

PPM 470: Sexual Violence and Sexual Harassment

Responsible Officer:	Human Resources Executive Director
Responsible Office:	Human Resources
Issuance Date:	03/09/2021
Effective Date:	03/09/2021
Last Review Date:	11/21/2017
Scope:	Applies to all UC ANR employees, volunteers and non-affiliated third-parties in all areas of UC ANR operations and programs; and to all UC ANR facilities, including non-UC ANR-owned locations where UC ANR programs and business are conducted.

For non-confidential help with sexual violence, sexual harassment, relationship violence, and stalking, contact the UC Davis Harassment and Discrimination Assistance and Prevention Program (HDAPP) at 530-747-3864 or hdapp@ucdavis.edu. For confidential help, contact the UC Davis Center for Advocacy, Resources & Education (CARE) at 530-752-3299 or ucdcare@ucdavis.edu. Options for reporting to agencies outside the University are in below section V, *Procedures*.

For questions about this policy, please contact:

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**Note: For links to referenced documents see
Section VI, *Related Information*, below.**

I. POLICY SUMMARY

- A. This section of the University of California (UC) Agriculture and Natural Resources (ANR) Policy and Procedure Manual (PPM) affirms that UC ANR adopts and incorporates herein the Interim UC *Sexual Violence and Sexual Harassment* policy. This section of the PPM is supplemental to the UC policy. To the extent this UC ANR policy is inconsistent with the UC policy on *Sexual Violence and Sexual Harassment*, the UC policy controls.
- B. UC ANR is committed to creating and maintaining a community where all individuals who participate in UC programs and activities can work together in an atmosphere free of violence, harassment, discrimination, exploitation or intimidation. Every member of the community should be aware that the UC prohibits, in accordance with its policies, discrimination, bias, retaliation, sexual assault, sexual harassment, domestic violence, dating violence, and stalking. Such behavior violates both law and UC policy. UC ANR will respond promptly and effectively to any report of sexual violence or sexual harassment and will take appropriate action to prevent, correct, and when necessary, discipline behavior that violates UC policy.

II. DEFINITIONS

See the UC policy on *Sexual Violence and Sexual Harassment* for the complete explanation of all defined terms.

- A. Confidential Resource:** Employees who receive information about sexual violence or sexual harassment in their confidential capacity such as CARE Advocates, Ombuds, licensed counselors in student counseling centers and in employee assistance programs, and those with a professional license requiring confidentiality; or someone who is supervised by such a person.
- B. Responsible Employee:** Any UC ANR employee who is not a Confidential Resource and who is a Human Resources Administrator, an Academic Personnel

Administrator, a Title IX Professional, a Manager, a Supervisor, and/or a faculty member or academic appointee.

III. POLICY TEXT

A. General Conditions

1. UC ANR is committed to creating and maintaining a community where all persons who are part of the community can work and learn together in an atmosphere free from all forms of sexual violence, sexual harassment, exploitation, or intimidation.
2. UC ANR responds promptly and effectively to reports of sexual violence or sexual harassment and takes appropriate action to prevent and correct behavior that violates this policy, which may include discipline.
3. UC ANR responds to reports of prohibited retaliation following the procedures described in this policy.
4. No provision of this policy is interpreted to prohibit conduct that is legitimately related to:
 - a. Research or public service of an individual academic appointee; or
 - b. The educational, political, artistic, or literary expression of program participants.

However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state laws preventing sexual violence or sexual harassment.

B. Applicability

Every member of the UC ANR community shares responsibility for creating and maintaining a civil and respectful workplace, free from all forms of sexual violence or sexual harassment. Accordingly, this policy applies to all UC ANR employees, volunteers and non-affiliates. As well, it applies to all areas of UC ANR operations and programs and to all UC ANR facilities, including non-UC ANR-owned locations where UC ANR programs and business are conducted.

C. Reporting

See below Section V, *Procedures*.

D. Violence in the Workplace; Discrimination and Harassment

Violence in the workplace, as well as discrimination and harassment, are also prohibited in accordance with University policy.

E. Confidentiality and Privacy

UC ANR will act to the extent possible on the basis of anonymous complaints where it has a reasonable belief, based on sufficient evidence, that there has been a violation of this policy. UC ANR will maintain the confidentiality of reports to the extent possible, but may need to make disclosures to complete a fair review of the reported

behavior and to undertake corrective action to ensure the safety of the UC ANR community.

