



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
Old Federal Building
50 United Nations Plaza, Room 299
San Francisco, California 94152

June 30, 2000

Albert Carnesale
Chancellor
University of California, Los Angeles
405 Hilgard Avenue
Los Angeles, California 90095-1361

(In reply, please refer to Docket No. 09-97-2075.)

Dear Chancellor Carnesale:

This letter describes the resolution of the above-referenced complaint, filed with the Department of Education (Department), Office for Civil Rights, San Francisco Enforcement Office (OCR), by Diane Reifschneider (OCR complainant) against the University of California, Los Angeles. The complaint alleged discrimination on the basis of sex in violation of Title IX of the Education amendments of 1972. The complainant, a former Ph.D. candidate in the sciences, alleged that the University failed to respond adequately to her complaint of sexual harassment against her thesis advisor, and fails generally to respond adequately to sexual harassment complaints.

OCR enforces Title IX and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities operated by recipients of Federal financial assistance. The University receives funds from the Department and is subject to Title IX and the regulation.

At the time the OCR complaint was filed, the OCR complainant's individual allegations were the subject of litigation; that case remains on appeal. We therefore notified you and the OCR complainant that, pursuant to OCR's standard procedures, our investigation would focus on the University's overall handling of sexual harassment complaints. OCR gathered information about the OCR complainant's internal complaint as an example of the University's sexual harassment complaint process. We are not, however, making any compliance determinations about the complainant's individual allegations.

Legal Standard

The standards OCR applies in investigating and resolving sexual harassment complaints are set forth in the Department's *Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties*, 62 Fed.Reg. 12034 (March 13, 1997).

The Title IX regulation, at 34 C.F.R. section 106.31(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity operated by a recipient of federal financial assistance. When a student is sexually harassed, the harassing conduct can deny or limit the student's participation in the recipient's program or the student's receipt of educational benefits.

Once recipients have notice of possible sexual harassment of students -- whether carried out by employees, other students or third parties -- they must take immediate and appropriate steps to investigate or otherwise determine what occurred, and take steps reasonably calculated to end any harassment, eliminate a discriminatory educational environment if one has been created, and prevent harassment from occurring again. These steps are the school's responsibility whether or not the student who was harassed makes a complaint or otherwise asks the school to take action. In appropriate circumstances, the institution will also be responsible for taking steps to remedy the effects of the harassment on the individual student who was harassed.

In addition, the Title IX regulation, at 34 C.F.R. §§ 106.8 and 106.9, requires recipients to have well-publicized policies against sex discrimination, including sexual harassment discrimination, and to adopt and implement grievance procedures that provide for the prompt and equitable resolution of complaints alleging sex discrimination. Recipients must also designate at least one employee to coordinate and carry out their Title IX responsibilities. 34 C.F.R. § 106.8(a). Regardless of whether harassment occurred, an education institution violates the Title IX regulation if it does not have those procedures and policy, and a coordinator, in place.

Investigation Summary

To investigate the complaint allegations OCR interviewed the complainant several times by telephone and in person, and reviewed extensive documentation she submitted. UCLA provided OCR with copies of its policies and procedures. In addition, OCR asked UCLA to provide information about each sexual harassment complaint filed by a student between fall 1993 and summer 1997. OCR made several visits to the UCLA campus where we reviewed sexual harassment complaint files and interviewed University administrators. We also interviewed several University personnel by telephone.

During the course of the investigation, OCR reviewed the record in approximately 25 sexual harassment complaints filed by students. The University provided information about seven complaints filed by students against other students, one complaint against a University Extension student, 13 complaints against University faculty and employees with formal fact-finding, and three complaints filed against faculty or employees without formal fact-finding.

OCR found that many sexual harassment cases were resolved in a prompt, thorough and effective manner. Egregious problems were not common. Overall, however, OCR found the University's handling of sexual harassment complaints inconsistent with some recurring procedural problems. The number and variety of concerns OCR identified raised the question of

whether the University's procedures have been sufficient to ensure a prompt and equitable resolution of sexual harassment complaints.

