



Promoting Access and Equity: Resources and Tips

APO Chairs Leadership Series
November 2023



University of California Commitment

UC's students, faculty, and staff—as well as those seeking to become part of the UCR community—are entitled to a living, learning and working environment free from discrimination, harassment and retaliation.

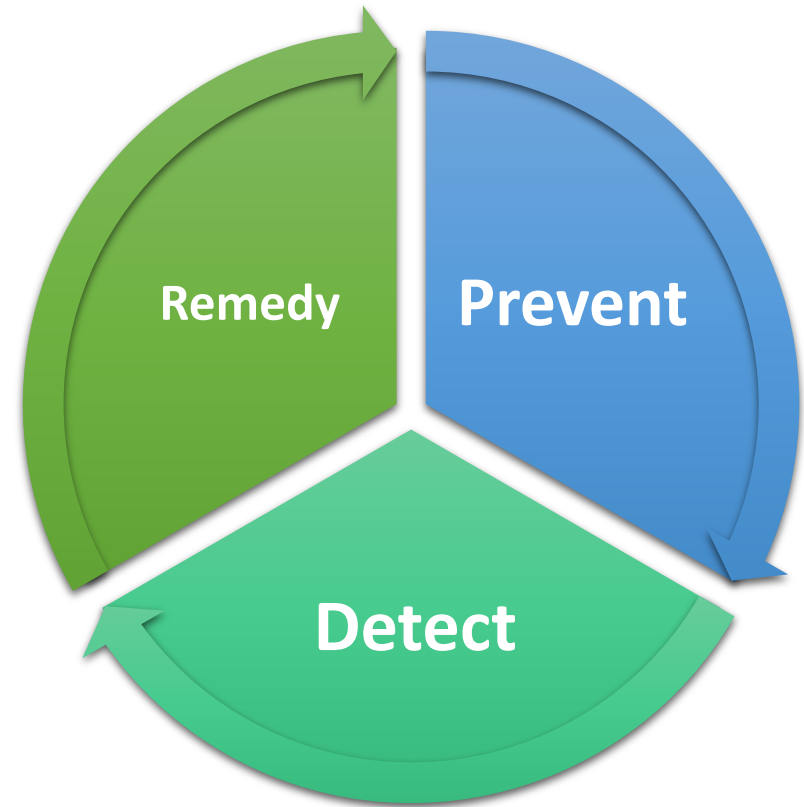
How does UCR fulfill this commitment?

Prevent by

- setting expectations
- creating a culture of respect, accountability and non-discrimination
- education & awareness

Detect by having ways for discrimination to be reported free of fear of **retaliation**

Remedy through appropriate corrective action, restorative actions, and improvements to climate/systems





Title IX, Equal Opportunity & Affirmative Action (Title IX/EOAA)

UCR's designated office to coordinate these prevention, detection and remediation activities, through promotion and enforcement of the UC anti-discrimination policies at UCR.

- SVSH Policy
- [Discrimination, Harassment & Affirmative Action in the Workplace](#)
- [APM – 015 \(Faculty Code of Conduct\)](#)
- PACAOS
- [UCR Principles of Community](#)



What do policies do?

Non-discrimination policies usually have three main functions:

1. Prohibit certain types of behavior – define prohibited conduct.
2. Have provisions about reporting and resources.
 - Ways for people who have experienced discrimination to report; rights, options & resources
 - Requirements for “Responsible Employees” – reporting mandates
3. Set procedures for responding to reports.

➤ Discrimination and Harassment

1. Discrimination: Adverse action against an individual, because of/based on their identity (protected class) or a protected characteristic.
 - Promotion or compensation actions
 - Denial of training opportunities
 - Inconsistent application of discipline
 - **Failure to accommodate disability or religious practice or pregnancy**
2. Harassment: Typically, a pattern of unwelcome, offensive conduct based a protected class that creates a hostile environment.
 - Unwelcome repeated jokes and/or comments about race, religion, etc.
 - Hostile behavior towards someone because they have a disability (for example)

Protected characteristics:

- race or color,
- national origin, ancestry, or citizenship,
- religion,
- sex, sexual orientation, gender, gender expression, gender identity, gender transition status, pregnancy,
- physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history),
- marital status,
- age, or
- service in the uniformed services, including protected veterans.

NOTE: discrimination can be intersectional



Prohibited Conduct

2. Sexual Harassment and Sexual Violence

- Sexual Assault – sexual act without consent
- Stalking – unwelcome monitoring or following another individual (can be electronic) based on romantic/sexual interest
- Relationship Violence – physical violence or threat thereof between those in or who have had a romantic or sexual or co-living/parenting relationship
- Other Sexual Harassment – such as repeated unwelcome sexual comments, gestures, hugs, etc. OR a professor asking for sexual favors in exchange for grades (quid pro quo)

Full definitions found in SVSH Policy



Prohibited Conduct, cont.

3. Retaliation: behavior directed at an individual because of that individual's participation in a compliant process. This conduct works to discourage them from participating in the process.

- A graduate student files a sexual assault complaint against another graduate student in the same cohort. The program chair removes the complaining party from their lab to “avoid drama.”
- A staff member files a discrimination complaint against the department chair. The chair demands that HR transfer the employee to a different department.

Scenario 1

Q. A supervisor states that she is South African. Their boss responds, “No. You are *really an African-American*, and because you have lived in this country since childhood.”

The boss’s response is non-discriminatory if they are South African

The boss’s response is non-discriminatory

The boss’s response can provide evidence of discrimination

The boss’s response is harassing and could contribute to a hostile environment

Scenario 2

Q. A professor is a religiously observant Sikh male, who wears a turban in public. The department chair, who is a non-observant Sikh woman, frequently mentions the turban, in a critical tone. Now, the professor feels nervous and self-conscious in the department chair's presence.

