



# UC San Diego

## Policy & Procedure Manual

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### PERSONNEL-GENERAL

**Section: 200 - 23**

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## PROCEDURES FOR DISCRIMINATION AND HARASSMENT COMPLAINT RESOLUTION

### I. Policy Statement

Discrimination and harassment based on certain protected categories is prohibited under University policy. This Policy sets forth how the University will respond to reports of alleged discrimination, harassment, and retaliation against individuals involved in reports or investigations of alleged discrimination and harassment.

### II. Scope of This Policy

This Policy applies to reports of harassment, discrimination, and retaliation that allegedly violate University policy.

This Policy **does not** apply to complaints alleging sexual violence, sexual harassment, or retaliation for involvement in reporting or investigating sexual violence or sexual harassment. Such complaints are processed in accordance with the:

- A. [University of California Policy on Sexual Violence and Sexual Harassment](#),
- B. UC San Diego Policy for Reporting and Responding to Sex Offenses ([PPM 200-19](#)),
- C. University of California Student Adjudication Model for Sexual Violence and Sexual Harassment Cases, UC San Diego Implementing Procedures (<http://ophd.ucsd.edu/files/ucsd-SVSH-adjudication-procedures.pdf>) and
- D. University of California PACAOS-Appendix-E: Sexual Violence and Sexual Harassment Student Adjudication Framework (<http://policy.ucop.edu/doc/2710641/PACAOS-Appendix-E>).

### III. Definitions

- A. **Adverse Action:** An action that a reasonable person would find materially adverse, which means it might have dissuaded a reasonable person from making or supporting a charge of discrimination or harassment. Adverse Actions include threats, intimidation, reprisals, and/or adverse employment or educational actions.
- B. **Complainant:** Any person who files a report alleging that she or he has been the subject of Prohibited Conduct or Retaliation.
- C. **Preponderance of the Evidence:** A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.
- D. **Prohibited Conduct:** Discrimination, harassment, or retaliation in violation of any University policy. "Prohibited Conduct" under this Policy does not include sexual violence, sexual

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harassment, or retaliation for reporting or participating in the processing of a report of sexual harassment or sexual violence.

- E. Protected Activity:** Good faith reporting of discrimination or harassment; assisting someone with making a good faith report of discrimination or harassment; participating in or cooperating in good faith with an investigation or resolution of a report of discrimination or harassment; and opposing discrimination or harassment in good faith.
- F. Respondent:** A person alleged to have engaged in Prohibited Conduct and about whom a report of Prohibited Conduct or Retaliation is made.
- G. Responsible Employee:** A University employee who is not a Confidential Resource and who receives, in the course of employment, information that Prohibited Conduct or Retaliation has occurred. This includes Campus Police; Human Resource Administrators; Academic Personnel; Title IX Professionals; Managers and Supervisors, including Deans, Department Chairs, and Directors of Organized Research Units; Resident Assistants; Faculty Members; Graduate Teaching Assistants; and all other student employees, when disclosures are made to any of them in their capacities as employees.
- H. Retaliation:** An Adverse Action taken against a person because that person engaged in a Protected Activity.
- I.** For the following terms, this Policy adopts and incorporates the definitions in the [University of California Policy on Sexual Violence and Sexual Harassment](#):
  - 1. Immunity
  - 2. Privacy
  - 3. Confidential Resource

**IV. Procedures for Discrimination and Harassment Complaint Resolution**

UC San Diego adopts and incorporates herein Section V.A of the [University of California Sexual Violence and Sexual Harassment Policy](#) (UCOP SVSH). The Definitions in Section III of this Policy shall replace Definitions in the UC Sexual Violence and Sexual Harassment Policy.

In addition to the procedures set forth in Section V.A. of the UCOP SVSH Policy, the following shall constitute UC San Diego policy:

**A. Procedures for Reporting Complaints of Harassment and Discrimination**

**1. Title IX Office**

Any person may make a report, including anonymously, to the Office for the Prevention of Harassment and Discrimination (OPHD). Reports of alleged discrimination, harassment, or retaliation to OPHD may be made in any of the following ways:

- (a) By calling OPHD at 858-534-8298;
- (b) In person, by visiting the OPHD office, located at 201 University Center (corner of Gilman and Myers);
- (c) Online by completing a ReportBias form at [reportbias.ucsd.edu](http://reportbias.ucsd.edu); or
- (d) By emailing OPHD at [ophd@ucsd.edu](mailto:ophd@ucsd.edu).

