

Frequently Asked Questions

[Collapse All](#)

What are bias incidents?

Bias incidents are acts of conduct, speech or expression that target individuals and groups based on certain characteristics such as race, religion, national origin, gender identity, gender expression, age, disability and sexual orientation. Examples of bias incidents include:

- A public speaker who makes homophobic comments about members of the LGBT community.
- Anti-Semitic or Islamophobic flyers distributed on campus.
- Sexist or racist jokes told in public.
- Verbal insults directed toward a person of color.
- Defaming emails sent to a student cultural organization.

Some bias incidents may violate university nondiscrimination policies, the Student Conduct Code or other university policies. Other acts of bias may either not be severe enough to violate policy or be protected expressions of speech. The protection of freedom of expression, including controversial speech and sometimes even offensive or hurtful words, is vital to a community of teachers and learners. Nevertheless, personal threats or other acts of misconduct violate university policies and those policies will be vigorously enforced. You should report bias incidents so the university can determine if policies have been violated and support persons who feel victimized. UC San Diego strives to maintain a welcoming and inclusive environment free from incidents motivated by bias.

Learn more about freedom of expression at freespeech.ucsd.edu.

What is unlawful discrimination?

Unlawful discrimination is a type of bias incident that would also violate university nondiscrimination policies. Unlawful discrimination is the unfair or unequal treatment of an individual or group of people based upon specified protected categories such as race, color,

national origin, religion, sex, disability status and sexual orientation. For a complete list of protected categories, see [below](#).

What is unlawful harassment?

There are different definitions of unlawful harassment, depending on whether the complaint is made by a student or an employee. Here is the definition of prohibited and unlawful harassment that applies to students:

- Unwelcome physical, verbal, written or visual conduct that
 - is so “**severe**” and/or “**pervasive**”; and
 - objectively offensive; and that
 - so substantially impairs a person’s access to university programs or activities that the person is effectively denied equal access to the university’s resources and opportunities; and
 - is motivated on the basis of a protected category (e.g., race, color, national origin, sex, disability, age).

Here is the definition that applies to employees:

- Unwelcome physical, verbal, written or visual conduct that
 - is so “**severe**” and/or “**pervasive**”; and
 - objectively offensive; and that
 - unreasonably interferes with a **person’s work** or creates an intimidating, hostile or offensive working or learning environment; and
 - is motivated on the basis of a protected category (e.g., race, color, national origin, sex, disability, age).

A determination of whether particular conduct constitutes prohibited and unlawful harassment depends on the totality of the circumstances. Prohibited and unlawful harassment may occur between persons of differing power or between peers. It may also involve a female harassing a male; a male or female harassing a person of the same gender; or a person of one race (national origin, religion, etc.) harassing a person of the same race (national origin, religion, etc.).

What are protected categories at UC San Diego?

We are protected against harassment and discrimination in education and employment based on our:

- Race
- Color
- National Origin

- Religion
- Sex
- Gender Identity
- Gender Expression *
- Pregnancy (including pregnancy, childbirth and medical conditions related to pregnancy or childbirth)
- Physical or Mental Disability
- Medical Condition (cancer-related or genetic characteristics)
- Genetic Information (including family medical history)*
- Ancestry
- Marital Status
- Age
- Sexual Orientation
- Citizenship
- Service in the Uniformed Services (including membership, application for membership, performance of service, application for service or obligation for service in the uniformed services).

We are also protected against unlawful harassment and discrimination based on our perceived membership in any of these protected categories.

*Applies only to employment at UC San Diego

What are some examples of unlawful discrimination?

The following examples of unlawful discrimination would likely violate UC policy:

- Giving students unequal access to university programs based on their race (or other protected category).
- Excluding a student from joining a university organization based on the student's sexual orientation (or other protected category).
- Denying an employment application because of that person's age (or other protected category).
- Charging women more money than men to join the recreation center.
- Failing to make reasonable accommodations for a student or employee with a disability.

What are some examples of unlawful harassment?

The following examples of unlawful harassment would likely violate UC policy if found to be sufficiently "severe" and/or "pervasive":

- Making derogatory or dehumanizing remarks based on a person's race (or other protected category).
- Physical assaults targeting individuals of a particular religion (or other protected category).
- Repeatedly sending unwelcome emails, text messages or photos of a sexual nature.
- Anti-Semitic or Islamophobic graffiti scrawled on the door of a student's room.

What are some examples of sexual harassment?

