A. UNIVERSITY POLICY

The University of California Policy on Sexual Harassment covers all members of the University community, including faculty and other academic personnel, staff employees, students, and non-student or non-employee participants in University programs. The Policy includes a definition of sexual harassment, clarification of the University’s obligation to respond promptly and effectively to reports of sexual harassment, provisions for training employees and educating the University community regarding sexual harassment, and a statement that the policy shall be implemented in a manner that recognizes principles of free speech and academic freedom.

B. UCR PROCEDURES - PURPOSE

UCR has established the following Procedures in order to (1) offer sexual harassment training and education to all members of the University community and to provide, consistent with California Government Code section 12950.1, sexual harassment training and education to each supervisory employee; (2) to provide all members of the University community with a process for reporting sexual harassment in accordance with the policy; and (3) to provide for prompt and effective response to reports of sexual harassment in accordance with the policy.

These procedures also cover reports of retaliation related to reports of sexual harassment and violations of Policy on Conflicts of Interest Created by Consensual Relationships, and may be used to respond to reports of violations of APM-015, Part II.A.6 & 7, Faculty Code of Conduct.
C. SEXUAL HARASSMENT RESOURCES

1. Title IX Compliance Coordinator (Title IX Coordinator)

UCR has designated the Director of the Title IX/Sexual Harassment Office as the Title IX Compliance Coordinator (or Title IX Coordinator) whose responsibilities includes, but are not limited to, the duties listed below:

   a. Plan and manage the local sexual harassment education and training programs. The programs will 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. Develop and implement local procedures to provide for 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.

   d. Prepare and submit an annual report to the Office of the President, for submission to The Regents, on sexual harassment complaint activity during the preceding calendar year.

The Title IX Coordinator may assign responsibility for the completion of these duties as needed.

2. Other Resources

Other members of UCR community may also service as resources. These include administrators at UCR, including the Chancellor, Executive Vice Chancellor and Provost, Vice Provost of Conflict Resolution & Special Assistant for Diversity, Vice Provost of Academic Personnel, Vice Provost of Undergraduate Academic Programs, Vice Chancellors, Assistant Vice Chancellors, Deans, Department Chairs, Directors, Assistant Directors and administrative department managers/supervisors, who are responsible for understanding and implementing the sexual harassment policy and procedures and for ensuring that the environment in their units are free of sexual harassment.

Members of UCR community may also obtain information relative to sexual harassment from one of the following UCR offices, but not limited to:

- Office of Faculty & Staff Affirmative Action (951) 827-5604
- Student Judicial Affairs Office (951) 827-4208
- Labor Relations (951) 827-3641
- Office of the Ombudsperson (951) 827-3213
- Employee Assistance Program (Riverside Campus) (951) 827-3126
- Counseling Center (Psychological) / Veitch Student Center (951) 827-5532
- Lesbian, Gay, Bisexual & Transgender Resource Center (951) 827-6414
- Women’s Resource Center (951) 827-3337
D. PROCEDURES FOR REPORTING & RESPONDING TO REPORTS OF SEXUAL HARASSMENT

1. Reporting Sexual Harassment

All members of UCR community are encouraged to contact the Title IX Coordinator if they observe or encounter conduct that may be subject to the University’s Policy on Sexual Harassment. Reports of sexual harassment may be brought to the Title IX Coordinator, or the Labor Relations Coordinator, or the Director or Coordinator of the Student Judicial Affairs Office when students are involved, or to any manager, supervisor, or the designated employee (within a unit/or department) 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, human resources coordinator or designated UCR official. Managers, supervisors, and designated UCR officials, including academic administrators, deans, department chairs, coaches, graduate advisors, undergraduate advisors, residence hall staff, law enforcement officers, student judicial affairs staff and health center staff, are required to notify the Title IX Coordinator or other appropriate UCR official designated to review and investigate sexual harassment complaints when a report is received.

Reports of sexual harassment should be made 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. For reports of sexual harassment made after one year, the University will respond to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred. Unreasonable delay in reporting may impede the University’s ability to conduct an investigation and/or effect appropriate remedial action.

