



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS, REGION IX

JAN 09 2008

Chancellor Larry N. Vanderhoef
University of California, Davis
Mrak Hall, Fifth Floor
One Shields Avenue
Davis, California 95616

(In reply, please refer to case no. 09-07-2008)

Dear Chancellor Vanderhoef:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against the University of California, Davis (UCD). The complainant¹ alleged that the University discriminated against her on the basis of sex. Specifically, she alleged that the University failed to respond adequately and in a timely manner to her internal sex discrimination complaint.

OCR enforces Title IX of the Education Amendments of 1972, and its implementing regulations. Title IX prohibits discrimination on the basis of sex in programs and activities operated by recipients of Federal financial assistance. The University receives funds from the Department and is subject to Title IX and its implementing regulations.

To investigate this case, OCR interviewed the complainant and relevant University administrators and staff, and reviewed documents provided by both the complainant and the University. OCR concluded that the University failed to conduct a timely investigation into the complainant's allegations. In addition, OCR identified aspects of UCD's procedures as a whole which, while not resulting in an inadequate process in the complainant's case, were out of compliance with Title IX requirements. When OCR presented its compliance concerns to UCD, its representatives were very responsive and expressed their willingness to work cooperatively with OCR to address the issues identified. As described further at the end of this letter, UCD agreed to implement a Resolution Agreement that will resolve the compliance issues. The following explains the applicable legal standards, a summary of the evidence gathered, and OCR's conclusions.

The regulations implementing Title IX, at 34 C.F.R. §106.31, prohibit discrimination based on sex by recipients of Federal financial assistance. Universities are responsible under Title IX and the regulations for providing students with a nondiscriminatory educational environment. Sexual harassment of a student can result in the denial or

¹ OCR notified the University of the identity of the complainant when the investigation began. We are withholding the complainant's name from this letter to protect her privacy.

limitation, on the basis of sex, of the student's ability to participate in or receive education benefits, services, or opportunities.

Under Title IX regulations, if a student is harassed by an employee on the basis sex the University is responsible for determining what occurred and responding appropriately. OCR evaluates the appropriateness of the responsive action by assessing whether it was prompt, thorough and effective. What constitutes a reasonable response to harassment will differ depending upon circumstances. However, in all cases the response must be tailored to stop the harassment, eliminate the hostile environment if one has been created, and address the problems experienced by the student who was harassed. The University must also take steps to prevent the harassment from recurring, including disciplining the harasser where appropriate.

In addition, the Title IX regulations establish procedural requirements that are important for the prevention and correction of sex discrimination, including sexual harassment. These requirements include issuance of a policy against sex discrimination (34 C.F.R. section 106.9) and adoption and publication of grievance procedures providing for the prompt and equitable resolution of complaints of sex discrimination (34 C.F.R. section 106.8(b)). The regulations also require that recipients designate at least one employee to coordinate compliance with the regulations, including coordination of investigations of complaints alleging noncompliance (34 C.F.R. section 106.8[a]).

OCR examines a number of factors in evaluating whether a recipient's grievance procedures pursuant to Title IX's implementing regulations are prompt and equitable, including whether the procedures provide for the following: notice of the procedure to students and employees, including where to file complaints; application of the procedure to complaints alleging harassment by employees, other students, or third parties; adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; designated and reasonably prompt timeframes for major stages of the complaint process; notice to the parties of the outcome of the complaint; and an assurance that steps will be taken to prevent recurrence of any harassment and to correct its discriminatory effects.

Background

During 2006-2007, the complainant (hereafter Student) was enrolled as a second year student in the University of California, Davis (UCD) School of Medicine. In her OCR complaint, the Student asserted that she filed a complaint with UCD in spring 2007 alleging that one of her professors had sexually harassed her, but that UCD's response was inadequate. The Student asserts that UCD did not provide a prompt response and conducted an investigation that was not impartial and was biased against her.

