

PPM 491: Complaints of Discrimination and Harassment

Responsible Officer:	Human Resources Executive Director
Responsible Office:	Office of Human Resources
Issuance Date:	04/01/2021
Effective Date:	04/01/2021
Last Review Date:	Not applicable (initial issuance of policy)
Scope:	All UC ANR employees and applicants for employment, interns, volunteers, participants in a training program leading to employment, and independent contractors.

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

I. POLICY SUMMARY

- A. This section of the Policy and Procedure Manual (PPM) for the University of California (UC) Agriculture and Natural Resources (UC ANR) provides the local implementing procedures for UC's policy on *Discrimination, Harassment and Affirmative Action in the Workplace*. It describes the procedures for staff and academic appointees to report allegations of discrimination or harassment, and UC ANR's responses to those reports. This section supplements the UC policy and should be read in concert with that policy. Nothing contained in these implementing procedures should be read or interpreted to contradict the UC policy. If any provision should contradict the UC policy, the UC policy will prevail.
- B. Complaints of sexual harassment will be handled under PPM Section 470, *Sexual Violence and Sexual Harassment*. See item VI, *Related Information*, below for a link to this section.
- C. The purpose of the policy is to provide a means to quickly address workplace behavior that is discriminatory or harassing. Any member of the UC ANR community who is subjected to, witnesses, or has knowledge of workplace behavior that could be perceived as discriminatory or harassing, are strongly encouraged to immediately report such actions to the appropriate authorities as outlined in this policy. Administrators, supervisors and managers are required to report such actions.

II. DEFINITIONS

- A. **Discrimination:** An illegal or prohibited adverse employment or educational action, or harassment based on race, color, national origin, religion, 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, sexual orientation, citizenship, or service in the uniformed services.
- B. **Harassment:** Verbal or physical conduct that unreasonably interferes with a person's work or education, or creates a hostile or offensive working or educational environment, when that conduct is based on the categories identified in II.A, above.
- C. **Non-affiliates:** All vendors, contractors, subcontractors, consultants, visitors and invitees.
- D. **Retaliation:** Threats, intimidation, reprisals, or adverse actions taken against a person who reports discrimination or harassment, helps someone with a report of discrimination or harassment, or takes part in an investigation or resolution of a complaint.
- E. **Workplace:** All UC ANR facilities and locations where UC ANR employees, volunteers and/or non-affiliates are engaged in UC ANR business.

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 discrimination, harassment, exploitation, or intimidation.

2. UC ANR responds promptly and effectively to reports of discrimination or 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 anti-discrimination laws.

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 discrimination and 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 ANR facilities, including non-ANR-owned locations where ANR programs and business are conducted.

C. Reporting

Any UC ANR employee who is the subject of, or a witness to, a suspected violation of this policy is strongly urged to report the incident to one of the parties identified in below item V, *Procedures*.

D. Violence in the Workplace; Sexual Violence and Sexual Harassment

Violence in the workplace, as well as sexual violence and sexual harassment, are also prohibited in accordance with University policy. Complaints of such behaviors should be reported immediately in accordance with below item V, *Procedures*.

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. UC ANR Vice President (Vice President)

The Vice President is responsible to identify the position within UC ANR responsible for the oversight and enforcement of this policy.

B. 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. As a practical matter, UC ANR has contracted with the UC Davis campus to handle complaints of discrimination and harassment for UC ANR. This fact notwithstanding, the HR Executive Director is responsible for the following:

1. Plan and manage discrimination 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.

C. UC Davis Chief Compliance Officer

The UC Davis Chief Compliance Officer develops, implements and oversees procedures for prompt and effective response to reports of discrimination or harassment.

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

The UC Davis Director—HDAPP is responsible for the following:

1. Handle complaints of discrimination and harassment for UC ANR.
2. Maintain records of reports of discrimination and actions taken in response to reports, including reports of investigations, voluntary resolutions, and disciplinary actions, in accordance with the UC Records Retention Schedule.

