedures, and investigative effectiveness. However, a Formal Investigation may involve numerous interviews to inquire about relevant evidence. While information gathered is confidential, investigative effectiveness may require the disclosure of certain information during or following a Formal Investigation.

IV. COMPLIANCE / RESPONSIBILITIES

- A.** In conformance with [UC's SVSH policy](#) and to foster an atmosphere free of

sexual violence and sexual harassment, UC ANR will do the following for all UC ANR academic appointees and staff.

1. Designate and provide adequate resources and independence to the UC ANR [Title IX Officer](#).
2. Designate persons who can offer confidential consultations. The UC Davis [Academic and Staff Assistance Program](#) (ASAP) serves as the Confidential Resource for UC ANR.
3. Provide mandatory annual training and education and offer primary prevention programs and awareness campaigns (including maintenance of an on-going, “one-stop” [website](#)).
4. Follow UC-established and approved processes for investigation, adjudication and sanctioning.
5. Provide comprehensive, regular training with a trauma-informed perspective for individuals responsible for responding to reports of Prohibited Conduct, including Alternative Resolution and Formal Investigation processes and hearing, remedy, discipline and appeal processes.
6. Publicize a UC ANR-specific process for reporting incidents of Prohibited Conduct.
7. Provide written explanation of rights and resources.
8. Distribute and publish these procedures online as a section of the UC ANR [Administrative Handbook](#).

B. Responsibilities

1. The [Vice President](#) is the Executive Officer responsible for implementation of [UC's SVSH policy](#) within UC ANR.
2. The [Vice President](#) has designated the UC ANR [Human Resources](#) unit as the local management office responsible for the establishment of local procedures to implement the [UC SVSH policy](#), and for monitoring, enforcing and reporting compliance. The UC ANR [Title IX Officer](#) has general responsibility for oversight of the complaint process and investigation of complaints.
3. Exceptions to local procedures must be approved by the [Executive Officer](#) or by the Executive Officer’s designee.

V. PROCEDURES

A. Reporting Prohibited Conduct

1. Reporting incidences of Sexual Violence and/or Sexual Harassment
Individuals who experience or observe behavior that may be sexual violence

and/or sexual harassment should report it to any of the following, and provide as much information as possible.

- a. UC ANR [Title IX Officer](#)
- b. Other Responsible Employees
- c. The UC Whistleblower hotline (accessible at <http://www.ucop.edu/uc-whistleblower/> or by dialing 800-403-4744)
- d. An External Agency

In addition to using this procedure, individuals may file a complaint directly with the following external agencies that investigate discrimination, sexual violence, sexual harassment, and other harassment charges.

- i. California [Department of Fair Employment and Housing](#)
- ii. U.S. Department of Education, [Office for Civil Rights](#)
- iii. United States Department of Agriculture Director, [Office of Adjudication](#)
- iv. 1400 Independence Avenue, SW Washington, DC 20250-9410
- v. [U.S. Equal Employment Opportunity Commission](#)

2. Responding to a Report of Sexual Violence and/or Sexual Harassment

- a. A Responsible Employee in UC ANR who receives a report alleging sexual violence or sexual harassment must promptly notify the UC ANR [Title IX Officer](#). A Responsible Employee has an obligation to notify the [Title IX Officer](#) of reports of sexual violence and sexual harassment, even if the individual making the report requests that no action be taken. Failure to report sexual violence and sexual harassment allegations to the UC ANR [Title IX Officer](#) may be grounds for disciplinary action.
- b. Other Mandatory Reporting Obligations

Individuals with other mandatory reporting obligations must also comply with the requirements of other applicable policies (e.g., UC's [Reporting Child Abuse and Neglect](#) policy, etc.).

3. Timeline

- a. While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible. All incidents should be reported even if significant time has elapsed, but prompt reporting will better enable the UC ANR [Title IX Officer](#) to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate.
- b. The Formal Investigation of a complaint and the issuance of a written notice of the decision should be conducted and completed within sixty-five (65)

business days of the initiation of the Formal Investigation.