**2. Other Offices**

Any person may make a report, including anonymously, to any Responsible Employee or to another appropriate office. Any Responsible Employee who receives a report of Prohibited Conduct shall forward all such reports to OPHD. UC San Diego Policy & Procedure Manual Section [200-19](#) contains a non-exhaustive list of offices where a person may report harassment, discrimination, or retaliation.

### **3. Reporting Retaliation**

Reports of Retaliation for having engaged in Protected Activity are governed by these procedures.

Reports of Retaliation must:

- (a) Allege that the Complainant engaged in Protected Activity, with a description of the Protected Activity;
- (b) Allege that the Protected Activity was done in good faith;
- (c) Identify one or more Adverse Actions that were taken against the complainant by describing
  - (i) the Adverse Action(s),
  - (ii) the person responsible for each Adverse Action, and
  - (iii) the approximate date on which each Adverse Action occurred.
- (d) Identify the basis for the Complainant's belief that the Protected Activity was a contributing factor in the decision to impose the Adverse Action(s) on the Complainant.

### **B. Required Notifications: Notice of Charges to Respondent**

Respondent(s) shall be provided with written notice of charges, which shall include the factual basis of the charges and the policy sections allegedly violated.

### **C. Alternative Resolution**

At any time before the resolution of a report, OPHD, a Complainant, or a Respondent may propose that a report be resolved by Alternative Resolution. Parties are never required to participate in any resolution activity that is not supervised by the University. Both parties and OPHD must agree to Alternative Resolution. Either party may withdraw from Alternative Resolution at any time and request a formal investigation.

### **D. Corrective or Disciplinary Action**

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 University official(s) shall provide written notification to the OPHD Director of what action, if any, has been taken, including the results of any appeals.

## **V. Confidential Resources**

Employees and offices designated as "Confidential Resources" under the University of California Sexual Violence and Sexual Harassment Policy are listed in the UC San Diego Policy & Procedure Manual Section [200-19](#). Employees in these offices are not required to report complaints of Prohibited Conduct to OPHD. Individuals who consult with such Confidential Resources will be advised that their discussions in these settings are not considered actual reports of Prohibited Conduct and that without any additional action by the individual, these discussions will not result in any formal action by the University to resolve their concerns.

## **VI. References and Related Policies**

- A.** University of California Policy on Sexual Violence and Sexual Harassment (UCOP SVSH Policy) <http://policy.ucop.edu/doc/4000385/SVSH>
- B.** University of California PPSM-12 Nondiscrimination in Employment <http://policy.ucop.edu/doc/4010391/PPSM-12>

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- C. University of California Policy Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment <http://policy.ucop.edu/doc/4000376/NondiscrimAffirmAct>
- D. University of California PACAOS-20.00 Policy on Nondiscrimination <http://policy.ucop.edu/doc/2710522/PACAOS-20>
- E. University of California PACAOS-100.00 Policy on Student Conduct and Discipline <http://policy.ucop.edu/doc/2710530/PACAOS-100>
- F. University of California PACAOS-140.00 Guidelines Applying to Nondiscrimination on the Basis of Disability <http://policy.ucop.edu/doc/2710534/PACAOS-140>
- G. University of California Policy PACAOS-Appendix C: Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters <http://policy.ucop.edu/doc/2710540/PACAOS-Appendix-C>
- H. UC San Diego Student Conduct Regulations 13.00 Policy on Nondiscrimination <https://students.ucsd.edu/sponsor/student-conduct/regulations/13.00.html>
- I. UC San Diego Student Conduct Code [https://students.ucsd.edu/files/student-conduct/ucsdstudentconductcode-2015-16revisions\\_clean.pdf#UCSD Student Conduct Code 16-17](https://students.ucsd.edu/files/student-conduct/ucsdstudentconductcode-2015-16revisions_clean.pdf#UCSD%20Student%20Conduct%20Code%2016-17)