These concerns, summarized below, were discussed in meetings and by telephone with University Administrators and legal counsel. In response, the University agreed to sign a voluntary resolution plan to address the OCR concerns. A copy of the plan is attached to this letter. In addition, during the course of the OCR investigation, the University had initiated an internal process to review its sexual harassment complaint procedures and to make revisions where necessary. It also added new administrative resources to expand and enhance its program for addressing sexual harassment. OCR has determined that the steps already taken by the University, together with the provisions of the resolution plan, when fully implemented, will satisfactorily resolve the complaint allegations.

Compliance Concerns

Sexual Harassment Policy and Grievance Procedures

In assessing whether a recipient's procedures are prompt and equitable, OCR examines a number of factors including whether the procedures provide for: (1) notice to students and employees of the procedure and how it works, including where complaints may be filed; (2) adequate, reliable and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; (3) designated and reasonably prompt time frames for the major stages of the complaint process; (4) notice to the parties of the outcome of the complaint; and (5) an assurance that the recipient will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate. OCR recognizes that nondiscrimination policies and procedures, including those addressing sexual harassment, will vary considerably in detail, specificity and components, reflecting differences in audiences, school sizes and administrative structures.

UCLA has adopted a policy on sexual harassment and a sexual harassment complaint resolution procedure (Policy 630), most recently revised in 1994. The Policy establishes mechanisms for students to obtain information and advice about sexual harassment concerns, and informal and formal mechanisms for complaint resolution.

Complaints are handled by different campus components (including the medical center) depending upon who the alleged harasser is (i.e., student, faculty or staff). A Complaint Resolution Officer (CRO) conducts an investigation and makes a determination of whether there is probable cause to believe the University's sexual harassment policy has been violated. This investigative determination is reviewed by a Vice Chancellor or other appropriate administrator who decides whether a policy violation has occurred and makes recommendations for corrective actions where appropriate. If discipline is recommended, the complaint must then proceed through the faculty, staff or student discipline process, governed by separate University policies. If the complainant is dissatisfied with the outcome of the investigation, the complainant can

appeal through the University general grievance procedure and/or can file a charge directly with the Charges Committee through the faculty discipline policy.

OCR found that the provisions of Policy 630 are comprehensive and in substantial compliance with basic Title IX requirements. However, OCR identified several concerns including the following:

- The Policy contains a time limit for filing sexual harassment complaints but contains no time frames for the various stages of complaint processing.
- Policy 630 and its attachment were confusing as to which campus unit CROs are responsible for which types of complaints. The attachment indicates that the appropriate campus unit to receive complaints is determined by the complainant status (i.e., whether the complainant is a student, staff or faculty member.) OCR's understanding of the actual process is that where the complaint is handled is determined by the respondent's status. This is not merely a technical problem but one that results in inadequate notice to students about where their complaints should be presented and where they will be handled.
- The authority of the CROs and the effect of the CRO's report are not clearly explained. The CROs are limited to determining whether there is "probable cause" to believe a violation of the University policy has occurred; their determinations are not binding and are subject to review by University administrators. This is not clear from the policy.
- The Policy is not clear regarding when and how the complainant is to be provided notice of the results of the CRO investigation.
- Policy 630 does not give adequate notice or information to complainants about the processing of their complaints through the various disciplinary systems after the CRO investigation.

As illustrated in the next part of this letter, OCR's review showed that these concerns about the written procedure were manifested in the processing of actual student complaints. The resolution plan agreed to by the University calls for revisions of Policy 630 and other steps to address the problems with the policy as written and as implemented.

Title IX Coordinator

Schools must designate at least one employee to coordinate their efforts to comply with Title IX. This includes coordination of all Title IX compliance responsibilities throughout University programs, not just sexual harassment complaints. The school must notify all of its students and employees of the identity and address/telephone of the individual or individuals designated.