E. UC ANR Administrators, Supervisors and Managers

Administrators, Supervisors and Managers are responsible for the following:

1. Maintain an environment free from all forms of discrimination or harassment.
2. Administrators, supervisors and managers are required to document and report all accounts of harassment or discrimination to the UC Davis Director—HDAPP.
3. Consult with the UC Davis Director—HDAPP to implement appropriate interim actions.

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

UC ANR employees, volunteers and non-affiliates are responsible for the following:

1. Respect the rights and welfare of others in the UC ANR workplace and on UC ANR properties, and
2. Comply with this policy and participate fully in investigations by supplying information to investigating staff or officers, and
3. Report acts of discrimination and harassment that they experience or witness.

V. PROCEDURES

A. Reporting Discrimination or Harassment

1. Individuals who experience or observe behavior that may be discrimination or harassment may report the behavior to any of the following responsible employees:
 - a. The UC Davis Director—Harassment and Discrimination Assistance and Prevention Program (HDAPP), 530-747-3864. (Email address provided below in item VI, *Related Information*.)
 - b. The UC Davis Chief Compliance Officer (530) 752-9466
 - c. Any UC ANR manager, supervisor, or human resource coordinator
 - d. The UC Whistleblower Hotline (1-800-403-4744)
2. Use of the electronic Complaint Form is encouraged but is not mandatory. Complaints may be filed online at the link shown in item VI, *Related Information*, below.
3. Reports should include as much information as possible. If insufficient information is provided, UC ANR may be limited in its ability to address the concerns presented in the report.
4. So that UC ANR can take prompt remedial action, reports should be made as soon as possible.
5. UC ANR will protect the identity of individuals reporting harassment or discriminatory behavior to the extent permitted or required by law and University policy, but may need to make disclosures to complete a fair review of the matter.
6. Upon receipt of a report of harassment or discriminatory behavior, when necessary, individuals engaging in such behavior may be suspended, put on investigatory leave, or excluded from UC ANR properties as appropriate until the UC ANR response process can be completed.

B. UC ANR RESPONSE – ALTERNATIVE RESOLUTION

The alternative resolution process is coordinated on behalf of UC ANR by the UC Davis Director—Harassment & Discrimination Assistance and Prevention Program (HDAPP). HDAPP will inform complainants of the resolution processes, confidentiality policies, and the range of potential outcomes.

1. Alternative resolution may be used to resolve a situation informally or when a formal investigation is unlikely to lead to a satisfactory outcome.

2. UC ANR reserves the right to resolve complaints through alternative resolution when appropriate, even if one or both parties choose not to participate.
3. Alternative resolution may include but is not limited to the following:
 - a. Mediating agreement between the parties.
 - b. Separating the parties.
 - c. Administrative review or preliminary inquiry including fact-finding.
 - d. No fault conversation with written confirmation.
 - e. Negotiated agreement for disciplinary action.
 - f. Conducting targeted educational programs.
 - g. Referring parties to counseling.
 - h. Providing remedies or referral to support services for the individual who was harmed.
4. Steps taken to encourage or resolve complaints and any agreement reached through alternative resolution will be documented.

C. UC ANR RESPONSE – FORMAL INVESTIGATION

1. In cases where alternative resolution is inappropriate or unsuccessful, or when determined to be necessary, a formal investigation is conducted. The formal investigation process is coordinated on behalf of UC ANR by the UC Davis Chief Compliance Officer.
2. The UC Davis Chief Compliance Officer will initiate an investigation as follows:
 - a. Identify an investigator familiar with this policy and trained in discrimination and harassment issues and procedures to conduct the investigation.
 - b. Notify the parties of the investigation, including a statement of the allegations, the name of the investigator, the deadline for completion, and a link to this policy.
3. The following procedures are used to ensure a full, fair, and impartial investigation:
 - a. The investigator interviews the parties, if available, as well as other witnesses as needed.
 - i. The parties may have a representative present when interviewed by the investigator.
 - ii. Other witnesses may be accompanied by a representative if required by applicable University policy or at the investigator's discretion.
 - iii. A representative who interferes with the interview may be excluded from the proceedings.
 - b. The investigator reviews relevant evidence.
 - c. When appropriate, the investigator will instruct parties to maintain

confidentiality in order to protect the integrity of the investigation.

