



# Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment

<b>Academic Officer:</b>	Vice Provost - Academic Personnel
<b>Academic Office:</b>	AP - Academic Personnel
<b>Staff Officer:</b>	VP - Human Resources
<b>Staff Office:</b>	HR - Human Resources
<b>Issuance Date:</b>	7/3/2013
<b>Effective Date:</b>	7/3/2013
<b>Scope:</b>	This policy applies to all University applicants and employees.

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## I. POLICY SUMMARY

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It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California. In addition, it is the policy of the University to undertake affirmative action, consistent with its obligations as a Federal contractor.

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## II. DEFINITIONS

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**Covered Veterans:** Includes veterans with disabilities, recently separated veterans, Vietnam era veterans, veterans who served on active duty in the U.S. Military, Ground, Naval or Air Service during a war or in a campaign or expedition for which a campaign badge has been authorized, or Armed Forces service medal veterans.

**University of California – Policy**

**Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment**

**Executive Officer:** The University President, Chancellor, or Laboratory Director.

**Exception to Policy:** An action that exceeds what is allowable under current policy or that is not expressly provided for under policy. Any such action must be treated as an exception.

**Gender:** The sex of a person, including a person’s gender identity, and gender expression.

**Gender expression:** A person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

**Gender identity:** An individual’s personal sense of himself/herself as being male and masculine or female and feminine, or ambivalent.

**Pregnancy:** Includes pregnancy, childbirth, and medical conditions related to pregnancy and childbirth.

**Service in the Uniformed Services:** Includes service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service.

**Top Business Officer:** Executive Vice President-Business Operations for the Office of the President, Vice Chancellor for Administration, or the position responsible for the location’s financial reporting and payroll as designated by the Executive Officer.

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### **III. POLICY TEXT**

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It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable state and federal laws and University policies.

University policy also prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment.

In addition, it is the policy of the University to undertake affirmative action, consistent with its obligations as a Federal contractor, for minorities and women, for persons with disabilities, and for covered veterans. The University commits itself to apply every good faith effort to achieve prompt and full utilization of minorities and women in all segments of its workforce where deficiencies exist. These efforts conform to all current legal and regulatory requirements, and are consistent with University standards of quality and excellence.

In conformance with Federal regulations, written affirmative action plans shall be prepared and maintained by each campus of the University, by the Lawrence Berkeley National Laboratory, by the Office of the President, and by the Division of Agriculture and Natural Resources. Such plans shall be reviewed and approved by the Office of the President and the Office of the General Counsel before they are officially promulgated.

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## **IV. COMPLIANCE / RESPONSIBILITIES**

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### ***A. Implementation of the Policy***

The Vice Provost – Academic Personnel and the Vice President–Human Resources are the Responsible Officers for this policy and have the authority to implement the policy. A Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chancellor is authorized to establish and is responsible for local procedures necessary to implement the policy.

### ***B. Revisions to the Policy***

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Vice President–Human Resources.

The Vice Provost – Academic Personnel and the Vice President–Human Resources have the authority to initiate revisions to the policy, consistent with approval authorities and applicable *Bylaws* and *Standing Orders* of the Regents.

The Executive Vice President–Business Operations has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

### ***C. Approval of Actions***

Actions within this policy must be approved in accordance with local procedures. Chancellors and the Vice President–Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

***D. Compliance with the Policy***

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

The Vice President–Human Resources is accountable for reviewing the administration of this policy. The Senior Vice President–Chief Compliance and Audit Officer will periodically audit and monitor compliance to this policy.

***E. Noncompliance with the Policy***

Noncompliance with the policy is handled in accordance with Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters, and in accordance with University policies, including but not limited to, The Faculty Code of Conduct (APM – 015) and University Policy on Faculty Conduct and the Administration of Discipline (APM – 016), or, as applicable, collective bargaining agreements.

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**V. PROCEDURES**

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N/A

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**VI. RELATED INFORMATION**

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N/A

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**VII. FREQUENTLY ASKED QUESTIONS**

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N/A

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**VIII. REVISION HISTORY**

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**University of California – Policy**

**Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment**

This policy was reformatted into the standard University of California policy template effective July 1, 2013.

Policy changes effective as of July 1, 2013:

- New language, in compliance with California Assembly Bill 887 – Chapter 719.
- Addition of gender and gender expression to the policy text.
- Addition of a definition of gender, gender expression, and gender identity.

The following policy is rescinded as of the effective date of this policy and is no longer applicable:

- *University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment*, dated June 24, 2010.