OCR found that, although UCLA had designated University components and offices to provide information and advice on sexual harassment complaints, and to receive and investigate complaints, it did not have an identifiable individual or official designated to coordinate its broader Title IX compliance efforts.

Prior to the finalization of the OCR resolution plan, OCR created and filled a new administrative position for Title IX Officer. At present the Title IX Officer also serves as the Sexual Harassment Coordinator.

Response to Notice of Harassment

When a school has notice of sexual harassment, regardless of whether the student who was harassed decides to file a formal complaint or otherwise requests action on his or her behalf, the school must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. The specific steps will vary depending upon the nature of the allegations, the age and status of the student, the size and administrative structure of the school and, other factors. In all cases, however, the response must be prompt, thorough and impartial.

In reviewing the University's handling of sexual harassment complaints, OCR identified concerns about the promptness of the University's response to notice of harassment. Examples¹ included the following:

- OCR found several cases in which no action was taken to initiate an investigation (formal or informal) until several months after the harassment was reported.
- In one case, two faculty members witnessed repeated harassment of a student by another student in their classes. Neither the faculty or the department chair reported the conduct to higher level administrators.
- In the OCR complainant's case, the University did not initiate an investigation until a month after the Labor Relations unit notified the Office of the Vice Chancellor that it was clear the complainant wanted a formal investigation. The University began its investigation after the complainant's attorney wrote a letter inquiring why no investigation had begun.

Promptness in completing investigations:

As noted above, Policy 630 does not contain any prescribed time frames. In examining the record of individual cases, OCR observed significant delays in the processing of some complaints. In general, complaints against students were handled much more quickly and aggressively than complaints against faculty members. Complaints against faculty frequently took very lengthy periods of time to fully resolve.

OCR recognizes that whether complaint resolutions are reasonably prompt will vary depending on the complexity of the investigation and the severity and extent of the harassment. Circumstances arise (e.g., where the parties or witnesses are unavailable, the parties are represented by counsel, etc.) that can cause delays that are beyond the University's control. In some cases we reviewed, however, there were delays the length of which did not appear to be justified by external circumstances. Examples included:

¹ Each of the examples described in this letter does not itself constitute a violation of Title IX requirements. They are provided as examples of problems that were sufficiently serious and/or frequent to raise compliance concerns about the UCLA system.

- In the OCR complainant's case the initial fact-finding investigation took seven months. The results of the investigation were not reported until both the complainant's attorney and the respondent's attorney wrote to UCLA complaining about the lack of action.
- In another case filed by three undergraduate students alleging inappropriate touching and suggestive remarks by a faculty member, the investigation report was not issued until one year after the complaint was filed.
- In a two other cases filed against faculty members, the CRO reports were issued nine months after the complaint was filed.

To address the concerns described in this and the previous section, the OCR resolution plan calls for the addition of time frames in Policy 630 for the major stages of complaint processing, and other administrative changes which will expedite the complaint investigation process in future cases.

Promptness in Resolving Cases Processed through the Faculty Discipline Policy

With complaints against faculty members, if the CRO process results in a determination that a violation of University policy occurred, a disciplinary sanction cannot be imposed on the faculty member until the case proceeds through the policy governing faculty misconduct and discipline (Appendix XII). Appendix XII has recently undergone significant changes that should ameliorate many of the problems which the application of the policy created in sexual harassment cases.

Previously, certain provisions of the policy made the process for faculty discipline extremely lengthy and duplicative of the CRO role. Under Appendix XII, if the CRO finds probable cause to believe that the sexual harassment policy has been violated, disciplinary charges must be filed with the faculty Charges Committee by the applicable administrator. Prior to the revisions, the Charges Committee reviewed the CRO report, interviewed the parties and collected such other information, as it felt necessary. It then issued a second determination of whether there was probable cause to believe the sexual harassment policy or faculty conduct policies had been violated. If it found probable cause, the case then had to be referred to the faculty Committee on Privilege and Tenure. That Committee was empowered to hold an evidentiary hearing to make a determination of whether the policy was violated.