Our investigation showed the following:

UCD Policies and Procedures

- *The University of California system's "Procedures for Responding to Reports of Sexual Harassment" was adopted on December 14, 2004. The procedures outline a process that each campus must adopt and implement for responding to complaints of sexual harassment. The system procedures provide for the following:*
 - Campus procedures must be available to "any member of the University Community."
 - Each UC campus must designate a Title IX Compliance Coordinator/Sexual Harassment Officer responsible for overseeing the enforcement of the campus sexual harassment policy and the implementation of the campus complaint procedures.
 - Reports of harassment may be made to a variety of campus personnel.
 - Campus options for resolution of sexual harassment complaints must include both early resolution and formal investigation and allow for the use of other applicable grievance procedures.
 - For formal investigations, the investigation "shall be completed as promptly as possible and in most cases within 60 working days of the date the request for formal investigation was filed. This deadline may be extended on approval by a designated university official."
 - The "individual(s) conducting the investigation shall be familiar with the Policy on Sexual Harassment and have training or experience in conducting investigations."
- *The UCD campus "Policy and Procedures Manual 380-12" (hereafter PPM 380-12), most recently revised on July 26, 2005, states the campus' policy prohibiting sexual harassment and outlines the campus' complaint procedures. PPM 380-12 contains the following²:*
 - UCD encourages all persons participating in UCD programs and activities to use the options and resources outlined in PPM 380-12 to seek help and resolve complaints;
 - There are provisions regarding confidentiality and a prohibition against retaliation against those who report sexual harassment or take part in an investigation.

² This letter focuses on the provisions applicable to students. PPM 380-12 contains additional specific provisions relating to employees.

- PPM 380-12 provides for a Title IX Compliance Coordinator who is responsible for overseeing the process and ensuring compliance and identifies the Coordinator, Sexual Harassment Officers, and "designated officials" as having various responsibilities with respect to implementation of the sexual harassment policy and procedure. Designated officials include a wide variety of supervisors, managers, administrators and staff.
- Sexual Harassment Officers "receive reports of sexual harassment directly and from designated officials" and "arrange for review and investigation if appropriate." Reports of sexual harassment may be made to any of the designated officials, or the campus Sexual Harassment Officer or the UCD Health System (UCDHS) Sexual Harassment Officer. It also states that students may "file a complaint under the Student Grievance Procedure" and that offices which receive such grievances shall report them to the Campus Sexual Harassment Officer."
- Under the procedure, "The designated officials shall provide a prompt and effective response to reports of sexual harassment." They are to notify the Campus Sexual Harassment Officer or the UCDHS Sexual Harassment Officer and "take whatever action is necessary to prevent sexual harassment and to correct it when it occurs."
- PPM 380-12 provides for early resolution and formal investigation. It does not describe all the options laid out in the system policy.
- The section on Formal Investigation "may start an investigation in response to a request..from an individual." The PPM does not describe the steps of standards for conducting the investigation; it states that investigations will comply with the standards set out in the UC system procedures.
- PPM 380-12 provides that, when a violation of the sexual harassment policy is found, remedies such as counseling, a chance to repeat course work, changes in housing assignments and other interventions may be offered. It also provides that any member of the UCD community found to have engaged in sexual harassment is subject to disciplinary action up to and including dismissal.
- The document notifies students that they "may also file a complaint under the Student Grievance procedure" and gives references to the other campus policies, including procedures governing faculty misconduct, but it does not explain the different rights or options a student would have under the various processes. As required by the UC system procedures, PPM 380-12 states that, "Whenever possible, investigations under this policy shall be coordinated with applicable complaint resolution, grievance and disciplinary proceedings

to avoid duplication in the fact finding process.” But it does not give any specific guidance on how the coordination will work.