2. Options for Resolution

Individuals reporting sexual harassment will be informed about options for resolving potential violations of the Policy on Sexual Harassment. These options include procedures for Early Resolution, procedures for Formal Investigation, and filing complaints or grievances under applicable UCR complaint resolution or grievance procedures. Individuals making reports will also be informed about policies applying to confidentiality of reports under this policy (see F below). To the greatest extent possible, reports of sexual harassment brought anonymously or brought by third parties not directly involved in the harassment will be responded to. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Individuals reporting sexual harassment will be informed 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.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having reported 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 will be treated as a report of sexual harassment and will be subject to the same procedures.

3. Procedures for Early Resolution
The goal of Early Resolution is to resolve concerns at the earliest stage possible. Parties are encouraged to utilize Early Resolution options when they desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution will be flexible and encompass a full range of possible appropriate outcomes. Early Resolution may result in admissions regarding conduct, a remedy for the complainant and/or agreement by the accused to accept a disciplinary sanction. Early Resolution may include options such as advising the complainant about methods to resolve the concern, arranging for educational programs for individuals, departments, schools, etc., mediating between the parties, and intervening or arranging for a third party to intervene. Early Resolution may result in admissions regarding conduct, a remedy for the complainant and/or agreement by the accused to accept a disciplinary sanction. Early Resolution may include options such as advising the complainant about methods to resolve the concern, arranging for educational programs for individuals, departments, schools, etc., mediating between the parties, and intervening or arranging for a third party to intervene. Early Resolution may be appropriate for responding to anonymous reports and/or third party reports.

While the University encourages early resolution of a complaint, UCR does not require that parties participate in Early Resolution. 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 Coordinator or other appropriate UCR official designated to review and investigate sexual harassment complaints. Reports of criminal conduct (i.e., sexual assault, physical assault) should immediately be reported to a law enforcement officer and to the Title IX Coordinator.

Early resolution process is to ensure that the alleged offending behavior or practices ceases, and that the problem is resolved promptly and at the lowest level possible. The process is non-adversarial and cooperative. There are no time limits for using early resolution options.

4. Procedures for Formal Investigation

In response to reports of sexual harassment in cases where Early Resolution is inappropriate (such as when the facts are in dispute in reports of serious misconduct, or when reports involve individuals with a pattern of inappropriate behavior or alleged criminal acts such as stalking, sexual assault or physical assault) or in cases where Early Resolution is unsuccessful, the Title IX Coordinator, or his/her designee, may conduct a Formal Investigation. 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 cases where there is no written request, the Title IX Coordinator or other appropriate official designated to review and investigate sexual harassment complaints, in consultation with an appropriate UCR administrator, may initiate a Formal Investigation after making a preliminary inquiry into the facts.

Formal Investigation of reports of sexual harassment includes the following:

a.) The individuals(s) accused of conduct violating the UCR Policy on Sexual Harassment are provided with 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 the Procedures.

b.) The investigation generally includes interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses is limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of the investigation.

c.) 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 applicable University policy or collective bargaining agreement.
d.) At any time during the investigation, the investigator may recommend interim protections or remedies for the complainant or witnesses be provided by UCR officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the Policy on Sexual Harassment.

e.) The investigation shall be completed as promptly as possible and in most cases within sixty (60) working days of the date the request for formal investigation was filed. After the completion of the investigation, the Title IX Coordinator will prepare a written report within fourteen (14) working days. The deadline may be extended by approval from the Executive Vice Chancellor.

f.) Generally, an investigation results in a written report that 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. This report will be submitted to a designated UCR 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.

g.) The complainant and the accused will be informed promptly in writing when the investigation is completed. The complainant will 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 generally be notified that the matter has been referred for disciplinary action, but will not be informed of the details of the recommended disciplinary action without the consent of the accused.

h.) 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 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.

i.) Within 15 working days of taking corrective action and/or disciplinary action against the accused, or a decision not to take any action, the appropriate UCR official(s) shall provide written notification to the Title IX Coordinator of what action, if any, has been taken, including the results of any appeals.