The result has been a process wherein the question of whether sexual harassment occurred was reviewed at least four different times before a final decision regarding sanctions was reached. For this and other reasons, the system has resulted in extremely long delays before sexual harassment complaints reach final resolution as to the consequences for the harasser.

- In the OCR complainant's case, four months elapsed between the time the CRO report was issued and the time when the case was referred to the Charges Committee; three months later the complainant was contacted by the Charges Committee to request an interview. After the Charges Committee's decision, the case went to the Privileges and Tenure Committee where

the process took three more months. The Privileges and Tenure committee then decided that whether the sexual harassment policy was violated could not be determined without a hearing.

- In a case involving a medical student, the complaint proceeded all the way through a formal hearing with the Privilege and Tenure Committee. Among other delays, over six months elapsed from the time the charge went to this Committee and the time it issued its determination after a hearing. The entire proceeding took two and one-half years.
- In another case filed by a student against a faculty member, the Charges Committee never made a determination. The case remained unresolved for three years.

A Joint Task Force was appointed by the Chancellor in 1993 to address concerns about faculty disciplinary procedures. As stated in the 1996 Task Force final report, the two major concerns were: first, that the process was too lengthy, burdensome and duplicative; and, second, that it failed to provide victims/complainants with appropriate access to the process. The Task Force made recommendations to address these concerns and Appendix XII was revised.

In the revised policy, when a sexual harassment complaint is filed against a faculty member, the Charges Committee is notified immediately. The CRO and the Charges Committee work cooperatively so to allow the Committee to adopt the CRO report instead of conducting a new review to determine probable cause. Based on this and other changes, it is anticipated that delays will be reduced in the future. The University did not include time frames in the faculty discipline process as recommended by the Task Force, however. In its monitoring of the resolution plan, OCR will review the processing of future complaints. If unreasonably lengthy delays continue to occur as the result of the faculty disciplinary process, the University will be asked to revisit this issue.

Notice to complainant of case status:

In order to ensure that complaint processes are equitable, schools should inform students who have alleged harassment about the status of the investigation on a periodic basis. A problem OCR commonly encounters in postsecondary institutions is the lack of notice to the person filing the complaint regarding what is taking place in the complaint handling process. This is particularly true where the complaint continues through a student or faculty discipline process, where the focus is on communicating with the respondent. OCR found evidence of this problem with respect to several UCLA complaints:

- The OCR complainant was not kept informed of the status of her case during each stage.
- OCR found in several other cases that the notice to students of the outcome of the CRO process did not clearly explain the rights of the complainant with respect to the procedural avenues available at that point. For example, in one formal complaint proceeding, the CRO determined in favor of the respondent. The letter to the complainant explaining the outcome of the CRO process did not explain her procedural rights, including her right to file a charge against the faculty member directly with the Charges Committee.

- The information provided to the OCR complainant about the nature of the Charges Committee proceeding was unclear and confusing. The complainant received a letter stating that the Committee was conducting an investigation to determine probable cause, and requesting that she appear for an interview. This was confusing in that a probable cause determination had already been made by the CRO and the purpose of the interview was unclear.

The OCR resolution plan calls for revisions to Policy 630 to ensure that complainants are kept apprised of the status of their complaint during an investigation. The revisions to Appendix XII also added new requirements for notice to complainants regarding the steps in faculty discipline proceedings, including information about any proposed settlement with the faculty member, as well as increased participation in those proceedings.