F. Retaliation

This policy prohibits retaliation against any person who reports policy violations in good faith; who assists someone else with such a report; or who participates in an investigation or the resolution of a report. The University's Whistleblower Protection Policy, including provisions regarding retaliation may apply in this context. Those found responsible for retaliatory action may be subject to discipline up to and including dismissal or termination.

IV. COMPLIANCE / RESPONSIBILITIES

A. The UC ANR Vice President (Vice President)

The Vice President is in charge of identifying the position within UC ANR responsible for the oversight and enforcement of this policy.

B. The UC ANR Human Resources (HR) Executive Director

The HR Executive Director has been identified as the UC ANR authority responsible for the oversight and enforcement of this policy, including the following:

1. Plan and manage sexual violence and sexual harassment education and training programs.
2. Ensure wide dissemination of this policy and other resources and training materials to promote compliance and awareness of reporting procedures.

As a practical matter, UC ANR has contracted with the UC Davis campus to handle complaints of sexual violence and sexual harassment for UC ANR.

C. UC Davis Title IX Officer

The UC Davis Title IX Officer assists the UC ANR community with resolving sexual violence and sexual harassment complaints, and implements and oversees procedures for prompt and effective response to reports of sexual violence and sexual harassment.

D. UC Davis Director—Harassment and Discrimination Assistance and Prevention Program (HDAPP)

In addition to the UC Davis Title IX Officer, the UC Davis Director—HDAPP is responsible to receive and act upon UC ANR complaints of sexual violence and sexual harassment.

E. Administrators, Supervisors, Managers, Faculty Members and Academic Appointees

Administrators, supervisors, managers, faculty members and academic appointees (Responsible Employees) are responsible for the following:

1. Maintenance of an environment free from all forms of sexual violence or sexual harassment, and
2. Documentation and reporting of all accounts of sexual violence or sexual harassment to the UC Davis Director – HDAPP or to the UC Davis Title IX Coordinator, and
3. Consultation with the UC Davis Director—HDAPP to implement appropriate interim actions in response to complaints of sexual violence or sexual harassment.

F. All Other UC ANR Employees, Volunteers and Non-Affiliates

All other UC ANR employees are responsible for the following:

1. Respect the rights and welfare of others in UC ANR, and
2. Comply with this policy and participate fully in investigations by supplying information to investigating staff or officers, and
3. Report acts of sexual violence or sexual harassment in accordance with below section V., *Procedures*.

V. PROCEDURES

A. Who Must Report Sexual Violence or Sexual Harassment

Reporting requirements are summarized in the below table and explained in the following text. Reports are made as described below in this section V., *Procedures*.

Sexual Violence or Sexual Harassment Reporting Requirements		
Individuals Who Have EXPERIENCED Sexual Violence or Sexual Harassment		
All UC ANR Community Members	May report or not as per the individual’s preference	
Individuals Who Have LEARNED OF Sexual Violence or Sexual Harassment		
Status	Student Complaints	Non-Student Complaints
Confidential Resource	N/A	N/A
Responsible Employee	Required to Report	Required to Report
All Other Employees	Required to Report	Urged to Report
Non-Employees	Urged to Report	Urged to Report

1. Individuals Who Have **Experienced** Sexual Violence or Sexual Harassment

- a. Individuals who have been subjected to sexual violence or sexual harassment have the right to choose whether or not to report the sexual violence or sexual harassment. Such an individual may choose to report the incident right away, after taking some time to get support and take care of themselves, or they may choose never to report the incident.
- b. Further, an individual may choose to report the incident to UC, to local law enforcement, to both, or to neither. Reporting is entirely up to the individual.
- c. For individuals who have experienced sexual violence or sexual harassment and are unsure if they wish to file a report, there are several confidential resources that can help them make an informed decision (see below section VI, *Related Information* for contact information). Such individuals are encouraged to contact the UC Davis CARE advocate, where all intervention services are confidential, free, and available to anyone who may experience sexual violence or sexual harassment in UC ANR.
 - i. It is important to note that all UC employees are required to report all incidents of sexual violence or sexual harassment against students. Additionally, certain UC employees are required to report all incidents of sexual violence and sexual harassment occurring to non-students. Individuals who experienced sexual violence or sexual harassment and prefer to remain anonymous should consider contacting one of the confidential resources before making an official complaint (see below section VI, *Related Information* for contact information for confidential resources).