Sexual harassment may be verbal, visual or physical conduct. Examples include:

- Direct propositions of a sexual nature.
- Sexual innuendos and other seductive behavior, including pressure for sexual activity, such as repeated unwanted requests for dates and repeated inappropriate personal comments, staring or touching.
- Direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc.
- Unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body, impeding or blocking movements or other unwanted conduct of a physical nature.
- Remarks of a sexual nature about a person's clothing or body, unwelcome and inappropriate letters, phone calls, e-mail, text messages, or other communications or gifts.

Conduct may violate the [University of California Policy on Sexual Violence and Sexual Harassment](#) only if it meets the definition set out in the relevant policies applying to students or employees.

What are hate crimes?

Hate crimes are illegal types of bias incidents that violate state or federal law. In California, hate crimes are illegal acts that target victims because of disability, gender, national origin, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

Examples of hate crimes include:

- Verbal or written threats of violence because of a person's sexual orientation.
- Anti-Semitic or Islamophobic graffiti and other similar forms of property damage.
- Physical assault because of a person's race.

If you are in danger or a crime is in progress, call the [UC San Diego Police](#) immediately at [\(858\) 534-4357](#) or call 9-1-1.

What is Title IX?

Title IX of the Education Amendments of 1972 is the federal law that prohibits discrimination on the basis of sex, including sexual harassment, in educational institutions that are recipients of federal funds. Title IX states: “No person in the United States 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 receiving federal financial assistance.” The U.S. Department of Education Office for Civil Rights (OCR) has issued *Sexual Harassment Guidance*, which outlines schools’ responsibilities for preventing sexual harassment and for resolving complaints when they arise.

What is Title VI?

Title VI of the Civil Rights Act of 1964 protects individuals from discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance.

What is the Violence Against Women Act (VAWA)?

The Violence Against Women Act (VAWA) imposes obligations on colleges and universities to expand required campus education programs on sexual assault to include prevention awareness and bystander intervention strategies. It also expands the information colleges must include into their annual crime reports to include acts of domestic violence, dating violence and stalking.

Is UC San Diego required to accommodate my disability?

Staff or faculty with questions regarding the accommodation of a disability should contact DisAbility Counseling and Consulting (DCC). Students with questions regarding the accommodation of a disability should contact the Office for Students with Disabilities.

Why is UC San Diego concerned about preventing harassment and discrimination?

UC San Diego is committed to creating and maintaining a community in which all persons who participate in UC San Diego programs and activities can work, learn and live together in an atmosphere free from all forms of unlawful harassment, exploitation or intimidation. Civil rights laws and university policies prohibit unlawful discrimination and harassment in educational programs and activities as well as employment settings.

How does OPHD resolve complaints?

OPHD has procedures for resolving complaints of sexual harassment and other types of unlawful discrimination. We encourage early reporting of concerns or complaints because complaints are most effectively resolved at the earliest possible stage. Resolution options depend on the circumstances and may include education programs for particular individuals, separation of the parties, or job or housing reassignment. Where early resolution is unsuccessful or inappropriate, a request for a formal investigation may be filed. There is no prescribed sequence, so choosing one option first does not prevent a complainant from choosing a different option for resolution later on. You may also get advice or assistance without filing a complaint.

Who should I contact if I have a question about harassment or discrimination?

If you or someone you know has a question about unlawful harassment or discrimination, please contact the Office for the Prevention of Harassment and Discrimination (OPHD). You may leave a confidential voicemail at [\(858\) 534-8298](tel:(858)534-8298), email us at ophd@ucsd.edu or visit us at 201 University Center on the main campus at the corner of Gilman and Myers. OPHD office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.

Staff members with questions regarding harassment or discrimination may also contact [Equal Opportunity/Staff Affirmative Action](#).

What if I fear retaliation for reporting a concern?

Some people fail to report unlawful harassment or discrimination because they fear retaliation. Threats, other forms of intimidation, and retaliation against anyone for reporting unlawful harassment or discrimination, for assisting another in bringing a complaint, or for opposing unlawful discrimination or harassment are prohibited. Retaliation is a violation of the law and UC San Diego policy, and it is a serious offense. UC San Diego takes measures to protect those who complain of or witness incidents of unlawful harassment or discrimination and those who participate in OPHD investigations. A claimant may report retaliation separately or in connection with another report for unlawful discrimination or harassment.

What is retaliation?

To establish unlawful retaliation, several elements must be met:

- The claimant is engaged in a protected activity;
- The individual accused of retaliation knew about the claimant's protected activity;
- The claimant suffered an adverse action; and
- There is a causal link between the protected activity and the adverse action.