The professor has no religious discrimination claim, because the department chair is Sikh

Feeling nervous is not enough to show discrimination

The department chair is justified since the turban is an unusual garment

The department chair has raised the university's risk exposure to a religious discrimination claim

Scenario 3

Q. A student asks to be referred to by a name that she explains reflects her identity as a Black, transgender woman. Advisors repeatedly contact the student using her deadname.

Isn't there a new policy on this?

It depends on whether the advisors knew about her preferred name

The student is being unreasonable

There is risk of allegations of mis-gendering and racism

How you can you help support civil rights?

- Show leadership in adherence to campus nondiscrimination policies and commitment to UCR's Principles of Community.
 - Maintain an inclusive, fair work environment free from discrimination, harassment and retaliation.
 - Ensure policies and standards are applied consistently, particularly personnel policies.
 - Take and promote training and familiarize yourself with other resources. (See appendices)
- Ensure workplace accommodations are provided when appropriate.
- Support investigations and guard against retaliation.
- Fulfill reporting obligations as Responsible Employees.

➤ Do not be an island

Harassment complaints, accommodations issues, and other civil rights matters usually are not easy to address...engage campus resources they are there for you!



report or complaint received



Note: Title IX/EOAA treats all reports as confidential and shares information only as necessary.

Staff provide Complainant with rights, options & resources.
Assesses to determine: can the matter be addressed under our policies, and if so, how?

We almost never initiate an investigation against a complainant's wishes or without their active participation.

Option 1: Early/Alternative Resolution
•Negotiated terms
•Non-disciplinary personnel actions
•Targeted training programs

Option 3: Referral/Closure
Important: Title IX/EOAA may take action to prevent reported conduct from continuing or recurring



Option 2: Formal Investigation
• To collect evidence and make factual findings
• Used when disciplinary action may be warranted against the Respondent

SVSH

Matter or Issue	Action
<p>You learn that anyone affiliated with UCR may have experienced conduct prohibited by the UC Policy on Sexual Violence and Sexual Harassment (SVSH Policy) or the UCR Discrimination, Harassment and Retaliation Complaint and Resolution Policy,</p>	<p>promptly contact UCR's Office of Title IX, Equal Opportunity & Affirmative Action. Filing a report online is encouraged.</p>

Disability

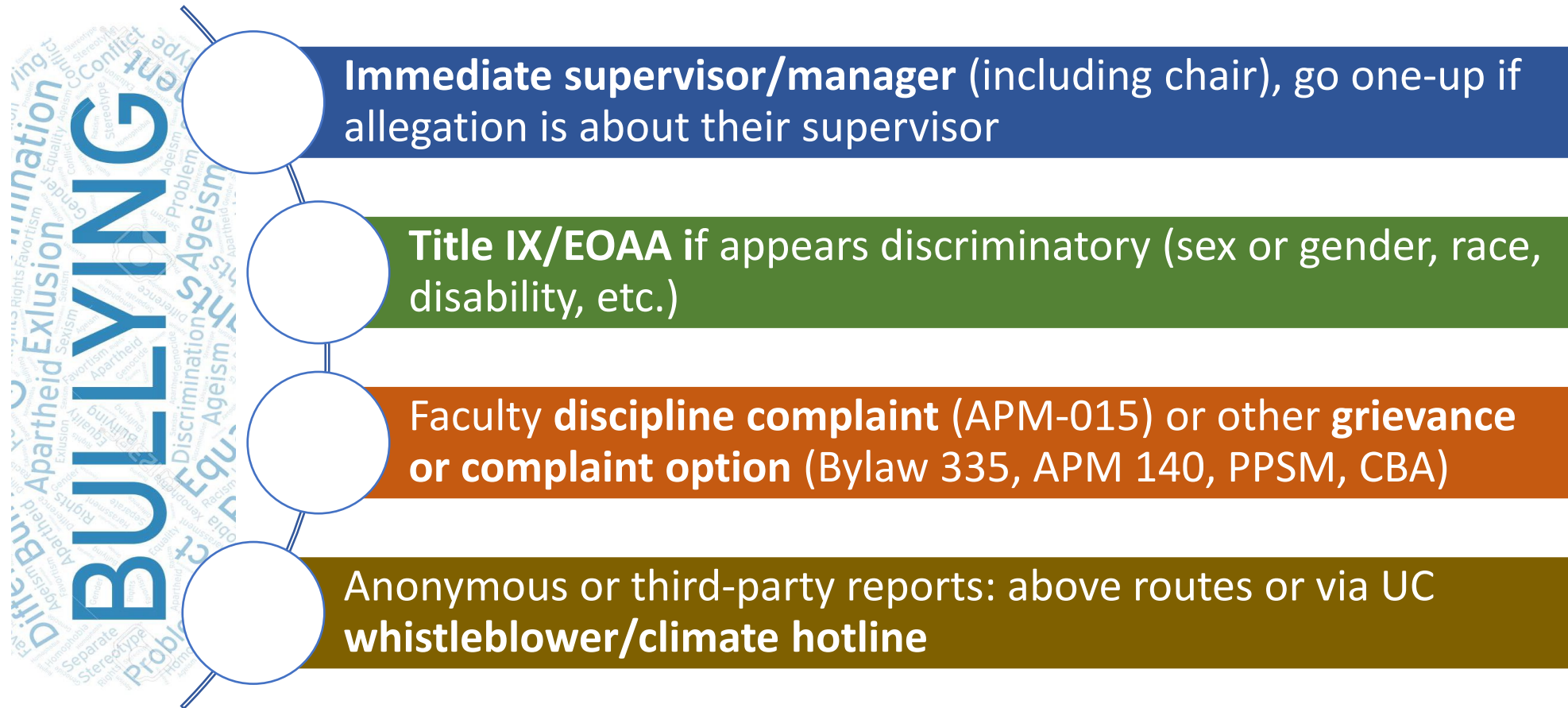
Matter or Issue	Required Action
<p>A student asks you for an accommodation for a medical condition (for example)</p>	<p>Refer them to the Student Disability Resource Center. They are the ONLY ones who can authorize an accommodation.</p>
<p>A staff member informs you that they have a new diagnosis. Later, you note they seem to be struggling with something they used to do easily.</p>	<p>Engage with them privately, let them know that you don't make any assumptions but if their condition constitutes a disability, they could engage with Disability Management to support them.</p>