Notice of Outcome

In order for an institution's process to be equitable, the institution must provide a complainant with notice of the outcome of its inquiry. In addition, in cases where a student has been subjected to a hostile educational environment as a result of sexual harassment, notice of the institution's determination may be necessary to eliminate the hostile environment and to provide information that allows the complainant to determine whether the institution has handled his or her complaint in an equitable manner. Concerns identified by OCR in this area included:

- The OCR complainant was initially only notified of the CRO's final conclusion. She was not given a copy or summary of the report until two months later when her attorney made a demand under the Public Records Act. The faculty member, however, was given a copy of the investigative report and was given an opportunity to respond in writing.
- In another student's case the record reflected that University personnel were uncertain whether or not the complainant was supposed to be provided with a copy of the report.
- In the OCR complainant's case, the Charges Committee provided written notice to the respondent that it had found probable cause for a violation of the faculty code of conduct; the Committee did not notify the complainant. When the complainant contacted the Academic Senate office, the staff advised her that they couldn't disclose the information. The complainant was finally notified by the Vice Chancellor in March 1997, three months after the Committee was reached.
- In one case that proceeded through a formal hearing with the Privilege and Tenure Committee, written notice was provided to the respondent regarding the Committee's determination but no written notice was provided to the complainant.

The OCR resolution plan calls for revisions to Policy 630 to ensure that complainants are promptly notified in writing of the outcome of sexual harassment complaint investigations as well as the outcome of each successive stage of the process. The revisions to Appendix XII also added new requirements for notice in writing to complainants of the results of each stage of faculty discipline proceedings.

Application of correct legal standards

In order for a sexual harassment complaint procedure to be equitable, the determination of whether sexual harassment occurred must be made by individuals who are trained in the applicable legal standards and who apply those standards consistently to the evidence gathered during the investigation. Decisions should provide the basis in evidence for the determination. OCR's review showed the following problems:

- In several cases the CRO report reached no conclusion because it failed to resolve credibility issues between the parties.
- In the OCR complainant's case, the Charges Committee concluded that a violation of the sexual harassment policy did not occur because there was a consensual intimate relationship. However, the decision failed to address the evidence concerning harassment that took place during the year before the relationship became consensual.
- The CRO in the OCR complainant's case made several references to the clothes she wore, her make-up and the fact that "she doesn't look like a [scientist]". These observations reflect possible misunderstandings of what evidence is relevant in determining whether harassment took place.
- CRO reports in several other cases did not appear to apply any standard in analyzing whether sexual harassment occurred.
- Reports and conclusions of the faculty committees were sometimes cursory and lacked clear explanations for the basis of the committees' determinations, even in a case where the Privilege and Tenure Committee had held a hearing and reversed the decision by the Charges Committee in favor of the complainant.

The OCR resolution plan provides for changes in Policy 630 to require training in applicable legal standards for the individuals who conduct investigations and make probable cause determinations. Appendix XII also provides standards for probable cause determinations.

Appropriate remedial measures to address harm to the complainant

It may be appropriate for a school to take interim measures during the investigation of a complaint to stop or prevent further harassment and address any continuing denial or limitation of benefits or services that has been created by the harassment. In addition, if a school determines that sexual harassment has occurred, it should take reasonable, timely, and effective corrective action, including steps tailored to the specific situation.

Remedial measures should be tailored to the individual situation. Where the harasser is another student, for example, interim measures may include changing the classes or housing situation of the harassed student. Where the harasser is a faculty member it may be appropriate to facilitate schedule changes or reassignment to other courses or faculty, provide other academic assistance, provide counseling or take other steps that appropriate to the circumstances. Appropriate steps should be taken to prevent the harassment from reoccurring. The school's administration may need to counsel, warn, or take disciplinary action against the harasser, based on the severity of

the harassment, or any record of prior incidents, or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

A common problem in college and university sexual harassment complaint processing is that the institution's response focuses on whether action will be taken against the harasser and what that action will be. As important as this question is, the effects of the harassment on the complainant frequently remain outside the focus of attention.