- UCD provided OCR with a copy of a 2005 School of Medicine document called “Rules of the Road”. The section on “Sexual Harassment Policy and Grievance Procedure” includes a copy of PPM 380-12 but contains an outdated version which has procedural provisions that are significantly different than the procedures currently in effect.
- Sexual harassment is also addressed in the University of California Faculty Code of Conduct (APM-015), which specifies discrimination, including harassment, against a student based on sex, as a form of unacceptable conduct. UCD’s campus Academic Personnel Manual (UCD-015), describes “Procedures for Faculty Misconduct Allegations.”
 - Under APM 015, any member of the campus community can file a complaint of faculty misconduct. Charges of misconduct may be resolved through informal or formal proceedings. The formal process begins with a “Formal Preliminary Investigation,” in which the Chancellor “may appoint one or more individuals” to conduct the preliminary investigation. The procedure explains that investigations are to be done in consultation with the Vice-Provost of Academic Personnel and, when necessary, with legal counsel from the Office of Campus Counsel.
 - The UC system Faculty Code of Conduct, states that campus procedures should “involve the faculty in participating in the investigation of allegations of misconduct and/or in making recommendations” (concerning disciplinary charges.) “Divisions are encouraged to provide faculty investigators with training....”
 - After the preliminary investigation, the Chancellor may pursue additional information avenues for resolution. If there is “probable cause” that the code of conduct has been violated and sanctions are proposed, the Chancellor notifies the faculty member and initiates the formal disciplinary process (UCD –016), leading to a formal hearing before the Committee on Privilege and Tenure.
 - UCD-015 does not specify any timeframes for completion of the informal process or preliminary investigation. If the formal discipline process is initiated, under UCD-016 a hearing should commence within 90 days of the date on which the accused faculty member has been notified. There are no time frames for completion of the discipline process.

The Student's Complaint

- On May 17, 2006, the School of Medicine's Committee on Student Progress recommended dismissal of the Student based on failing grades in two different classes. After the Committee issued its recommendation, the Student received a third failing grade in another class. The Dean of the School of Medicine dismissed the Student from the University on May 23, 2006.
- In early June 2006, the Student sent an email and left a voicemail message for the Director of Student Judicial Affairs asking to discuss her dismissal. It is the Director's role to assist students who wish to file academic appeals. In these communications with the Director of Student Judicial Affairs, the Student made an allegation that one of her professors had sexually harassed her. The Director of Student Judicial Affairs made several telephone appointments to discuss the sexual harassment allegation, but the Student missed the appointments.
- The Director of Student Judicial Affairs told OCR that, by the end of the first week of June 2006, she did have the opportunity to speak to the Student, but they only discussed academic matters related to the Student's appeal of her dismissal. It appears that the Student did not raise the sexual harassment issue during this discussion, and the Director did not ask about it. The Director offered to review the Student's letter appealing the academic dismissal, but the Student did not provide a copy of the letter to the Director before submitting it to the Committee on Student Progress.
- The Student submitted a letter dated June 20, 2006, to the Committee, in which she presented objections to the academic dismissal. The appeal letter also raised the allegation of sexual harassment by the professor. On June 28, 2006, the Committee held a meeting with the Student in response to the letter. At the meeting the Student discussed her reasons for objecting to the academic dismissal. She made a variety of charges of bias and retaliation involving the professor and two other School of Medicine faculty members. She also again raised the allegation of sexual harassment by the professor. In response to the Student's claims, the Committee suspended its review of the Student's academic status. The chair of the Committee then forwarded the Student's allegations to the campus Chancellor's office on July 10, 2006.
- On June 28, after the Committee meeting, the Director of Student Judicial Affairs sent an email to the Student with information about University policies and procedures. The Director of Student Judicial Affairs sent the Student the following: (1) the University of California system sexual harassment policy and complaint procedures; (2) the UCD campus sexual harassment policy and procedure, PPM section 380-12; (3) the system-wide Faculty Code of Conduct; (4) the UCD

"Procedures for Faculty Misconduct Allegations", including a form for "Allegations of Misconduct – Request for Review."