- d. The investigator may disclose facts or allegations to parties and witnesses as reasonably necessary to conduct a full, fair investigation.
 - e. The investigator prepares a written report including the following components:
 - i. A statement of the allegations.
 - ii. The positions of the parties.
 - iii. A summary of the evidence.
 - iv. Findings of fact.
 - v. The investigator's determination as to whether University policy was violated.
 - f. If the allegations are substantiated, the UC Davis Chief Compliance Officer submits the report to the appropriate UC ANR official with authority to implement the actions required to resolve the complaint, including the imposition of discipline where appropriate.
4. The investigation report may be used as evidence in other procedures, such as subsequent complaints, grievances, or disciplinary action.
 5. The investigation is completed as promptly as possible, generally within sixty (60) working days from the date of initiation.
 - a. The deadline may be extended by the UC Davis Chief Compliance Officer when required to complete a full and fair investigation.
 - b. The UC Davis Chief Compliance Officer will provide written notice of any extension to the complainant and respondent.
 6. After receiving the final report, the UC Davis Chief Compliance Officer notifies the parties, in writing, of the following:
 - a. Whether or not there was a finding that University policy was violated.
 - b. Actions taken to resolve the complaint, as relevant to the party receiving the notification.
 - c. Information about requesting a copy of the final report.

D. DISCIPLINARY ACTION

Following a finding of violation of policy, disciplinary action may be considered and pursued according to the procedures described in the appropriate discipline policy.

E. PRIVACY AND CONFIDENTIALITY

UC ANR protects the privacy of individuals involved in a report of discrimination or harassment to the extent permitted or required by law and University policy.

1. UC ANR will comply with requests for confidentiality whenever possible, but may need to make disclosures to complete a fair investigation and ensure a working or learning environment free from discrimination or harassment.

2. If disclosure is required by law or University policy, the records will be redacted to protect the privacy of all individuals other than the person requesting the report.
3. Information on disciplinary action taken against the respondent will not be disclosed without the respondent's consent unless it is necessary to ensure compliance with the action (e.g., restrictions on communication or contact), the safety of the individuals, or is required by law.

4. Confidential Resources

The following confidential resources can be consulted for advice or information:

- a. UC Davis Academic & Staff Assistance Program (ASAP) (530-752-2727; 916-734-2727).
- b. UC Davis Ombuds Office (530-219-6750).
- c. Legal, medical, or other advisers whose communication is protected by statutory privilege.

Consultation with these resources will not lead to a report of discrimination or harassment unless additional action is taken by the individual seeking advice.

F. FURTHER INFORMATION

1. The U.S. Department of Education Office of Civil Rights investigates complaints of unlawful discrimination or harassment against students in educational programs or activities.
2. The Federal Equal Employment Opportunity Commission and California Department of Fair Employment and Housing investigate complaints of employment discrimination.
3. Additional information regarding UC Davis campus programs and resources is available from the UC Davis Chief Compliance Officer, (530) 752-9466.

VI. RELATED INFORMATION

- UC Davis Director–Harassment and Discrimination Assistance and Prevention Program (HDAPP), 530-747-3864 or <http://hdapp.ucdavis.edu>
 - Use of the electronic Complaint Form is encouraged but is not mandatory. Complaints may be filed online at <http://reportheateandbias.ucdavis.edu>
- UC Davis Chief Compliance Officer (530) 752-9466 or [.https://leadership.ucdavis.edu/provost/staff/compliance-policy](https://leadership.ucdavis.edu/provost/staff/compliance-policy)
- [UC Whistleblower Hotline](#) or (1-800-403-4744) (independently operated by EthicsPoint)
- [UCOP Policy on Discrimination, Harassment and Affirmative Action in the Workplace](#)
- [UC Davis Policy and Procedure Manual Section 400-15 Complaints of Discrimination or Harassment](#)
- [UC ANR Policy and Procedure Manual \(PPM\) Section 470, Sexual Violence and](#)

[Sexual Harassment](#)

- [UC ANR PPM Section 493, Prohibition on Workplace Violence](#)

VII. FREQUENTLY ASKED QUESTIONS

Not used.

VIII. REVISION HISTORY

Not used (initial issuance of policy).