

## Sexual Misconduct Prevention Spring 2023 Reference Sheet

The following reference sheet includes definitions of prohibited conduct under the UC Law SF [Sexual Misconduct Policy](#), hereafter referred to as “UC Law SF Policy” or Sexual Misconduct Policy. This document also contains definitions of harassment and misconduct under state and federal laws. Some terms have multiple definitions under College policy, the Clery Act, the Federal Civil Rights Acts, and California statutes. To better identify these distinctions, the College policy definitions are stated below and the Clery and State of California statutory definitions are provided in the [UC Law SF Annual Security and Fire Safety Report](#) on pages 45 and 51.

At the end of this sheet, you will also find contact information for reporting or obtaining confidential support services.

### **TERMINOLOGY AND KEY WORDS**

**Advisor** – A person the complainant or respondent selects who may attend all meetings with the party. An advisor may be anyone the party chooses (e.g., friend, family member, or an attorney).

**CARE Advocate** – The College staff member who oversees the Center for Advocacy, Resources and Education (CARE) and who provides free, confidential support to any UC Hastings student who has been impacted by sexual misconduct or interpersonal violence.

**Complainant** - any individual who is reported to be the victim of sexual harassment, whether or not they have filed a complaint. **Respondent** - any individual who is reported to be the perpetrator of sexual harassment, whether or not a complaint has been filed.

**Complaint** – a written statement submitted by an individual in order to initiate the College’s grievance process alleging that another individual or individuals engaged in sexual misconduct against them. A complaint is not required in order for an individual to request and receive supportive measures related to an allegation of sexual misconduct.

**Ombudsperson** – confidential resource available to assist in resolving disputes from a neutral, independent point of view.

**Party** – the complainant or respondent, as those terms are described herein.

**Remedies** –When there is proof of misconduct. Aimed to stop the behavior, prevent and correct behavior, and discourages or eliminates recurrence. Remedies may include supportive measures.

**Respondent Service Coordinator** – Non-confidential support services to student respondents alleged to have violated student policies.

**Retaliation** – Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Protected activity includes report or disclosure of Prohibited Conduct under this Policy and/or participation (or refusal to participate) in the investigation, reporting, remedial, or disciplinary process provided for in this Policy. Retaliation against an individual for an allegation, for supporting a party, or for assisting in providing information relevant to an allegation is a serious violation of College policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. University of California Hastings College of the Law is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. Retaliation includes threats, intimidation, reprisals, coercion, discrimination, and/or adverse employment or educational actions, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

**Supervisor** – A person qualifies as a supervisor for purposes of the California Fair Employment and Housing Act (FEHA) if they had the discretion and authority (a) to hire, transfer, promote, assign, reward, discipline, or discharge other employees, or effectively recommend any of these actions; (b) to act on the grievances of other employees or to effectively recommend action on grievances; or (c) to direct the claimant's daily work activities.

**Supportive Measures** – are non-disciplinary, non-punitive services provided to a complainant or respondent before or after the filing of a complaint or where no complaint has been filed. They are designed to restore or preserve equal access to the College's education programs and activities without unreasonably burdening the other party. They include measures designed to protect the safety of all parties and the College's educational environment and to deter sexual misconduct.

**Title IX** – Federal Civil Rights Law that prohibits discrimination based on sex and gender in education programs.

**Title IX Coordinator** – Manages neutral investigations of allegations of sexual assault, dating violence, stalking and sexual harassment and is available to explain and discuss resources and investigative processes.

## **SEXUAL HARASSMENT**

### UC Law SF Policy:

Sexual Harassment is unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct. Sexual harassment may be disciplined if it is found to take one of the forms below.

- Hostile Environment Harassment is unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct that is:
  - sufficiently severe, persistent or pervasive, and
  - objectively offensive, such that it:
    - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational, employment, or other programs and services of the College, and social and/or residential programs, and
    - creates an environment that a reasonable person would find to be intimidating or offensive.
- Quid Pro Quo Harassment is:
  - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
  - By a person having power or authority over another constitutes sexual harassment when
    - Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance.
    - This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

Examples of Behavior that Could Constitute Harassment (either hostile environment or quid pro quo):

- *Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.*
- *A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.*