- The email notified the Student that the sexual harassment allegations she raised during the meeting with the Committee had been referred to the Director of Faculty Relations and Development (hereafter Director) and that it would be investigated under the UCD faculty misconduct policies. It also stated that the Student should contact the Director if she wanted to submit additional information or to "submit a formal 'Request for Review of Allegations of Misconduct'". The Director's email and telephone number were included. The Director also provided the name of the UCD Sexual Harassment Officer.
- At the University, the Director is the staff member from the office of the Vice Provost of Academic Personnel who selects and works directly with investigators assigned to investigate charges of faculty misconduct under UCD 015. She states that she communicates regularly with the investigators and answers questions they might have about conducting investigations. She also reviews the investigative report before it goes onto the Chancellor's office. The Director also stated that, when complaints of sexual harassment come into her office, she also contacts the Sexual Harassment Officer.
- On August 14, 2006, the Director appointed a faculty investigator to investigate the Student's allegations of faculty misconduct, including the sexual harassment allegation. The Director stated that the University considers different factors when appointing a faculty investigator. The University looks for a faculty member outside of the college where the alleged conduct occurred, who has not performed an investigation recently (because they can be time-consuming). Additionally, the University considers the faculty member's training background. In this particular case, the Investigator had participated in a leadership training program which concerned conflict management.
- The Director has had training on sexual harassment matters but the investigator did not. The Director believed that since she was supervising the investigator, that would be sufficient. The Investigator told OCR that she did not receive any training in sexual harassment, nor did she have any experience with conducting sexual harassment investigations. At the outset of her assignment, she spoke with the Director about her role and how to begin the investigation.
- Also on August 14, 2006, the Vice Provost of Academic Personnel sent a letter providing notice to the professor and to the Student, including the University's investigative procedures.
- Neither the Director nor the Investigator considered whether the complaint should be viewed as one of sex discrimination and whether PPM 380-012 was applicable. The

Investigator stated that she was given a copy of and told to follow the faculty misconduct policy, APM-015. She noted that faculty misconduct includes sexual harassment.

- The investigator interviewed the Student, the accused faculty member, three other faculty members, and the Director of Student Judicial affairs. The investigator also reviewed all records related to the allegations, including emails, student performance evaluations, correspondence and other materials. She also spoke periodically with the Director for guidance throughout her investigation.
- On August 23, 2006, the Student filed formal written complaints of faculty misconduct under UCD-015 against three faculty members including the professor. She made several allegations of misconduct against the professor, including the same allegation of sexual harassment she had made during the Committee proceedings.³
- The investigator conducted a formal interview with the Student on August 29, 2006. In describing the alleged sexual harassment, the Student stated that she had met with the professor in his office to discuss a failing grade she received in one of his classes. According to the Student, as she was leaving, the professor called her "honey" twice and asked her to come back in. She said the professor used an "enticing voice" and "luring tone". The Student characterized this as sexual harassment and interpreted it as the professor suggesting he would change her grade in exchange for sexual favors. During the interview the Student added that she believed the alleged harassment was motivated by her age.
- In September 2006, the Student was informed that she would be dismissed from the University regardless of the outcome of the sexual harassment investigation based on academic deficiencies and she was given the option to instead withdraw from the University with prejudice.
- On December 18, 2006, the Investigator submitted the investigative report to the Vice-Provost. The report states that the inquiry was focused on whether the professor violated the Faculty Code of Conduct. There is no mention of the UCD sexual harassment policy.
- The investigative report addressed all the Student's allegations against the professor. With respect to the sexual harassment charges, the investigator concluded, based on the interviews conducted and the documents reviewed, that the professor had not engaged in sexual harassment. The conclusion was based on several factors. The professor had denied using the word "honey", and stated that

³ The other allegations were matters that are not within the scope of OCR's jurisdiction and therefore are not addressed in this letter.

he never uses such language. The investigator stated that she found the professor more credible than the Student for a variety of reasons, including the fact that the Student had changed the details of her story several times. The investigator also noted that, even if true, the single use of the term "honey" did not establish sexual harassment, and that there was no direct evidence of an offer of a better grade in exchange for sexual favors. The investigator also concluded that there was no evidence of national origin or age discrimination.

