



PPSM-12: Nondiscrimination in Employment

Responsible Officer:	Vice President – Human Resources
Responsible Office:	Human Resources
Issuance Date:	July 1, 2012
Effective Date:	July 1, 2012
Scope:	Professional & Support Staff, Managers & Senior Professionals, and Senior Management Group Members

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I. POLICY SUMMARY

The University of California is committed to nondiscrimination in employment and creating and maintaining a workplace free of harassment.

II. DEFINITIONS

Executive Officer: The University President or Chancellor.

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.

III. POLICY TEXT

A. General

It is the policy of the University not to engage in discrimination against or harassment of any person employed by 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 is intended to be consistent with the provisions of applicable state and federal laws and University policies.

B. Sexual Harassment

The University of California is committed to creating and maintaining a community in which all persons who participate in University programs and activities can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual. Specifically, every member of the University community should be aware that the University is strongly opposed to sexual harassment and that such behavior is prohibited both by law and by University policy. It is the intention of the University to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy.

C. Retaliation

University policy 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.

D. Complaints

Information regarding applicable policies and procedures for resolving complaints of discrimination and harassment and for pursuing available remedies is available in the local [Human Resources office](#).

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

The Vice President–Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The 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 President–Human Resources has 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.

All actions applicable to PPSM-covered staff employees who are not Senior Management Group members that exceed this policy, or that are not expressly provided for under any policy, must be approved by the Vice President–Human Resources.

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 Director–HR Compliance may periodically monitor compliance to this policy.

E. Noncompliance with the Policy

Noncompliance with the policy is handled in accordance with the Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters.

V. PROCEDURES

The Responsible Officer may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require the approval of the President.

VI. RELATED INFORMATION

- *University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment*
- *University of California Policy on Sexual Harassment*
- *University of California Procedures for Responding to Reports of Sexual Harassment*

VII. FREQUENTLY ASKED QUESTIONS

How is military service defined under USERRA?

For purposes of this policy, the University uses the definition of “service in the uniformed services” found in the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which states that this term “means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to any such duty, and a period for which a person is absent from employment for the purpose of performing funeral honors duty.”

USERRA defines “uniformed services” as “the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.”

VIII. REVISION HISTORY

This policy was reformatted into the standard University of California policy template effective July 1, 2012.

Policy changes effective as of July 1, 2012:

- New language, in compliance with California Assembly Bill 887.
- 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:

- *Personnel Policies for Staff Members 12 (Nondiscrimination in Employment)*, dated May 3, 2010