Pregnancy

Matter or Issue	Required Action
<p>A student asks you whether they can participate in class remotely in their last trimester</p>	<p>Provide flexibility as you can – if the request would be challenging, refer the student to Title IX. We handle pregnancy accommodations.</p>
<p>A pregnant staff member is struggling with walking from Lot 24 to the office.</p>	<p>Refer them to Title IX – we can help them get preferential parking</p>

➤ Abusive conduct faculty/staff reporting options

(New UC policy/procedures is replacing earlier UCR policy)



APM-015/016 reminders for chairs

- Important role in coordinating **Involuntary leave** and mitigating impacts

("When such action is necessary, it must be possible to impose the involuntary leave swiftly, without resorting to normal disciplinary procedures." (APM-016))

- **Mandatory reporter obligations** -- reports to you put UCR on notice, don't forget about the "three year rule"

("The Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when it is reported to any academic administrator at the level of department chair or above."

APM-015.III.A.3)

- Higher standard of evidence (**clear and convincing**) in most APM-015 hearings per Bylaw 336 (SVSH currently the exception, consistency with legal obligations)

Whistleblower Reports

Issue or Matter	Required Action
<p>Someone reports illegal or <u>improper activity</u> relating directly to UCR such as theft or misuses of University property; fraud; economic waste; gross misconduct, incompetence or inefficiency; or any condition that may significantly threaten the health or safety of employees or the public,</p>	<p>Elevate it to the LDO by reporting online via the <u>UC Hotline</u> or email <u>ldo@ucr.edu</u>.</p> <p>Not clear? When in doubt, refer the matter to the LDO so that it can be assessed. Visit <u>UCR's whistleblower website</u> for guidance.</p>



(800) 403-4744

<https://www.ucop.edu/uc-whistleblower/>

Scenario 1

Q. A student emails the TA asking for an extension on an assignment, explaining that they were “sexually assaulted” and this is impacting their ability to focus. The TA comes to you for guidance on how to respond.

The TA is also a student so they do not need to report – tell them not to share the student’s name with you so that you do not have to report either

You tell the TA they need to report to Title IX/EOAA

We can’t tell if this had anything to do with UCR—tell the TA to ask for more details

Do not grant the request for extension unless directed to do so by Title IX/EOAA

Scenario 2

Q. A student emails the TA asking for an extension on an assignment, explaining that they were “sexually assaulted” and this is impacting their ability to focus. The TA comes to you for guidance on how to respond.