OCR's review of UCLA complaints showed that attention to remedial measures, both interim and final, was inconsistent. Cases handled by the Office of Student Affairs generally included efforts to address the effects of harassment on the complainant. Cases handled by other campus units did not consistently address this issue. In the OCR complainant's case, for example, Labor Relations unit immediately recommended assisting the complainant in finding a new thesis advisor. The complainant and her Department had different views on how to address this situation. There was conflicting evidence as to what transpired. However, it appears that no one involved in the complaint processing monitored or facilitated the situation, and the matter was never satisfactorily resolved.

The OCR resolution plan provides that the revisions to UCLA's procedures will ensure that complainants are notified in writing of any remedial measures the University is offering. There will also be designated individuals who are responsible for monitoring the implementation of remedial steps.

Case Resolution

University representatives were responsive to the concerns raised by OCR. As stated above, the University had already initiated actions to review its policy and procedure and to allocate additional administrative and staff resources to addressing sexual harassment complaint. The University further agreed to address OCR's concerns in a voluntary resolution agreement. OCR and University representatives worked closely to develop the terms of the agreement to ensure that those terms both addressed OCR's compliance concerns and also met the University's needs. The resolution agreement, signed by the Executive Vice Chancellor on June 26, 2000, acknowledges the changes already instituted by the University, including the revisions to Appendix XII and the allocation of new administrative resources in the University's program to address sexual harassment. It also calls for revisions of the University's sexual harassment policy to address the problems described above, as well as provisions for publication and dissemination of information, and a campus wide training and education program. A copy of the agreement is enclosed.

Based on the University's commitment to resolve the issues raised in this complaint, OCR is closing the investigative phase of this case. OCR will monitor implementation of the resolution plan in accordance with the provisions of the plan.

Under the Freedom of Information Act, it may be necessary to release this document and related records on request. If OCR receives such a request, it will seek to protect, to the extent provided by

Albert Carnesale – page 11

law, personal information which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

OCR would like to thank the University for its cooperation in resolving this matter. If you have any questions, please contact OCR staff attorney Gayle Sakowski, at (415) 556-4160, or you may contact me at (415) 556-4275.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles R. Love", with a long horizontal flourish extending to the right.

Charles R. Love
Program Manager

Enclosure

Cc: Ruth Simon, Campus Counsel

University of California, Los Angeles
Docket Number 09-97-2075
Voluntary Resolution Plan

In order to voluntarily resolve the issues raised in the above complaint filed with the Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972, the University of California, Los Angeles (UCLA) has taken or agrees to take the steps described below. These steps are designed to clarify and strengthen UCLA's existing policies and procedures for addressing sexual harassment and to ensure that the individuals responsible for implementing the policies and procedures are clearly identified.

1. UCLA has identified the individuals responsible for handling and investigating sexual harassment complaints:
 - a. UCLA has appointed an assistant to the Vice Chancellor, Academic Personnel, who has responsibility for investigation of sexual harassment complaints filed against faculty members.
 - b. The Director of Staff Affirmative Action (or, as appropriate, the Director of Medical Center Human Resources) will continue to be responsible for investigation of sexual harassment complaints filed against staff members.
 - c. The Dean of Students or Assistant Dean of Students has responsibility for investigation of sexual harassment complaints filed against students.
 - d. The Registrar at University Extension (UNEX) has responsibility for investigating sexual harassment complaints filed against UNEX students, faculty and staff.
2. UCLA has created and filled the new position of Sexual Harassment Coordinator/Title IX Officer who has overall responsibility for the campus sexual harassment education and training program. The Coordinator will design and deliver appropriate sexual harassment education programs for all segments of the campus community and will conduct training for sexual harassment information advisors and individuals who will investigate sexual harassment complaints. (See items 12-14 below).
3. UCLA has designated the Sexual Harassment Coordinator/Title IX Officer to coordinate its efforts to comply with its other Title IX responsibilities, including the investigation of complaints alleging any action other than sexual harassment that could constitute a violation of Title IX or the Title IX regulations.
4. UCLA will notify all students and employees of the office address and telephone of the Sexual Harassment Coordinator/Title IX Officer, as well as the office addresses and telephone numbers of the individuals who have responsibility for receiving sexual harassment complaints. The notification will be made through appropriate means that will reach each segment of the UCLA community, such as the UCLA website, the schedule of classes, and other appropriate means:

- a. The information will be posted on the website and distributed through memoranda within 30 days of the signing of this agreement.
- b. The information will also be included in the next publication of printed documents.
- c. Publication will be completed by the dates shown in Attachment 1.

Revisions to Sexual Harassment Complaint Resolution Procedure (Policy 630)

5. UCLA has convened a campus-wide committee to review existing sexual harassment policies and procedures, and revise or clarify where necessary, to ensure that the policies and procedures comply with the requirements of Title IX and the regulations, and provide a prompt and equitable means of resolving sexual harassment complaints.
6. The University will ensure that its revised sexual harassment complaint procedures include or provide for the following:
 - a. a description of the resources available on campus to those who are seeking information or advice about sexual harassment and/or the University's procedures
 - b. identification by title or position, office address and telephone of the individuals to whom sexual harassment complaints may be reported and the individuals who have responsibility for investigating the complaints. The identification will indicate the type of complaint each individual is designated to receive and investigate (i.e., complaints against students, complaints against faculty, or complaints against staff).
 - c. a description of the responsibilities of administrators, faculty and staff to familiarize themselves with the UCLA sexual harassment policies and complaint procedure, and their duty to report sexual harassment which they observe or of which they otherwise have knowledge.
 - d. an explanation of the relationship between the sexual harassment complaint procedure and other grievance procedures, including the general discrimination grievance procedure.
 - e. an explanation of the relationship between the sexual harassment complaint procedure and the disciplinary procedures for students, faculty and staff, and a summary of the University's process for imposing discipline on students and employees, including the rights and role of the complainant in those processes. Where a summary is impracticable because of the length of a discipline process, UCLA will include the web address where the full procedure can be found;

- f. an explanation of the differences between informal and formal resolution, including the right of the complainant to request formal resolution at any time;
- g. notification to the complainant of the name, office address and telephone number of the person who will be the complainant's contact person throughout the proceedings; this will normally be the factfinder or his/her designee;
- h. provision, where appropriate, for the interim protection of complainants pending investigation of cases of sexual harassment;
- i. time lines for each stage of the complaint process. The timelines may include a provision that time can be extended for good cause shown.
- j. documentation in the complaint file of any informal resolution;
- k. where there has been a formal complaint investigation, written notification to the complainant of the following:
 - 1) whether or not the factfinder (or the Charges Committee where the complaint is against a faculty member) has determined that there is probable cause to believe that the University's sexual harassment policy has been violated;
 - 2) to the extent permitted by law and University regulations, the sanctions against the respondent that are recommended by the factfinder or Charges Committee;
 - 3) the individual remedies for the complainant, if any, that are recommended by the factfinder;
 - 4) any other actions the University has taken or will take to ensure that the harassment will not reoccur;
 - 5) the next steps that will occur in the process
- l. notification to the complainant of the procedures to be followed if he or she is not satisfied with the outcome of the complaint process.
- m. to the extent permitted by law or University regulations, written notice to the complainant of whether the University has filed disciplinary charges against the respondent and, if a schedule system is adopted, the schedule for each stage of the proceeding
- n. to the extent permitted by law or University regulations, written notice to the complainant of the outcome of each stage of any disciplinary proceedings;