- The Vice Provost reviewed the report and forwarded it to the Chancellor. On February 1, 2007, the Chancellor issued a six-page, detailed letter of findings to the Student containing a statement of each of the Student's allegations, a summary of the facts obtained during the investigation, the conclusion from the investigation and the basis for the conclusion, and the Chancellor's concurrence with the investigator's findings. The Student was notified that her allegations were inconsistent with the other evidence, and that, under the circumstances, even if the words she described were spoken, the exchange could not be reasonably construed as a request for sexual favors. The letter also addressed the Student's other accusations against the professor and the other faculty members, explaining the conclusion and the basis for the conclusion.

As explained above, §106.31 of the Title IX regulations requires recipient colleges and universities to ensure that their education programs are free from discrimination and to respond appropriately and effectively to complaints of sexual harassment. In addition, §106.8(b) requires recipient colleges and universities to provide a prompt and equitable procedure for the resolution of complaints alleging sex discrimination.

Based on the information gathered during our investigation, OCR did identify some concerns in the handling of the Student's sexual harassment allegations. First, although the Student made a charge of sexual harassment, and both the UC system and UCD have policies and procedures specifically designated for the handling of sexual harassment complaints, the procedures were not utilized for the Student's allegations. The Director of Student Judicial Affairs initially forwarded the Student a copy of PPM 380-12. However, the Student was advised that her sexual harassment allegations would be handled through the faculty misconduct procedures and it appeared that administrators overseeing the process did not consider the applicability of PPM 380-12. In addition, the faculty investigator was not knowledgeable about the system-wide or UCD sexual harassment policies, nor did she have prior training or experience in conducting sexual harassment investigations. Notwithstanding the concerns just described, the evidence did not show that the Student was denied an appropriate or equitable complaint resolution process.

To be appropriate and equitable, the process for resolving sexual harassment complaints must be thorough and impartial, be based on appropriate standards, and be carried out in a manner that will result in reliable conclusions that are supported by the

evidence collected. If harassment is found, the process must provide for remedial steps that are effective in stopping the harassment and preventing it from recurring, and must address harms to the victim. OCR found that the UCD process in this case was sufficient to meet this standard.

It is important for individuals conducting investigations of sexual harassment allegations to be familiar with an institution's sexual harassment policies and procedures, and to have received training both on how to conduct an investigation that will collect the necessary evidence and on how to analyze the evidence under the applicable standards. While the investigator in this case was not trained regarding PPM 380-12, she was familiar with the provisions of the faculty conduct code that make sexual harassment a form of misconduct, and was assisted by the Director of Faculty Relations and Development who has had experience and training in sexual harassment matters. The evidence gathered by OCR showed that the investigation was thorough. The investigator conducted interviews with appropriate witnesses and gathered the relevant data. The investigator's report showed that, using appropriate standards, she reached a reasoned conclusion based upon the substance of the information gathered and upon an assessment of the credibility of the witnesses. While the Student alleged that the investigator was biased against her, OCR found no evidence to support this allegation. OCR concluded that the substance of the investigative process in this case was adequate and equitable.