Some examples of protected activities include complaining about unlawful harassment, participating in an investigation of unlawful harassment as a witness, assisting another individual in reporting unlawful harassment, or generally opposing unlawful harassment or discrimination.

Some examples of an adverse action include a demotion, counseling, discipline, reassignment, lay-off, termination, a low grade, harassment, or another negative change in employment or education status.

Can I make a report anonymously?

You can make a report anonymously on UC San Diego's ReportBias website, at ReportBias.ucsd.edu. You may also call us, without identifying yourself, at [\(858\) 534-8298](tel:8585348298). We will attempt to follow up on anonymously reported complaints to the extent reasonably feasible.

What is the role of academic freedom or the First Amendment?

Some types of offensive speech, including speech that may seem harassing or discriminatory, may be protected by principles of academic freedom or the First Amendment. While the nondiscrimination policies, including the Sexual Harassment Policy, do not prohibit such speech, the university encourages all members of the community to engage in respectful dialogue and to observe the [Principles of Community](#). Learn more about freedom of expression at freespeech.ucsd.edu. Watch "Free Speech and the University," a 2018 lecture at UC San Diego by Erwin Chemerinsky, First Amendment Scholar and Dean of Berkeley Law.

When may I date another UC San Diego affiliate?

UC San Diego has a consensual relationship policy which addresses potential ethical and legal issues that arise when individuals develop romantic or sexual relationships. Consensual relationships where there is a power differential between the parties pose potential and real conflicts of interest. Effective steps must be taken to ensure that evaluation or supervision of the faculty member, staff person or student is unbiased and not based on the consensual relationship. For information regarding relationships between coworkers, see the UC San Diego Policy on [Conflicts of Interest Arising Out of Consensual Relationships](#).

The UC Regents approved a systemwide faculty-student relationship policy, which is part of the [Faculty Code of Conduct](#), stating, "Whenever a faculty member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process." It is misconduct for faculty to engage in romantic or sexual relationships with students for whom the faculty member has, or should expect to have in the future, academic, instructional, evaluative or supervisory responsibility.

Who must comply with the UC San Diego Nondiscrimination policies?

All members of the UC San Diego community, including faculty, staff and students, are subject to the university nondiscrimination policies, including the Sexual Harassment Policy. We are all responsible for ensuring an environment that is free from all forms of harassment, exploitation or intimidation.

How does UC San Diego protect my privacy?

Because the university is required by state and federal laws to take appropriate action to ensure an educational and employment environment that is free of illegal harassment, the university can never give an absolute guarantee that the information provided by an individual will remain confidential. Typically, the more formal the proceeding is, the less confidential the information remains. However, the university is committed to protecting the privacy rights of all individuals in the university community and honors those rights to the extent allowable by law. The expressed wishes of the complainant, the accused and witnesses regarding confidentiality will be considered within the context of the university's legal obligation to ensure that illegal harassment is stopped, and with consideration of the charged party's right to obtain information. Possible options for university action in light of a confidentiality request will be discussed prior to university action.

What responsibilities do supervisors have under UC San Diego policy?

University officials are charged by state and federal laws to provide a work environment that is free of harassment and discrimination and to assist those who report conduct to them. Supervisors are responsible for immediately responding to reports of harassment or discrimination that come to their attention. Any supervisor responsible for reporting or responding to such reports, who knew about the conduct and took no action to stop it or failed to report it, may be subject to disciplinary action. Supervisors are strongly encouraged to consult with OPHD to ensure that prompt and appropriate action is taken in compliance with law and policy. New supervisors are encouraged to contact OPHD to learn more about their responsibilities and to participate in the Supervisory Training Laboratory offered through Staff Education.

What are the reporting obligations of employees who witness student conduct that violates the policies on discrimination and harassment?

All supervisory employees must report student incidents of unlawful discrimination and harassment to OPHD. Certain nonsupervisory employees may also have a reporting obligation if deemed a "responsible employee." In all cases, nonsupervisory employees are strongly encouraged to report bias-related incidents to OPHD or to a supervisor.

What happens if a student reports an incident of discrimination or harassment to an employee?

Students may report incidents of discrimination and harassment directly to OPHD. Students may also report discriminatory and harassing behavior to university administrators (including all director-level senior staff members). Any employee who receives a student complaint regarding discrimination or harassment should promptly notify OPHD or report it online at ReportBias.ucsd.edu.

[Collapse All](#)



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[About OPHD](#)

[Policies & Procedures](#)

[Make a Report](#)

[Training & Education](#)

[Resources](#)

[FAQ](#)

[Quick
Escape](#)