- c. The sixty-five (65) business day timeline may be extended by the UC ANR [Title IX Officer](#) in cases involving good cause. Written notice of the extension shall be provided to the Complainant and to the Respondent.

4. Jurisdiction

- a. This section of the UC ANR [Administrative Handbook](#) will apply to all UC ANR-controlled programs, and to all participants in those programs.

- b. Law Enforcement

When a law enforcement agency is conducting its own investigation, the UC ANR [Title IX Officer](#) will coordinate fact-finding efforts with that agency. At the request of law enforcement, a Formal Investigation by UC ANR may be delayed to avoid negatively affecting the criminal investigation. Such a request may be cause for extending the sixty-five (65) business day timeline referenced in Section V.A.3 above.

B. Resolution and Remedy

1. Upon receipt of a report alleging sexual violence or sexual harassment the UC ANR [Title IX Officer](#) will conduct an Initial Assessment to determine the following.
 - a. Does the report, on its face, allege an act of Prohibited Conduct under [UC SVSH policy and](#)
 - b. If so, does such Prohibited Conduct have sufficient nexus with UC ANR for UC ANR to intervene?

2. After conducting an Initial Assessment of the report, the UC ANR [Title IX Officer](#) will determine one of the following and will explain the rationale for that determination to the Complainant in writing.

- a. No further action is warranted under the [UC SVSH policy](#).
- b. An Alternative Resolution is warranted under the [UC SVSH policy](#).
- c. A Formal Investigation is warranted under the [UC SVSH policy](#).

The wishes of the Complainant will be considered, but will not be determinative of the UC ANR [Title IX Officer](#)'s decision to pursue an Alternative Resolution, a Formal Investigation, or to take other appropriate action (including interim remedial measures).

3. Formal Investigation

- a. Health and Safety

At any time in this process, and in coordination with the [Executive Officer](#) (or designee), the UC ANR [Title IX Officer](#) may consider and take interim

- measures as appropriate to ensure all employees' and participants' safety, well-being, and equal access to UC ANR programs and activities.
- b. If Alternative Resolution is unwarranted or inappropriate, the UC ANR [Title IX Officer](#) may initiate a Formal Investigation and will issue to the Complainant and the Respondent written notice of the following.
 - i. A summary of the allegations and potential policy violations.
 - ii. The purpose of the Formal Investigation.
 - iii. A statement that the Formal Investigation report will make factual findings as to whether there was a violation of the [UC SVSH policy](#) and will recommend appropriate corrective action if needed.
 - iv. A statement that factual findings will be based on a “preponderance of the evidence” standard.
 - v. A summary of the Formal Investigation process with anticipated timeline.
 - vi. A summary of the rights of the Complainant and the Respondent.
 - vii. A copy of the [UC SVSH policy](#) and of this section of the UC ANR [Administrative Handbook](#).
 - c. The UC ANR [Title IX Officer](#) (or other qualified investigator designated by the UC ANR [Title IX Officer](#)) will conduct a prompt, fair, and impartial Formal Investigation.
4. Issuance of Written Report of the Formal Investigation
- a. The UC ANR [Title IX Officer](#) (or qualified designee) will prepare a written report of the Formal Investigation that will include the following.
 - i. The allegations and issues.
 - ii. The positions of the Complainant and the Respondent.
 - iii. A summary of the evidence and an explanation of why any witness testimony or other evidence offered was not investigated or considered.
 - iv. Findings of fact and an analysis of whether a violation of the [UC SVSH policy](#) has occurred.
 - b. The UC ANR [Title IX Officer](#) will submit the report to the [Associate Vice President](#) or designee who will determine the appropriate corrective action and disciplinary sanctions (if any) and will issue a final Notice of Formal Investigation Findings and Recommendations.
5. Notice of the Formal Investigation Findings and Recommendations The UC ANR

[Associate Vice President](#) or designee will notify the

Complainant and the Respondent in writing of the outcome of the Formal Investigation that will include the following.