However, OCR determined that the time it took the University to complete its investigation into the Student's sexual harassment allegation and issue its determination was not prompt. The Investigator was assigned to the complaint on August 14, 2006, but the findings were not issued until February 1, 2007. Seven months elapsed between the time the University suspended review of the Student's appeal of her dismissal and began the investigation of her allegations, and the time when the University issued its findings on her allegations against the professor. In addition, the length of the process did not comply with the requirements of the UC system procedures, which are incorporated in PPM 380-12 and which require investigations to be done as promptly as possible or in most cases, within 60 working days from the time the complainant files a formal request for investigation. UCD did not contact the Student to request an extension of time to complete the investigation. While the Title IX regulations do not prescribe specific timeframes regarding what constitutes a prompt investigation, seven months, absent a reasonable justification, does not meet the promptness standard. OCR concluded that the UCD investigation of the Student's allegations did not meet the promptness requirement of §104.8(b).

Although OCR did not find that UCD denied the Student an equitable process, OCR did identify compliance concerns with regard to UCD's procedures overall. As described above, UCD has multiple procedures applicable to sexual harassment complaints: the UC system procedures, the campus sexual harassment procedures, the procedures for faculty code of conduct violations, the procedures for student discipline, and the general

grievance procedure. The steps in the process, the individuals responsible for implementation, and the time frames for completion, if any, differ among the various procedures. There is not a consistent understanding among staff and administrators regarding how the multiple procedures are to be coordinated or integrated. PPM 380-12, the campus sexual harassment complaint policy and procedure, contains many of the elements needed for Title IX compliance but also has some deficiencies which result in a lack of clarity. These include inconsistencies regarding the responsibilities of the various individuals identified as having a role in responding to sexual harassment allegations, the fact that students or employees who may want to file a complaint under PPM 380-12 cannot find the actual steps in the formal investigation process in the document but must refer to a separate document, and the references to the optional use of other procedures without explanation sufficient to enable a student to choose among the options.

Because of the multiplicity of UCD procedures and their internal differences and inconsistencies, it may be difficult for students to understand how to file a sexual harassment complaint, and what their rights and options are; UCD staff and administrators may not be clear on which procedure is applicable, what steps should be followed and who is responsible for implementing the steps. In addition, while Title IX permits the use of discipline procedures to address allegations of sexual harassment, the purpose of Title IX complaint procedures, which provide redress for violations of federally guaranteed civil rights, is different than the purpose of discipline procedures. If discipline procedures are invoked when a student makes sexual harassment allegations, the institution must ensure that the complainant is accorded all the rights guaranteed to her or him under Title IX and that responsible officials understand how the procedures are to be coordinated. Based on these concerns, OCR concluded that UCD cannot ensure that it provides a prompt and equitable process for allegations of sexual harassment and that it will respond appropriately. OCR therefore determined that UCD was not in compliance with Title IX and the regulations

On January 4, 2008, UCD submitted to OCR a signed Resolution Agreement under which it will revise and clarify its procedures to address the issues identified, disseminate the revised procedures to the campus community, and provide training for responsible officials. These steps will ensure that UCD responds appropriately and effectively to reports and complaints of sexual harassment, and that it provides a prompt and equitable complaint resolution process. With respect to the individual Student's case, OCR determined that since the investigation of her sexual harassment allegations was not prompt, it did not comply with the Title regulations. However, since OCR also found that the investigation was conducted in an adequate and equitable manner, OCR concluded that there was an insufficient basis for requesting that UCD take additional remedial action regarding the Student.

OCR has determined that the agreement, when fully implemented, will resolve the compliance issues identified by OCR. OCR is closing this case as of the date of this

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letter, and will monitor UCD's implementation of the agreement OCR is informing the Student of this resolution by a concurrent letter.

OCR routinely advises recipient of Federal funds and public education entities that Federal regulations prohibit intimidation, harassment or retaliation against those filing complaints with OCR and those participating in the complaint resolution process. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

OCR would like to thank UCD administrators and staff for their cooperation during the investigation. If you have any questions about this letter, please contact Sara Berman, staff attorney, at (415)486-5504.