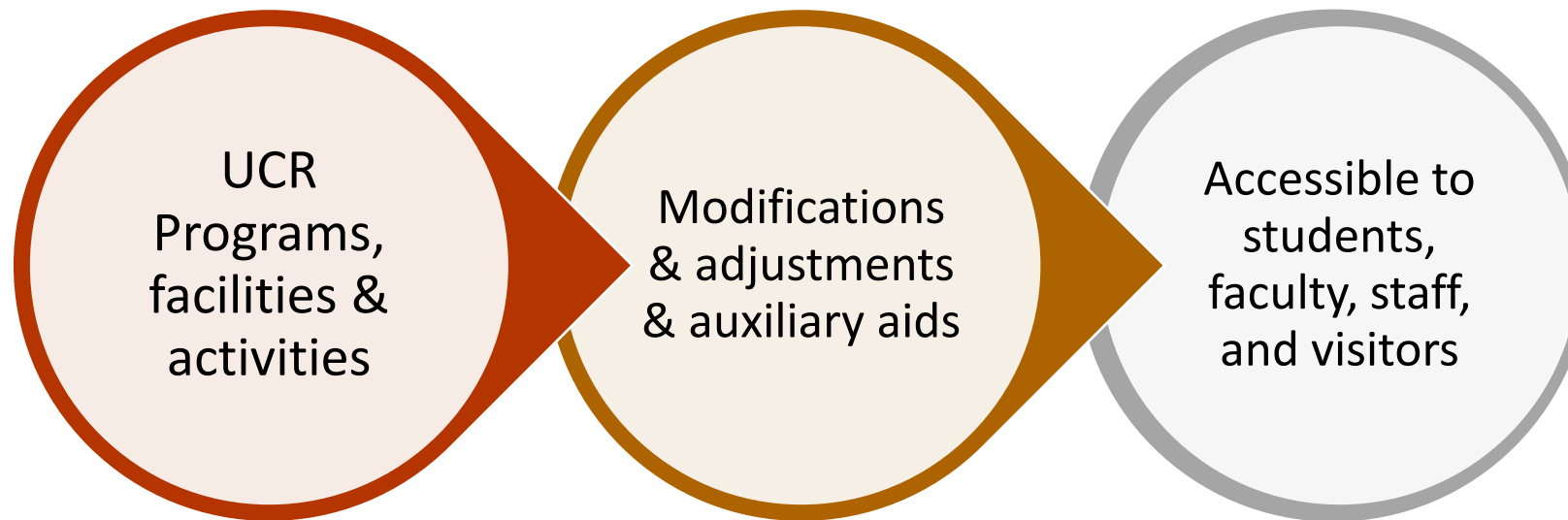
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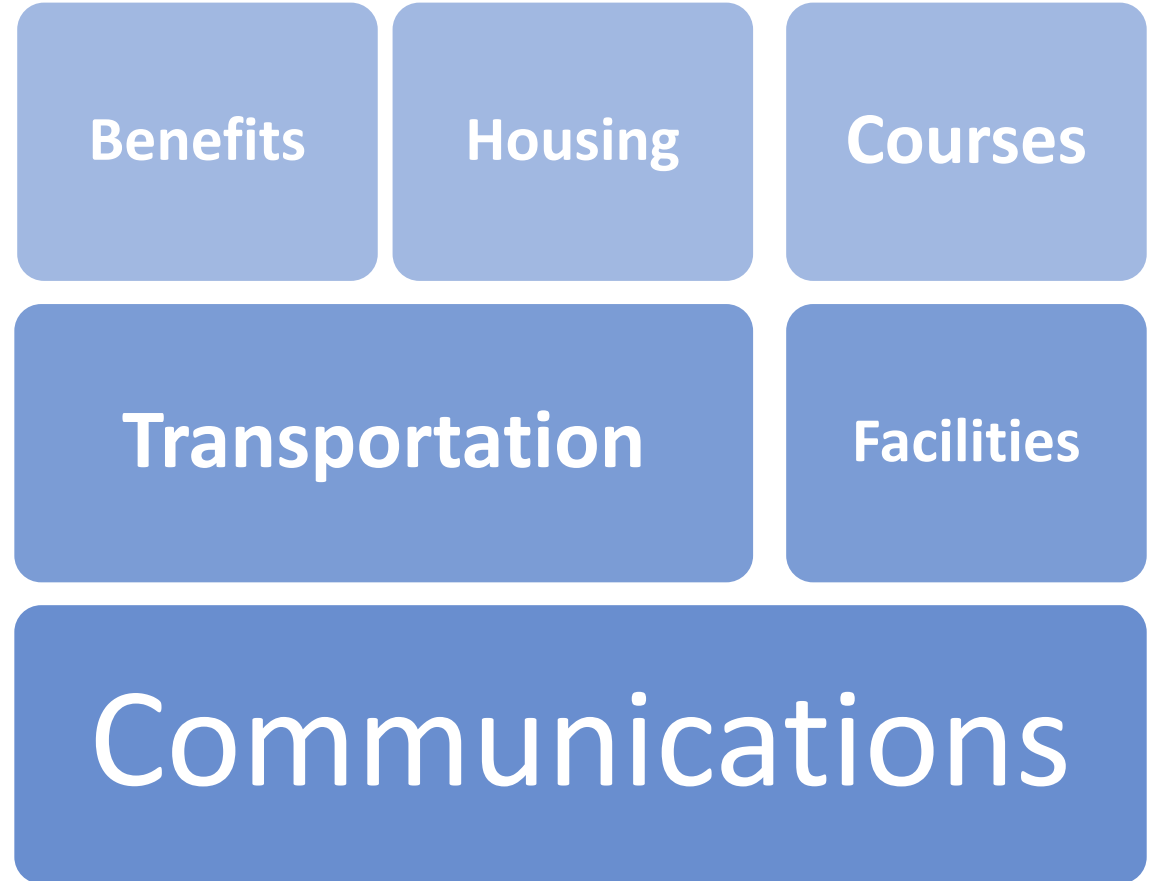
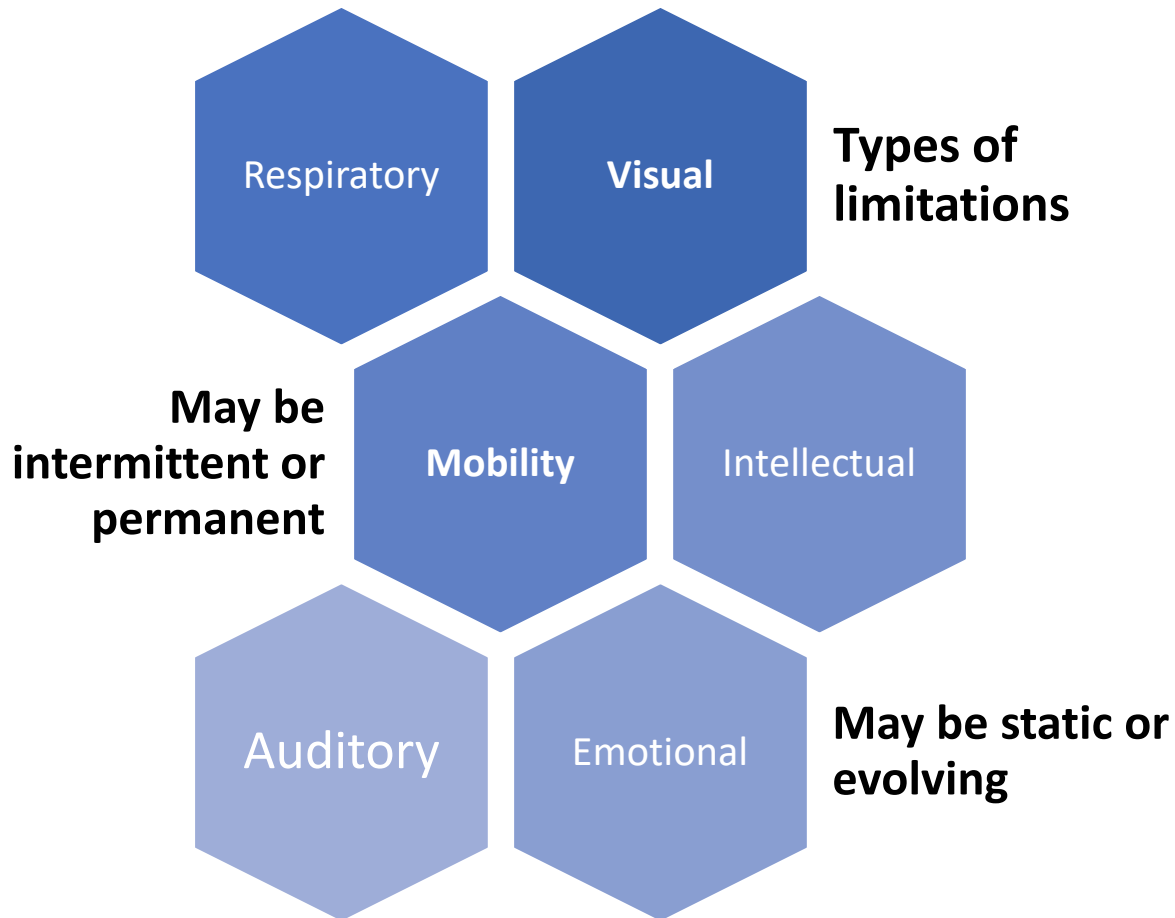
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Interactive process is used to address specific limitations...