- a. A determination of whether the allegations were substantiated and, if so, whether the conduct violated the [UC SVSH policy](#).
- b. Appeal rights and procedures (if applicable as further explained in Section V.D. below).
- c. How to obtain copy of the written report Formal Investigation (subject to privacy rights).
- d. If the Formal Investigation concludes that a violation of the UC SVSH policy has occurred, a statement that the [Associate Vice President](#) will determine the appropriate corrective action and disciplinary sanctions (if any) necessary to promptly and effectively stop the violation, prevent its recurrence, and, as appropriate, remedy its effects in accordance with the applicable UC policy(ies) listed in Section V.C.1 below.

C. Disciplinary Procedure (if applicable)

1. Discipline imposed on Respondents will be based on the nature of the Respondent's relationship to UC ANR, in accordance with the following.
 - a. For Academic Appointees
[UC Academic Personnel Manual](#)
 - b. For Non-represented Employees
[UC Personnel Policies for Staff Members](#)
 - c. For Exclusively Represented Employees Applicable [Collective Bargaining Agreement](#)
 - d. For Volunteers and Other Participants
 - i. [UCCE 4-H Youth Development Program Policy Handbook](#)
 - ii. [UCCE Master Gardener Program Administrative Handbook](#)
 - e. Other Applicable UC Policy

D. Appeal/Grievance Process (if applicable)

1. For the Respondent (if applicable)

Under the [UC SVSH policy](#), after completion of the Formal Investigation, a Respondent may initiate a grievance or complaint only as a means of appeal. Appeal rights are afforded to Respondents based on the nature of the Respondent's relationship to UC ANR, in accordance with the following.

- a. For Academic Appointees
[UC Academic Personnel Manual](#)
 - b. For Non-represented Employees
[UC Personnel Policies for Staff Members](#)
 - c. For Exclusively Represented Employees
Applicable [Collective Bargaining Agreement](#)
2. For the Complainant
- a. If the [Associate Vice President](#) agrees that a violation of the [UC SVSH policy](#) has not occurred or determines that additional corrective action or disciplinary sanctions are unnecessary, the Complainant may appeal the decision to the UC ANR [Human Resources Executive Director](#) on the basis of one or both of the following:
 - i. A procedural error(s) in the process, or
 - ii. New information that was unknown and/or unavailable at the time of the decision, and that is sufficiently material to affect the outcome of such a decision.
 - b. The Complainant must submit the appeal in writing to the [Human Resources Executive Director](#) within ten (10) business days of the Complainant's receipt of the Notice of the Formal Investigation outcome Findings and Recommendations. The Complainant must identify the basis for the appeal and a brief statement of the procedural error or new information that support the appeal. The [Human Resources Executive Director](#) will respond to the Complainant appeal according to the relevant circumstances and applicable UC policies.
 - c. If the Complainant reports a new incident of Prohibited Conduct, UC ANR will respond to the report of the new incident in accordance with the [UC SVSH policy](#).

VI. RELATED INFORMATION

- UC ANR Sexual Violence and Sexual Harassment Resources: [Sexual Violence/Sexual Harassment Resources](#)
- UC Academic Personnel Manual Section 140, [Non-Senate Academic Appointees/Grievances](#)
- UC Academic Personnel Manual Section 150, [Non-Senate Academic Appointees/Corrective Action and Dismissal](#)
- UC ANR Administrative Handbook Section 350, Academic Appointee [Grievances](#)

[and Appeals](#)

- UC Personnel Policies for Staff Members, [Complaint Resolution](#)

VII. FREQUENTLY ASKED QUESTIONS

VIII. REVISION HISTORY

May 2018:

Format updated.