Sincerely,



Stephen Chen
Team Leader

Enclosure

Cc: Rhonda Canby, Attorney
Lisa Brodkey, Title IX Compliance Officer

University of California, Davis
Docket Number 09-07-2008
Resolution Agreement

In order to voluntarily resolve the issues raised in complaint number 09-07-2008 filed with the Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972, the University of California, Davis (UCD) agrees to take the steps described below. These steps are designed to clarify and strengthen UCD's existing policies and procedures for addressing sexual harassment and to ensure that the procedures are coordinated effectively with other campus procedures.

A. Overall Coordination of Policy and Procedure Manual Section 380-12 with other procedures:

1. UCD will form a study group to explore implementation of PPM 380-12 section VI B.2.c. to ensure that PPM 380-12 will be coordinated with other applicable UCD complaint, grievance, and disciplinary procedures.
 - a. The task of the study group will be generally to review and, where necessary, revise PPM 380-12 and other procedures to ensure that each individual who files a complaint of sexual harassment under PPM 380-12 receives a prompt and equitable resolution of the complaint.
 - b. Specifically, the group will address the following: avoiding duplication in the fact-finding process whenever possible, clarifying how investigation reports under PPM 380-12 may be used in other proceedings, protecting and clarifying the rights of the complainant during the process, and providing the complainant with both a decision on the sexual harassment claim and appropriate remedies in a prompt manner.
2. The study group will issue recommendations. By March 15, 2008, UCD will notify OCR of the study group recommendations. OCR and UCD will work together to review options for revising the other applicable procedures.

B. Clarification of Roles and Responsibilities

1. UCD will review, clarify and revise as necessary the roles and responsibilities of the Title IX Compliance Coordinator, the Sexual Harassment Officer and the Sexual Harassment Advisors. UC will ensure that the policy clearly identifies: (1) the office(s) to whom sexual harassment complaints may be reported and (2) offices or titles of those who have the responsibility for investigating complaints.

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2. The identification will indicate and make clear the type of complaint each individual is designated to receive and investigate (i.e., complaints against students, complaints against faculty, or complaints against staff).
3. Specifically UCD will revise PPM 380-12 to address the following:
 - a. Section IV.B. will be clarified to reflect that there is one Sexual Harassment Officer, at each campus, to provide the SHO's office address and telephone number, and to clarify the SHO's responsibilities, including specifically with respect to investigation of complaints (IV.B.6).
 - b. Defining the role of the "Sexual Harassment Advisors" mentioned in Section IV.B.5.
 - c. Defining the identities and roles of the "designated officials" referenced in sections IV.C. and VI.A.
4. By March 15, 2008, UCD will submit the proposed revisions for review; OCR and UCD will work cooperatively to finalize the revisions.

C. Clarification of PPM 380-12 Procedures

1. UCD will address ambiguities in PPM 380-12 sections V, VI and section VII to ensure that students and employees understand the differences between the use of PPM Section 380-12 and the use of other procedures to pursue complaints of sexual harassment.
2. The purpose of addressing Sections V, VI and VII is to assure that persons wishing to file sexual harassment complaints understand the differences among the procedures; which procedures are available to students and which are available to employees; the nature of the determinations reached in each of the procedures, and the complainant's rights and responsibilities under each of the procedures. UCD will work with OCR to add or improve each of the following elements:
 - a. an explanation of the relationship and the differences between the sexual harassment complaint procedure and disciplinary procedures for students, faculty, and staff;
 - b. an explanation of the differences between the sexual harassment complaint procedure and the general student grievance procedures;
 - c. an explanation of the differences between the sexual harassment complaint procedure and other employee grievance procedures;
 - d. a detailed description of the rights and role of the complainant in the different processes.

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3. By April 1, 2008, UCD will submit proposed procedural revisions to OCR for review, and will work cooperatively with OCR to finalize the revisions.