- o. identification of the individual(s) responsible for monitoring implementation of the disciplinary sanctions and/or other resolution steps taken by the University;
 - p. documentation in the complaint file of the complaint proceedings, outcome and implementation of disciplinary sanctions and/or other responsive steps taken;
 - q. the requirement that any settlement agreement entered into with the respondent after a determination of probable cause to believe that sexual harassment has occurred, must be approved by the appropriate Vice Chancellor with review by the Campus Counsel.
 - r. a provision ensuring that individual(s) investigating a sexual harassment complaint or hearing any stage of a disciplinary proceeding will be provided with such information as is available on any prior complaints of sexual harassment that have been filed against the same respondent.
 - s. a prohibition against retaliation or intimidation against any person who files a sexual harassment complaint or who participates in a complaint proceeding.
 - t. a description of the extent to which the University can and cannot provide confidentiality to complainants.
7. An interim draft of the revised procedure will be provided to OCR for comment by September 30, 2000. A final draft of the revised procedure will be provided to OCR for comment no later than December 31, 2000. The final approval of the procedure will take place no later than June 30, 2001.

Publication and Dissemination

- 8. Prior to final approval of the revised sexual harassment procedure, UCLA will notify the campus community through appropriate websites that the procedure is being revised, and that questions about the procedure should be directed to the individuals identified in item 1 or to the Sexual Harassment Coordinator.
- 9. After final approval of the revised sexual harassment procedure, UCLA 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 and posting on the University's website within 30 days of final approval of the procedure, with written confirmation to OCR;
 - b. inclusion in the next printing of major University publications including the schedule of classes, the course catalog, and student and faculty handbooks.

Copies of the applicable pages will be provided to OCR upon printing. (See publication schedule in Attachment 1.)

10. UCLA will thereafter disseminate information on the procedure each semester through its website, publication or brochures, and notice in the schedule of classes. The information will identify where copies of the full procedure can be obtained. UCLA will provide OCR with a copy of the first class schedule and brochure containing the information.
11. Copies of the complaint procedure will be available through the UCLA website and in the offices of the Sexual Harassment Coordinator and the Dean of Students.

Training

12. The Sexual Harassment Coordinator will develop a plan for delivery of campus-wide training for students, faculty and staff, on the University's sexual harassment policy and complaint procedure:
 - a. The training will include information on the responsibility of faculty and staff to familiarize themselves with the University's sexual harassment policy and procedure, and their duty to report to the Sexual Harassment Coordinator sexual harassment which they observe or of which they have been notified;
 - b. The training plan will be completed within three months of the signing of this agreement, with a copy sent to OCR.
 - c. A report will provided to OCR on the training program at the end of 2000-2001 academic year.
13. As part of the plan, UCLA will provide training that is specifically tailored for individuals who will conduct sexual harassment investigations. The training will include information on the legal standards for establishing a violation of the University policy, guidance on applying the facts gathered in the investigation to the legal standards, and the contents of investigative reports.
14. As part of the plan, will require and provide training specifically tailored for all persons who will receive complaints of sexual harassment. The training will provide an understanding of and familiarity with the UCLA sexual harassment complaint procedures and the scope of each individual's responsibilities in processing complaints.

Recordkeeping

15. Through the office of the Title IX officer, the University will maintain a central and confidential record of all sexual harassment complaints for the purpose of compiling anonymous statistical information regarding incidents of sexual harassment on campus, and identifying campus units that would benefit from additional training.

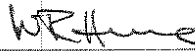
Revisions to Appendix XII

16. UCLA has already revised Appendix XII (the campus policy for faculty discipline) to address concerns raised by OCR during its investigation.

Monitoring by OCR

17. At the end of the 2000-2001 academic year, UCLA will provide OCR access to the files of all sexual harassment complaints that were filed during the year and copies of any documents from the files that are requested by OCR. UCLA and OCR will discuss and resolve any remain concerns about the sexual harassment complaint process that were identified during this file review.

Date: 6.26.2000



Wyatt R. Hume
Executive Vice Chancellor