The many facets of accessibility:



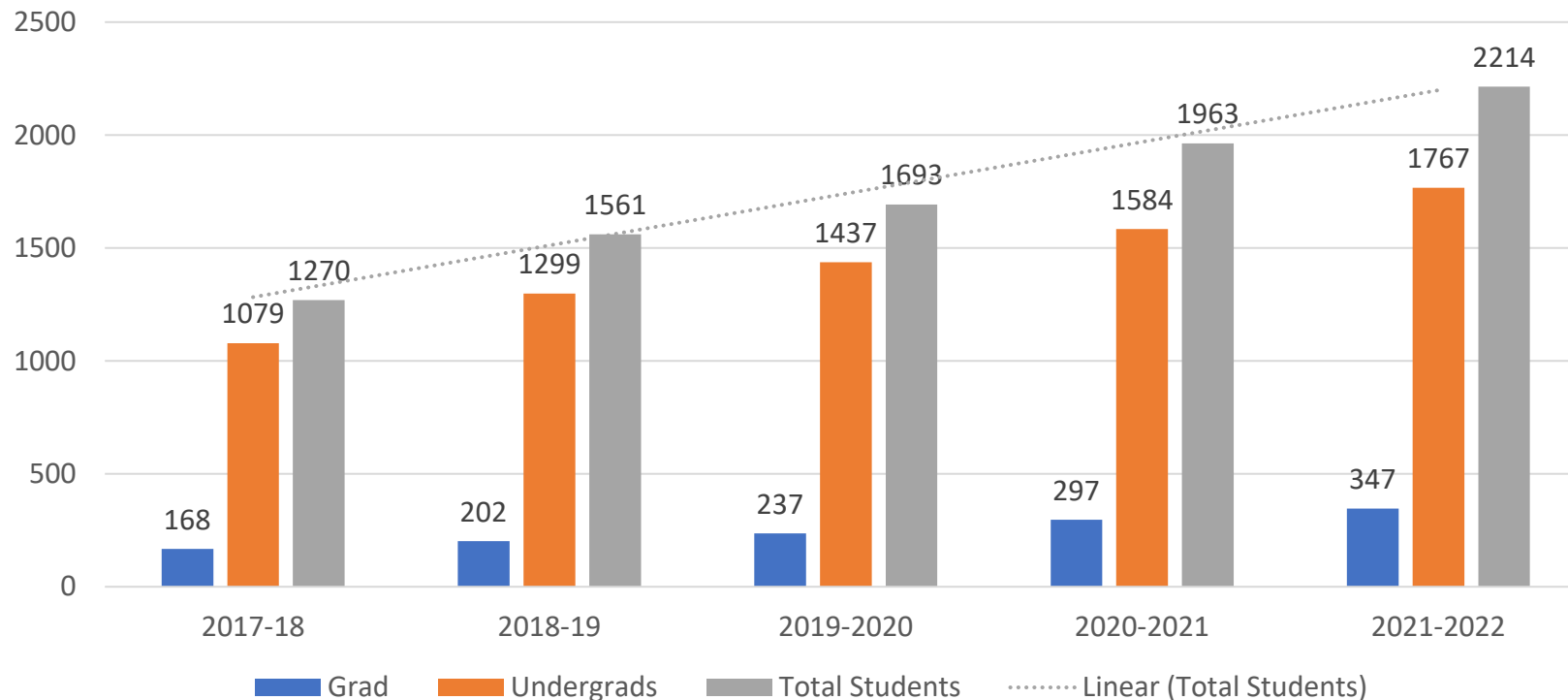


What is a disability?

- A physical or mental impairment that limits one or more major life activities.
- Examples:
 - Cancer, usually and even if in remission
 - Autoimmune diseases, even if episodic
 - ADHD
 - HIV/AIDS
 - Hearing impairment
 - Visual impairment unless mitigated by ordinary eyeglasses or contact lenses
 - Diabetes
 - Epilepsy
 - Anxiety and stress (often) -- although inability to work under a particular supervisor because of stress related to the supervisor's standard oversight of the employee does not constitute a disability.