E. COMPLAINTS OR GRIEVANCES INVOLVING ALLEGATIONS OF SEXUAL HARASSMENT

An individual who believes that he or she has been subjected to sexual harassment may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure listed in Appendix I: University Complaint Resolution and Grievance Procedures. Such complaint or grievance may be filed either instead of or in addition to making a report of sexual harassment to the Title IX Coordinator. 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 Coordinator, the complaint or grievance will 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 will constitute the first step or steps of the applicable complaint resolution or grievance procedure.

An individual who has made a report of sexual harassment may also 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 the Policy, and/or of the actions taken by the administration in response to the report of sexual harassment, whichever is later.

**F. REMEDIES AND REFERRAL TO DISCIPLINARY PROCEDURES**

Findings of violations of the Policy on Sexual Harassment may be considered in determining remedies for individuals harmed by the sexual harassment and will be referred to applicable disciplinary procedures (Appendix II: University Disciplinary Procedures). Procedures under this policy will be coordinated with applicable complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible.

1.) If the accused is a member of the Academic Senate, the Title IX Coordinator's report will be referred to the Executive Vice Chancellor and Provost. The EVC may dismiss the complaint based upon a finding of no sexual harassment, negotiate a resolution with the accused, or, if an agreed-upon resolution cannot be reached, the matter may be referred to the Academic Senate to be processed pursuant to the policies and procedures relating to faculty discipline. (Academic Personnel Manual of the Riverside Division, Appendix III, "Policies on Faculty Conduct and the Administration of Discipline").

2.) If the accused is a Non-Senate Academic, the Title IX Coordinator's report will be referred to the Executive Vice Chancellor and Provost. The matter will be handled according to Academic Personnel Manual, Section 150, Non-Senate Academic Appointees Corrective Action, or the appropriate Memo of Understanding: UC-AFT MOU for Unit 17 (Librarians), Article 23, Corrective Action, Dismissal, Release, or UC-AFT MOU for Unit 18 (Non-Senate Instructional), Article 31, Discipline and Dismissal.

3.) If the accused is a student, the Title IX Coordinator’s report will be forwarded to the Vice Chancellor of Student Affairs for processing by the Student Judicial Affairs Office. The matter will be processed according to the procedures set forth in the Policies Applying to Campus Activities, Organizations, and Students, sec. 103.00, Student Disciplinary Procedures.

4.) If the accused is a staff member, the Title IX Coordinator’s report will be sent in confidence to the appropriate administrator for corrective action. A copy of the report will also be forwarded to the appropriate Vice Chancellor or Dean. The administrator shall consult with Human Resources to determine appropriate corrective action and will inform the Title IX Coordinator, the Executive Vice Chancellor and Provost, and the appropriate Vice Chancellor or Dean of the intended action. Formal corrective or disciplinary action taken against the accused will be in accordance with applicable University Policy or collective bargaining agreements.
Administrative and Professional Staff Personnel Policies, Policy 170, Corrective Action & Policy 185, Dismissal;

AFSCME Agreements for Service, and Patient Care Technical Units, Article 8, Discipline and Dismissal;

CNA Agreement, Article 25, Corrective Action, Discipline and Discharge;

CUE, Clerical Unit, Contact Labor Relations;

International Union of Operating Engineers, Local 501, Article 19, Discipline and Dismissal;

Personnel Policies for UC Staff Members, Policy 62, Corrective Action - Professional and Support Staff;

Personnel Policies for UC Staff Members, Policy 270, Corrective Action & Policy 740, Dismissal;

UPTE Agreement, Technical Unit, Article 8, Discipline and Dismissal; and

UPTE Agreement, Research Support Professional Unit, Article 5, Corrective Action and Dismissal.

The accused shall be notified of the right to file a grievance regarding any corrective or disciplinary action taken.