D. Incorporation of Requirements of the UC Procedures.

1. In making revisions to PPM 380-12, UCD will address the requirements of Section C and Section D of the University of California Procedures for Responding to Reports of Sexual Harassment (UC Procedures).
2. UCD will revise sections IV, VI and VII of PPM 380-12 so that instead of cross-referencing the UC Procedures, those sections will incorporate the text or a summary of the relevant substantive provisions of the UC Procedures, as applied to UCD.
3. UCD will revise Section VI.B.2 so that it fully describes the steps that will be followed during a Formal Investigation of a sexual harassment complaint.
4. UCD will ensure that PPM 380-12 follows the timelines for conducting sexual harassment investigations and the provisions for granting extensions that are prescribed by the UC Procedures.
5. Section VI.D will be revised so that it conforms with the provisions of Section D of the UC Procedures and so that the definition of sexual harassment warranting discipline is complete and accurate.
6. Section VII (or other appropriate section) will be revised to inform students and employees that they may file a complaint under the UCD general grievance procedures if they believe UCD's response to a complaint of sexual harassment did not follow University policy, and to address the other provisions of paragraph 3 of Section C of the UC Procedures.
7. By April 1, 2008, UCD will submit the proposed revisions for review; OCR and UCD will work cooperatively to finalize the revisions.

E. Review of Other University Publications and Web Postings

1. UCD will conduct a review of its manuals, handbooks, other publications and of its web pages to ensure that they include current version of PPM 380-12, including current contact information for appropriate administrators.
2. UCD will devise a procedure to ensure that publications and web pages are regularly updated campus-wide to include current contact information and procedures.

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3. The initial review will begin by June 30, 2007; by August 1, 2008, UCD will submit confirmation to OCR that the initial review has been completed and will also submit a proposed procedure to OCR regarding how UCD will regularly update publications and web pages campus-wide. OCR and UCD will work cooperatively to finalize the procedure.

F. Approval and Notice to Students, Faculty and Staff of Revised Policy

1. The clarification and revisions to PPM 380-12 will be completed, with the necessary campus approvals by the beginning of the 2008-2009 academic year.
2. After final approval of the revised sexual harassment policy and procedure, UCD will provide notice of the revised procedure, information about where copies can be obtained, and a summary of the procedure through the following:
 - a. Campus email, the campus newspapers, and posting on the web pages of the Sexual Harassment Office, Student Judicial Affairs, Women's Centers and other appropriate web pages within 30 days of the final approval of the procedure
 - b. Inclusion in the next printing of major University publications including the schedule of classes, the course catalog, and the student and faculty handbooks.
 - c. By September 15, 2008, UCD will provide OCR with documentation of the web postings and publications.

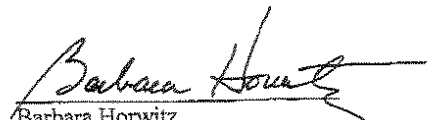
G. Training for investigators assigned to sexual harassment complaint investigations

1. UCD will require and provide training for all individuals who are identified as having authority to receive sexual harassment complaints. The training will include information on the individuals' responsibilities, including the information they should give to individuals who contact them, and their responsibilities for notifying other administrators.
2. UCD will require and provide training for a core group of six individuals who will conduct sexual harassment investigations under PPM 380-12 or disciplinary hearings involving charges of sexual harassment under campus procedures. The training will include information on Title IX and the University's sexual harassment policy, how to conduct investigations, the information needed to establish a violation of the policy and/or conduct code, the legal standards to apply to determine whether a violation occurred, and how to apply the standards to the facts acquired in the investigation.
3. By October 1, 2008, UCD will provide confirmation that the training in 1 and 2 has taken place, and a list of the participants and their roles/positions.

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H. Processing Individual Complaints

At the end of the 2007-2008 and 2008-2009 academic school years, UCD will provide to OCR a copy of its report to the Board of Regents regarding sexual harassment complaints made at the campus and medical center. OCR may request additional information determined necessary to assess compliance.


Barbara Horwitz
Interim Provost and Vice Chancellor
University of California, Davis

1-4-08
Date

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