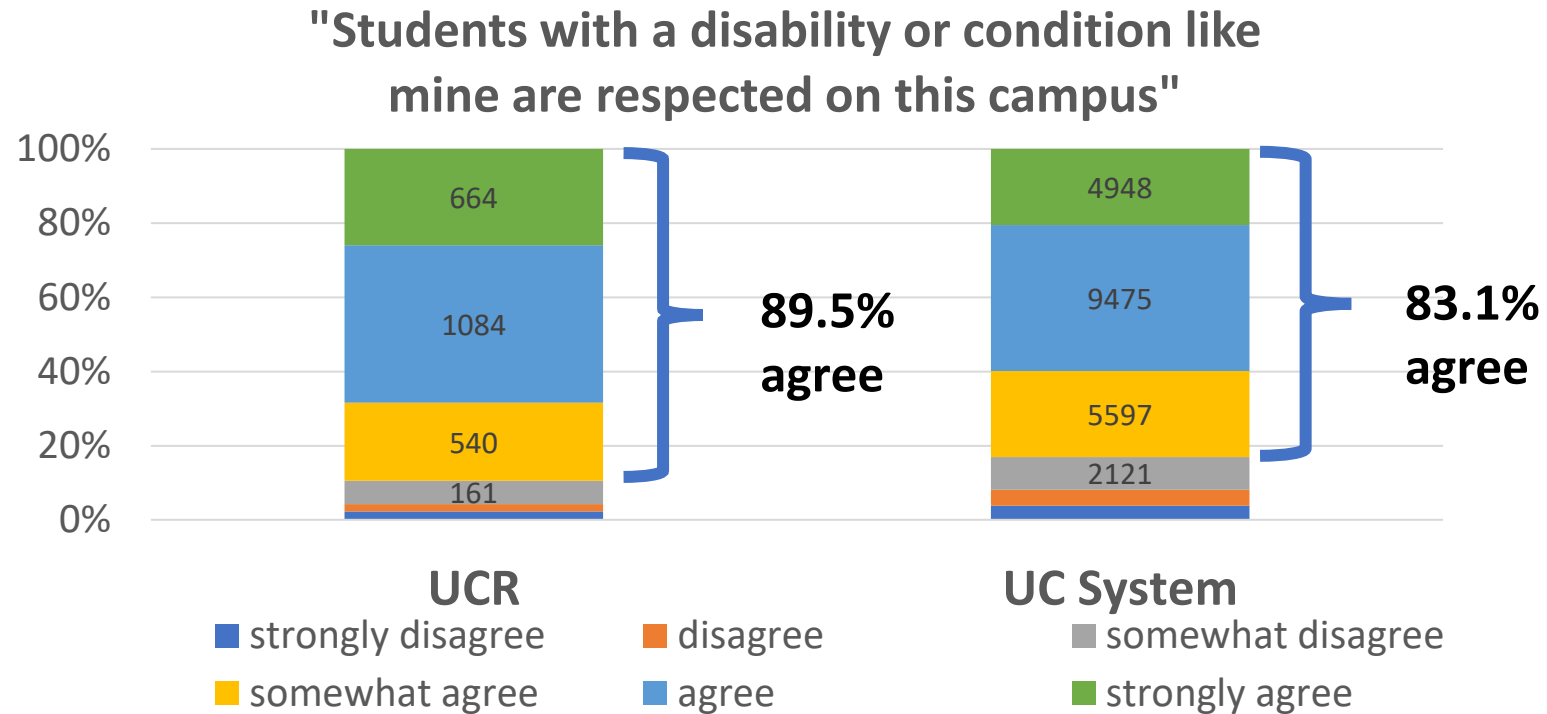
And most importantly...not something for you to decide!

UCR Students Seeking Disability-Related Accommodations/Services



- Source: Data compiled from UCR Student Disability Resource Center

Disability climate data for UCR and UC (UCUES 2022, after campus reopening)



Source: <https://universityofcalifornia.edu/about-us/information-center/ucues-data-tables-2022>
 total n = 24,096 for UC, excludes an additional 33,280 UC students who were N/A because they did not identify as having a disability)



Key Tips

- Accommodation requests must go through the appropriate central office, SDRC (students) or Disability Management (staff/faculty) UNLESS they are modifications or benefits that are generally available
- A request that would normally be granted or item that would normally be offered to someone without a disability, may be able to be granted without going through accommodation process. Example:
 - Taking sick leave
 - Flexible schedule (if offered generally by the department)
 - Ergonomic keyboard request or larger monitor request from staff member



Student Accommodations

- Issued by SDRC in the form of a letter....SDRC may (or may not) consult with you prior to granting the accommodation
- If you have questions or concerns about the accommodation, you may raise concerns with SDRC but generally you should implement the accommodation without delay
- Requests for flexibility for a temporary illness (like a cold) are not accommodation requests



Employee Accommodations

- If you are aware that an employee—note that grad students are often employees—has a disability, and is experiencing workplace problems due to this, you should initiate the interactive process.
- Interactive process is conducted by Disability Management. They often will consult with you prior to granting the accommodation.
- Seek advice (HR, APO, legal, Disability Management, ADA Coordinator)



Dos and Don'ts

- **Do NOT disclose or comment on the disability or accommodation to others (except as necessary to implement it)**
 - Does this mean you can't discuss with HR? Or your Chair?
- **Do NOT question or challenge the person on whether they have a disability**
- **Do NOT try to prove or investigate the disability yourself. If they provide you with medical documentation, do not review it seek advice.**

An aerial photograph of a city at dusk, featuring a prominent clock tower in the center. The sky is a deep blue with some clouds, and the city lights are visible in the distance. The overall tone is blue and serene.

