

# UC Davis Policy and Procedure Manual

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Compliance and Policy

internship or training program leading to employment; or individuals accessing or participating in University programs or activities when the behavior is based on the categories identified in II.B, above.

- C. The University responds promptly and effectively to reports of discrimination or harassment and takes appropriate action to prevent and correct behavior that may be non-compliant with this policy, which may include discipline.
  - D. The University prohibits retaliation and responds to reports of retaliation following the procedures described in this policy.
  - E. No provision of this policy is interpreted to prohibit conduct that is legitimately related to:
    - 1. Course content, teaching methods, scholarship, or public commentary of an individual faculty member/academics; or
    - 2. The educational, political, artistic, or literary expression of students in classrooms or public forums.
  - F. 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.
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- A. The University has jurisdiction over alleged non-compliance with this policy that occurs on University property (e.g., offices, student housing, medical center and medical clinics) or in connection with University activities, programs, or events.
  - B. The University may exercise jurisdiction over conduct that occurs off University property and outside the context of a University program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees or third parties while on University property or in any University program or activity.

collective bargaining agreement subject to the provisions of the appropriate policy or agreement.  
The complaint or grievance:

1. May be filed instead of or in addition to making a report to an individual identified in V.A, above.
  2. Must meet all of the requirements of the applicable complaint resolution or grievance procedure, including time limits for filing.
  3. If filed in addition to a report made to an individual identified in V.A, above, the Complainant (a person alleged to have experienced discrimination or harassment) will be asked to place the complaint or grievance in abeyance pending the outcome of the informal resolution or formal investigation procedures described in VI, below.
- E. Complaints may be filed online at <https://reporthatandbias.ucdavis.edu>.
- F. Anonymous Reporting
1. Reports may be filed anonymously by the individual experiencing or observing the discrimination or harassment but the University may lack sufficient information to respond to

- a. Administrative review or preliminary inquiry including fact-finding.

- b. The investigator reviews relevant evidence.
- c. When appropriate, the investigator will instruct parties, representatives, and support persons to maintain confidentiality in order to protect the integrity of the investigation. Those who fail to maintain confidentiality after receiving instruction to do so may be subject to disciplinary action.
- 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:
  - 1) A statement of the allegations.
  - 2) The positions of the parties.
  - 3) A summary of the evidence.
  - 4) Findings of fact.
  - 5) The investigator's determination as to whether University policy was violated.
- f. The investigator will apply the preponderance of evidence standard.

- b. Any available appeal rights and procedures; and
    - c. Any subsequent change to the results and when results become final.
  - 2. The University tries to finalize and notify parties of disciplinary decisions promptly per applicable procedures, depending on the severity and extent of the conduct and the complexity of the matter.
- H. Following a finding of a non-compliance with policy and where the complaint relates to student grades, the Academic Senate Committee on Grade Changes will determine whether the Complainant received an unfair grade because of the discrimination or harassment, and if so, the appropriate grade or other action to be taken (e.g., retroactive withdrawal).
  - 1. The committee does not reexamine the determination that discrimination or harassment occurred.
  - 2. Nothing in this policy changes the guidelines and procedures under which the committee operates.
- A. Responsible Employees
  - 1. Managers, supervisors, department chairs, human resources personnel, academic personnel coordinators, and student conduct coordinators
    - a. Maintain a work and education environment free from all forms of discrimination or harassment.
    - b. Promptly forward all reports of harassment or discrimination to HDAPP.
    - c. Consult with HDAPP on appropriate interim actions.
  - 2. Other employees  
Promptly forward student reports of concerns of discrimination or harassment to HDAPP.
  - 3. The Chief Compliance Officer develops, implements, and oversees procedures for prompt and effective response to reports of discrimination or harassment.
- B. The Director—HDAPP
  - 1. Manages and oversees the planning of discrimination education and training programs.
  - 2. Ensures wide dissemination of this policy and other resources and training materials to promote compliance and awareness of reporting procedures.
  - 3. Manages and supports the intake, assessment, and resolution of complaints of discrimination or harassment, with oversight and direction from the Chief Compliance Officer.
  - 4. Maintains records of reports of discrimination or harassment and actions taken in response to reports, including reports of investigations, voluntary resolutions, and disciplinary actions.
- A. The University 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. The University 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 law or University policy requires disclosure, the records will be redacted to protect the privacy of all individuals other than the person requesting the report (see [Sections 320-20](#) and [320-21](#)).

- C. [U.S. Code of Federal Regulations](#):
  - 1. 29 CFR, Section 1604.11.
  - 2. 34 CFR, Part 100.
  - 3. 34 CFR, Part 104.
  - 4. 34 CFR, Part 106.
  - 5. 34 CFR, Part 110.
- D. [California Government Code 129000 et seq.](#)
- E. UC Davis Policy and Procedure Manual:
  - 1. [Section 320-20, Privacy of and Access to Personal Information.](#)
  - 2. [Section 320-21, Privacy and Disclosure of Information from Student Records.](#)
  - 3. [Section 380-10, Affirmative Action in Employment.](#)
  - 4. [Section 400-05, Fraud Risk Management.](#)
  - 5. [Section 400-20, Sexual Violence and Sexual Harassment.](#)
- F. Personnel Policies for Staff Members, [Policy](#) and [UCD Procedure 70](#), Complaint Resolution.
- G. [Academic Personnel Manual](#):
  - 1. Section 015, The Faculty Code of Conduct and UCD-015, Procedures for Faculty Misconduct Allegations.
  - 2. Section 035, Affirmative Action and Nondiscrimination in Employment.
  - 3. Section 140 and UCD-140, Non-Senate Academic Appointees/Grievances.
  - 4. Section 160, Academic Personnel Records/Maintenance of, Access to, and Opportunity to Request Amendment of.
- H. [Collective Bargaining Agreements.](#)
- I. [Academic Senate Grade Change Committee Guidelines.](#)
- J. [UC Davis Principles of Community.](#)