



Discrimination, Harassment, and Affirmative Action in the Workplace

Rescission Date:	2/20/2024
-------------------------	-----------

Contact:	Systemwide Policy Office
Email:	PolicyOffice@ucop.edu

I. POLICY SUMMARY

The Discrimination, Harassment, and Affirmative Action in the Workplace policy is being rescinded. The information covered by this policy is now addressed in the [Anti-Discrimination Policy](#).

Please see attached issuance letter signed by the President, which includes reference to the rescission of this policy.

If you have a question or comment, please contact the Systemwide Policy Office at PolicyOffice@ucop.edu



UNIVERSITY OF CALIFORNIA

Michael V. Drake, MD
President

Office of the President
1111 Franklin St.
Oakland, CA 94607

universityofcalifornia.edu

CAMPUSES

Berkeley
Davis
Irvine
UCLA
Merced
Riverside
San Diego
San Francisco
Santa Barbara
Santa Cruz

MEDICAL CENTERS

Davis
Irvine
UCLA
San Diego
San Francisco

NATIONAL LABORATORIES

Lawrence Berkeley
Lawrence Livermore
Los Alamos

DIVISION OF AGRICULTURE AND NATURAL RESOURCES

February 20, 2024

CHANCELLORS
ACADEMIC COUNCIL CHAIR STEINTRAGER
MEDICAL CENTERS CHIEF EXECUTIVE OFFICERS
LABORATORY DIRECTOR WITHERELL
VICE PRESIDENT HUMISTON

Re: Issuance of a New Presidential Policy on Anti-Discrimination, Effective February 20, 2024

Dear Colleagues:

Attached is the new Presidential Policy on Anti-Discrimination. The Policy is effective February 20, 2024, and may be found online at: policy.ucop.edu. Issuance of this Policy is the culmination of several years of dedicated effort in response to recommendations made by a presidential working group charged with analyzing the University's response to complaints of discrimination and harassment based on protected categories. Harassment and discrimination pose a serious threat to the University's mission, values, and reputation. This Presidential Policy represents an important step in the University's continued efforts to ensure equal and equitable access to University employment, programs, and activities for individuals of all backgrounds.

Additionally, we are in the process of hiring an inaugural Executive Director to oversee a new Systemwide Office of Civil Rights (SOCR) at the Office of the President, who will serve as the responsible officer for this Policy once hired. In the meantime, Marisa McAuliffe, Chief Policy Advisor, will serve as the responsible officer.

Background

In spring 2021, I requested a systemwide analysis of the University's policies and procedures for responding to complaints of all forms of discrimination and harassment based on protected categories. The results of this analysis led to the development of a systemwide working group comprised of leaders and subject matter experts from all campus locations as well as the Office of the President, including students, staff, and faculty. This working group oversaw the development of this systemwide Anti-Discrimination Policy, consulting key subject matter experts across the system regarding best practices. The Policy was distributed for systemwide review in January 2023.

The issuance of this Anti-Discrimination Policy promotes clarity and consistency by having a single systemwide Policy for all UC community members, with consistent definitions and detailed procedures for responding effectively to complaints. As such, the Discrimination, Harassment, and Affirmative Action in the Workplace Policy will be

rescinded as of the issuance date of the Anti-Discrimination Policy. Additionally, the issuance of the Anti-Discrimination Policy may impact existing campus non-discrimination policies, so please review your local policies and procedures as appropriate to ensure consistency with the Anti-Discrimination Policy.

Key Policy Provisions

- The Policy includes clear definitions of **Harassment, Discrimination, and Retaliation** that align with California and federal law as well as the First Amendment and principles of academic freedom.
- **Free Speech, Academic Freedom, and the Role of Academic Senate.** The Policy is intended to protect members of the University community from Harassment, Discrimination, and Retaliation, not to regulate protected speech. The Policy includes strong protections for freedom of speech and academic freedom, while recognizing that those are not limitless and, for example, do not protect speech or expressive conduct that violates federal or state anti-discrimination laws. The Policy also makes clear that it does not supplant disciplinary processes described in the Academic Personnel Manual or in the Academic Senate's Bylaws, including the Privilege & Tenure process.
- **Policy Coverage.** The Policy covers Harassment, Discrimination and Retaliation by and against students, employees, and third parties on University property or in connection with University employment or programs or activities.
- **Responsible Employees.** The Policy includes Responsible Employee reporting obligations for those in specified roles, including managers and supervisors, faculty members, and certain administrators.
- **Supportive Measures.** The Policy provides that the Local Implementation Officer will determine and oversee appropriate temporary services, accommodations or other measures designed to restore or preserve access to University programs or activities for the Complainant, Respondent or the University community.
- **Procedures for Responding to Reports of Prohibited Conduct.** The Policy explains the administrative procedures the University uses to resolve reports of Harassment, Discrimination and Retaliation. The University will respond promptly and equitably to reports and will take appropriate action to stop, prevent, correct, or discipline behavior that violates this Policy.

I ask that locations join me in committing to preventing harassment, discrimination, and retaliation across our system. This Policy advances that goal by expanding the competency of all University community members to recognize, address, and respond to harassment, discrimination, and retaliation, and by supporting the right of all community members regardless of background to fully participate in all that the University of California has to offer.

I wish to thank all members of the University community who participated in consultation regarding this important Presidential Policy. Your contributions are deeply appreciated.

Sincerely,

A handwritten signature in black ink, reading "Michael V. Drake" with a stylized flourish at the end.

Michael V. Drake, MD
President

Enclosure:
Presidential Policy on Anti-Discrimination

cc: Division Leaders
Executive Vice Chancellors/Provosts
Vice President Lloyd
Vice Provost Haynes
Vice President Maldonado
Vice President and Vice Provost Gullatt
Vice Provosts/Vice Chancellors for Academic Affairs/Personnel
Vice Chancellors for Equity and Inclusion
Vice Chancellors for Health Sciences
Vice Chancellors for Student Affairs
Academic Council Vice Chair Cheung
Associate Vice President Matella
Interim Associate Vice President Hairston
Associate Vice President McRae
Associate Vice Provost Lee
Interim Associate Vice Provost Dávalos
Assistant Vice Provosts/Vice Chancellors/Directors – Academic Personnel
Chief Human Resource Officers
Deputy General Counsel Woodall
Deputy General Counsel Nosowsky
Deputy Chief Human Resources Officers and Chief of Staff Henderson
Chief of Staff Levintov
Chief of Staff Beechem
Chief Policy Advisor McAuliffe
Executive Director Lin
Executive Director Fishel
Interim Executive Director Martinez
Managing Counsel Shanle
Senior Principal Counsel Sanchez
Principal Counsel Elconin
Principal Counsel Meltzer
Director Anders
Director Heng
Director Weston-Dawkes
Associate Director DiCaprio
Associate Director Nguyen
Associate Director Woolston
Assistant Director LaBriola
Senior Analyst Bates
Policy Specialist Norris
Campus Ethics & Compliance Officers
Campus Policy Managers
Local Implementation Officers