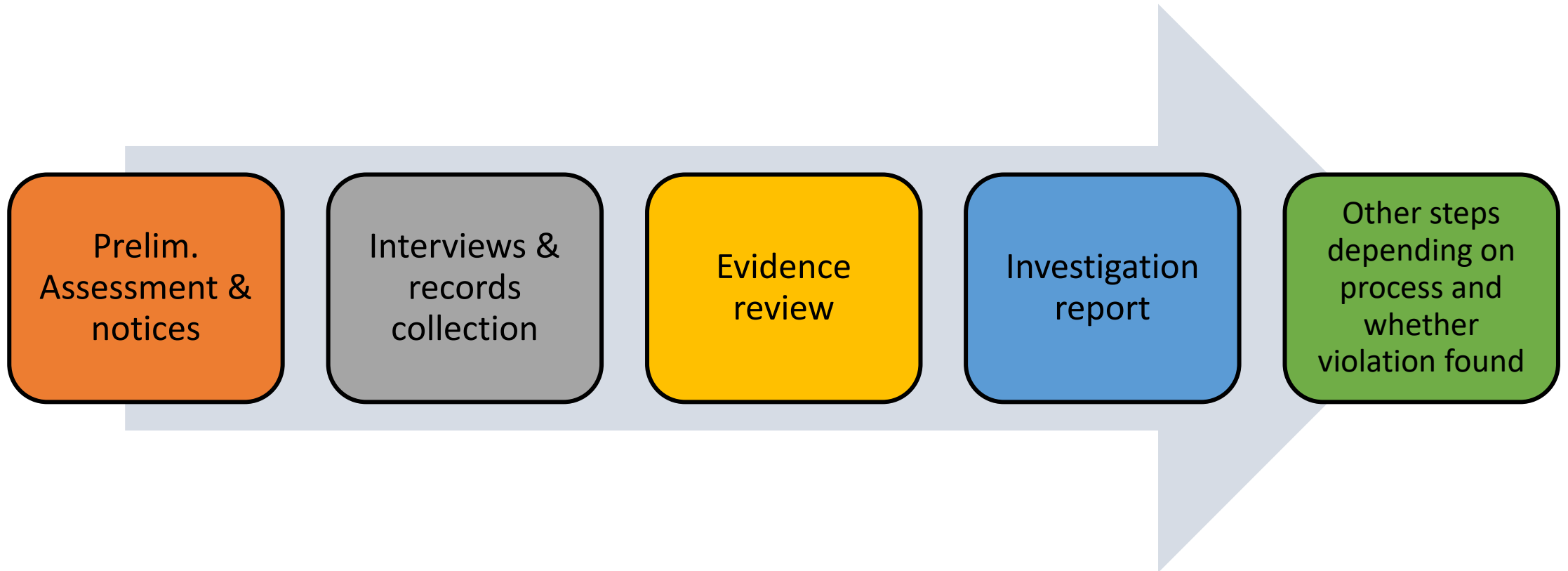
Navigating around investigations

Impact of civil rights in the department

Information is limited

- As chair, you likely have some need-to-know, but not necessarily all details
- Parties receive full notifications
- Others (e.g., faculty in the department) may want to know, but typically information cannot be shared with them
- Partial exceptions: certain interim measures

Investigation process



Investigation complete

- Corrective action for or reintegration of respondent
- Support for complainant(s) – remedies may be appropriate
- Larger climate issues?

When in doubt: ask!

Resources and info for chairs

Websites: [Office of Title IX, Equal Opportunity & Affirmative Action | Compliance \(ucr.edu\)](https://ucr.edu)
[Help@UCR](https://ucr.edu)

UC Incident Reporting Form for Harassment and Discrimination

Details Submission

Next >

If you are in immediate danger or require medical attention, please contact the police or emergency medical services at 911.

Please select the campus that you want to report an incident to. UC employees providing a report to fulfill their Responsible Employee obligations must provide their contact information for follow up purposes. The University will protect the privacy of individuals involved in a report of Prohibited Conduct to the extent permitted by law and by University policy and procedures.

* Campus/Location:

* Your involvement with the incident:

The Complainant is the person who experienced the alleged conduct.
The Respondent is the person who is alleged to have engaged in the conduct.
If you are a Responsible Employee who is reporting on behalf of a party, please select Other.

Help@UCR

UCR has many offices and resources that can help you with complaints, reports and resources. This site is designed to help you figure out which person or office to contact depending on who you are (what your relationship is with UCR) and what the issue or problem is.

You can start either by choosing who you are (student, staff, etc.) OR by selecting the type of issue or problem that you want help with.

What is the Issue or Problem?