2. Individuals Who Have **Learned of** Sexual Violence or Sexual Harassment

a. **Student Complaints** of Sexual Violence or Sexual Harassment

All UC ANR employees (including student employees) who are not confidential resources as identified in item II, *Definitions*, above and who in the course of employment receive information that a student may have been subjected to sexual violence or sexual harassment are **required** to report the complaint.

b. **Non-Student Complaints** of Sexual Violence or Sexual Harassment

i. Responsible Employees

All UC ANR employees who are not Confidential Resources, and who are Responsible Employees, as identified in item II, *Definitions*, above, and who in the course of employment receive information that a non-student (academic appointee, staff member, volunteer or third-party non-affiliate) may have been subjected to sexual violence or sexual harassment are **required** to report the complaint.

ii. All Other Employees

All UC ANR employees who are not Confidential Resources, and who are not Responsible Employees, as identified in item II, *Definitions*, above and who in the course of employment receive information that a non-student (academic appointee, staff member, volunteer or third-party non-affiliate) may have been subjected to sexual violence or sexual harassment are **strongly urged** to report the complaint.

iii. Non-Employees

Non-employees, who in the course of their dealings with UC ANR receive information that an individual (whether student or non-student) may have been subjected to sexual violence or sexual harassment are **strongly urged** to report the complaint.

B. How to File a Report of Sexual Violence or Sexual Harassment

Individuals wishing to report an incident of sexual violence or sexual harassment may do so through any one of several channels as follows.

1. Internal Resources

a. The UC Davis Harassment and Discrimination Assistance and Prevention Program (HDAPP) may be contacted at any time (including off-hours) via email at hdapp@ucdavis.edu or by phone at 530-747-3864.

b. Reports may be mailed to Wendi Delmendo, UC ANR Title IX Officer, University of California Davis, Office of Compliance and Policy, One Shields Avenue, Davis, California 95616.

- c. Reports may be made by visiting the UC Whistleblower Hotline online or by calling 800-403-4744. (See below section VI, *Related Information* for the web link.)

2. External Resources

In addition to reporting to resources internal to UC, individuals may file a complaint directly with the following external agencies that investigate discrimination, sexual violence, sexual harassment, and other harassment charges. (See below section VI, *Related Information* for contact information.)

- a. California Department of Fair Employment and Housing
- b. U.S. Department of Education, Office for Civil Rights
- c. United States Department of Agriculture
Center for Civil Rights Enforcement
Office of the Assistant Secretary for Civil Rights
Patriot's Plaza III
355 E St., SW, 7th
Washington, DC 20250
- d. U.S. Equal Employment Opportunity Commission

VI. RELATED INFORMATION

UC Systemwide Policy

- [UC Office of the President \(UCOP\) Policy on Sexual Violence and Sexual Harassment](#)

Confidential Resources

- [UC Davis Center for Advocacy, Resources and Education \(CARE\)](#) – 530-752-3299 or ucdcare@ucdavis.edu.
- [UC Davis Academic Staff Assistance Program \(ASAP\)](#) – 530-752-2727.

Reporting Resources

- [UC Davis Harassment and Discrimination Assistance and Prevention Program \(HDAPP\)](#) – 530-747-3864 or hdapp@ucdavis.edu. Use of the [Sexual Violence and Sexual Harassment Incident Report Form](#) is encouraged.
- [UC Davis/UC ANR Title IX Officer](#) Wendi Delmendo, University of California Davis, Office of Compliance and Policy, One Shields Avenue, Davis, California, 95616, 530-752-9466, or wjdelmendo@ucdavis.edu
- [UC Whistleblower Hotline](#) or 800-403-4744
- [California Department of Fair Employment and Housing](#)
- [U.S. Department of Education, Office for Civil Rights](#)
- [U.S. Equal Employment Opportunity Commission](#)

- United States Department of Agriculture
Center for Civil Rights Enforcement
Office of the Assistant Secretary for Civil Rights
Patriot's Plaza III
355 E St., SW, 7th
Washington, DC 20250

VII. FREQUENTLY ASKED QUESTIONS

Not used; see the UC policy on *Sexual Violence and Sexual Harassment* for Frequently Asked Questions.

VIII. REVISION HISTORY

March 2021: Revised for consistency with the Interim UC Policy on Sexual Violence and Sexual Harassment dated August 14, 2020.