The complainant has no right to appeal an administrative decision reached through a formal complaint resolution process. However, if either party is dissatisfied with the result of the formal process, he or she may be able to file a formal grievance in accordance with applicable University grievance policies. In addition, you may consult with the Title IX Coordinator or any UCR official (such as those mentioned in section D.1 above) for other options.

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 complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

G. ALTERNATIVE LEGAL REMEDIES

Nothing in this policy prevents the complainant or the person charged from pursuing formal legal remedies or resolution through local, state or federal agencies, or in the courts.

Individuals who feel that they have been harassed or retaliated against should be aware that there may be court or agency filing deadlines that will not be waived even though internal UCR processes have not reached a conclusion. Information about time limitations or procedures in external forums can be obtained from the Equal Employment Opportunity Commission (EEOC), the U.S. Department of Education Office of Civil Rights (OCR), the California Department of Fair Employment and Housing (DFEH), the California Attorney General’s Office, or a private attorney. The office of the EEOC, OCR, DFEH are listed your local telephone directory.

H. PRIVACY
UCR shall protect the privacy of individuals involved in a report of sexual harassment to the extent required 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 accuser’s consent, unless it is necessary to ensure compliance with the action or the safety of individuals.

I. CONFIDENTIALITY OF REPORTS OF SEXUAL HARASSMENT

UCR employees, such as the Title IX 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 for confidentiality to the extent possible.

Members of the UCR community may consult with the confidential resources listed below for advice and information regarding making a report of sexual harassment. These resources provide individuals who may be interested in bringing a report of sexual harassment with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. These resources shall be posted on the location’s website and prominently displayed in common areas. Confidential resources include campus ombudsperson and/or licensed counselors in employee assistance programs or student health services. Individuals who consult with confidential resources are 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. Confidential Resources at UCR include:

- Office of the Ombudsperson (951) 827-3213
- Employee Assistance Program (Riverside Campus) (951) 827-3126
- Counseling Center (Psychological) / Veitch Student Center (951) 827-5532
- Campus Health Center (951) 827-3031

J. RETENTION OF RECORDS REGARDING REPORTS OF SEXUAL HARASSMENT

The Title IX/Sexual Harassment Office (Title IX Coordinator) is responsible for maintaining records relating to sexual harassment reports, investigations, and resolutions. Records shall be maintained in accordance with University records policies, generally five (5) years after the date the complaint is resolved. Records may be maintained longer at the discretion of the Title IX Coordinator in cases where the parties have a continuing affiliation with the University. All records pertaining to pending litigation or a request for records will be maintained in accordance with instructions from legal counsel.
A. Introduction

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 the University of California campuses, the DOE Laboratories, the Medical Centers, and the Office of the President, including Agriculture and Natural Resources, and all auxiliary University locations (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 will respond to reports of any such conduct.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, house staff, students, and non-student 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, for example, those governing faculty-student relationships are detailed in the Faculty Code of Conduct. 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 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 and health center staff. Each location shall post a copy of this policy in a prominent place on its website.

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 (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints. An individual also may file a complaint or grievance alleging
sexual harassment under the applicable University complaint resolution or grievance procedure (University of California Procedures for Responding to Reports of Sexual Harassment, Appendix II: University Complaint Resolution and Grievance Procedures).

F. Response to Sexual Harassment

The locations shall provide a prompt and effective response to reports of sexual harassment in accordance with the University of California Procedures for Responding to Reports of Sexual Harassment (Procedures). A prompt and effective response may include early resolution, formal investigation, and/or targeted training or educational programs. Upon findings of sexual harassment, the University may offer remedies to the individual or individuals harmed by the harassment consistent with applicable complaint resolution and grievance procedures (Procedures, Appendix II: University Complaint Resolution and Grievance Procedures). Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, 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 (Procedures, Appendix III: University Disciplinary Procedures) or other University policy. Generally, disciplinary action will be recommended when the harassing conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs. 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 by an employee 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 (Procedures, Appendix III: University Disciplinary Procedures). 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.