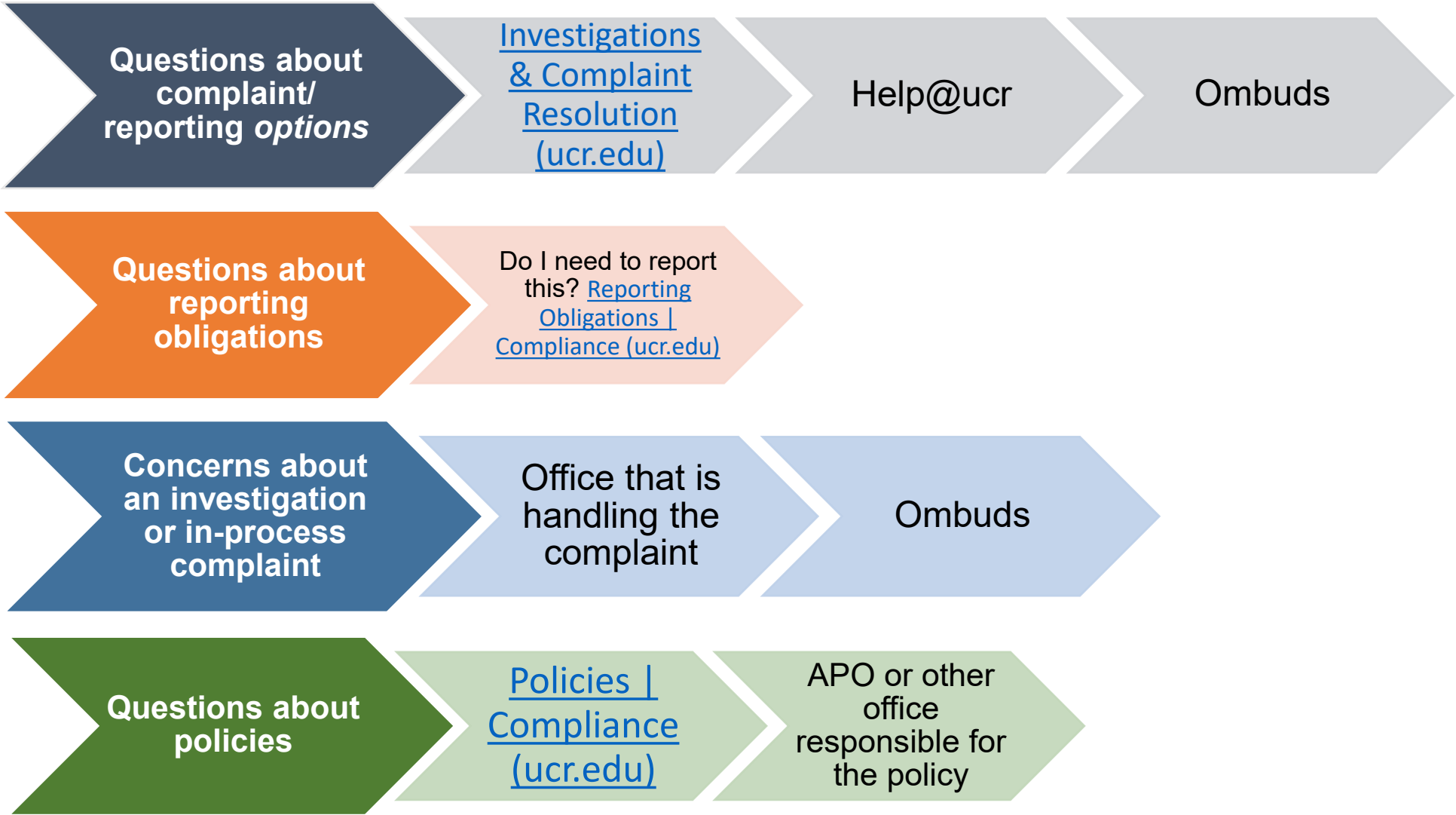
- Sexual Assault
- Sexual Harassment
- Dating Violence, Domestic Violence or Stalking
- Race/Ethnicity/Religious/Gender/Other Discrimination/Harassment
- Disability Discrimination or Harassment
- Whistleblower Complaint (eg. improper action by UCR employee)
- International Student Issues
- Misconduct/Code of Conduct Issue
- Bullying--Abusive Conduct
- Bias or Intolerance Incident/Other Climate Issue
- Other Workplace Issue
- Other Crime (e.g. theft)

How do you identify?

- + I am a Student
- + I am an Academic Employee
- + I am a Staff Member
- + I am a witness



How can TIX/EOAA help you?



Appendix: Training and Guidance

- LMS courses including:
 - “Reasonable Accommodations and the Interactive Process,”
 - courses in “Diversity, Equity & Inclusion” section of library,
 - “Clery Act Training for CSAs,”
 - “Gender Recognition: A Focus on Transgender, Nonbinary, and Intersex Awareness,”
 - “Eliminating Harassment, Intimidation and Bullying” and
 - “UC Sexual Violence and Sexual Harassment Prevention Training”
- FAQs and guidance on [TIX/EOAA website](#) including on reporting obligations, retaliation, complaint processes, policies
- [Academic Accommodations | UCOP](#)

– Dept. Chairs and NAGPRA repatriation: Your role supporting the long journey home

APO Chairs Leadership Series

Megan Murphy, UCR
Repatriation Coordinator

Bill Kidder, Co-Chair UCR
NAGPRA Committee



UC's NAGPRA policy (2022)

Federal NAGPRA (1990) -- federally recognized tribes that are culturally affiliated, process for repatriation

California NAGPRA (2001, esp. as amended by AB275 in 2020)—Cal. tribes including non-fed recognized, tribal knowledge, inventories/summaries are broader than fed. NAGPRA. Consultation required on all Nat. Am. objects

New UC policy integrated these legal obligations, including UC-specific language in AB 2836 about NAHC consultation and rules for NAGPRA committees

After extensive consultation, including with tribes and lawmakers, major overhaul of UC's 2001 policy implemented in 2022

Trending lawmaker and tribal scrutiny of NAGPRA compliance is a positive shift



California Assemblyman Ramos' Legislation to Hold Universities Accountable for Repatriation Signed by Gov. Newsom



- State Auditor completed two audits of UC compliance (AB 2836); UCR was included in the second audit (Nov. 2022)
- Audit highlighted challenge areas for UCR, including repatriation rate, recently discovered human remains/items from the ARU, committee membership rules and budget
- Latest bills (Ramos) signed into law in October 2023

Your role as chair ... leader on the frontline working with faculty

- “Deans, **department chairs**, and unit heads must confirm that they have **communicated with their staff and conducted the search**, and report whether their departments/units or employees hold any such items under UC’s Possession or Control as well as the current location of the items.” (UC NAGPRA Policy, p. 37)
- Cooperation from Deans and Chairs is especially important for **in-person reviews** of identified higher-risk areas/departments
- Please contact UCR Repatriation Coordinator **Megan Murphy** (megan.murphy@ucr.edu)

Challenges

- Maintaining the status quo for the parties –
 - May have financial implications, e.g., paid investigative leave or extension of grad student funding
 - Particularly complicated with graduate students
 - Being mindful of “automatic” actions – which perhaps should *not* automatically occur
- Guarding against retaliation
- Other interim measure implementation/modification:
 - No contact measures
 - Changes in supervision (most likely for staff or NFAP)
 - Additional oversight