### Title IX of the Civil Rights Act of 1964:

Title IX of the Education Amendments of 1972, 20 U.S.C. 1681-1688, is a federal law that prohibits discrimination on the basis of sex by education institutions that receive federal funding. UC Law SF is a recipient of federal funds and is subject to Title IX. Regulations promulgated under Title IX at 34 C.F.R. Part 106 require the College to provide grievance procedures for students or employees who have experienced certain types of sexual misconduct in certain circumstances defined by part (a) of the jurisdiction section in the UC Law SF Sexual Misconduct Policy. The definition of sexual harassment which will be applied under these circumstances as defined by Title IX at 34 C.F.R. Part 106 means conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- 3) One of the following Clery Act/VAWA Offenses:
  - "Sexual assault": The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
  - "Dating violence": violence committed by a person-
    - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors
      - I. The length of the relationship.
      - II. The type of relationship.
      - III. The frequency of interaction between the persons involved in the relationship.
  - "Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

*Title VII of the Civil Rights Act of 1964:*

- The Equal Employment Opportunity Commission (EEOC) defines harassment as, “unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.”

California Department of Fair Employment and Housing:

- CA Government Code Section 12940(j)(4)(C):
  - For purposes of this subdivision, “harassment” because of sex includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions. Sexually harassing conduct need not be motivated by sexual desire.
  - Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person’s sexual orientation or gender identity.
  - “Quid pro quo” (Latin for “this for that”) sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
  - “Hostile work environment” sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

State regulations define sexual harassment as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of prohibited behavior:

- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct: making or using derogatory comments, epithets, slurs and jokes. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual.
- Physical conduct: touching, assault, impeding or blocking movements.
- Offering employment benefits in exchange for sexual favors.

- Making or threatening retaliatory action after receiving a negative response to sexual advances.

## **NON-CONSENSUAL SEXUAL CONTACT**

### **UC Law SF Policy:**

Non-Consensual Sexual Contact is:

- any sexual contact (as defined below)
- however slight,
- by a person upon another person,
- that is without consent and/or by force.

Sexual Contact includes:

- Intentional contact with the breasts, buttock, groin, mouth or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact that is reasonably perceived as sexual.
- May be clothed or unclothed.

## **NON-CONSENSUAL SEXUAL INTERCOURSE**

### **UC Law SF Policy:**

- any sexual intercourse
- however slight,
- by a person upon another person,
- that is without consent and/or by force.

Intercourse includes:

- vaginal or anal penetration by a penis or other body part or an object and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

## **SEXUAL EXPLOITATION**

### **UC Law SF Policy:**

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy, including non-consensual digital, video or audio recording of nudity or sexual activity;
- Prostituting another person;

- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person without their knowledge and consent;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation;

## **RELATIONSHIP VIOLENCE**

### **UC Law SF Policy:**

1. Relationship Violence is:
  - a. physical violence toward the Complainant or another person with whom the Complainant has a close relationship (e.g., a current or former spouse or intimate partner, a child or other relative), or
  - b. intentional or reckless physical or non-physical conduct that would put a reasonable person in the Complainant's position in fear of physical violence toward themselves or another person with whom the Complainant has a close relationship (e.g., a current or former spouse or intimate partner, a child or other relative),
  - c. that is by a person who is or has been in a spousal, romantic or intimate relationship with the Complainant, or a person with whom the Complainant shares a child in common, and that is part of a pattern of abusive behavior by the person toward the Complainant.
2. Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.
3. Patterns of abusive behavior may consist of or include non-physical tactics (e.g., threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).
4. The nature of the relationship between the Complainant and Respondent is determined by the length and type of relationship, and the frequency of interaction between them. Relationship violence includes both "dating violence" and "domestic violence."
5. Conduct by a party in defense of self or another does not constitute Relationship Violence under this Policy. If either party asserts that they acted in defense of self

or another, the Title IX Officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.

#### CA State Law:

Domestic Violence means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship. Cal. Penal Code, Section 13700.

### **STALKING**

#### UC Law SF Policy:

- A course of conduct
- Directed at a specific person
- When sex or gender based
- That is unwelcome, and
- Would cause a reasonable person to feel fear for their safety or the safety of others, or to suffer substantial emotional distress

#### CA State Law:

- [Read CA Criminal Stalking Definitions here: Cal Pen Code § 646.9 . Stalking. \(2008\) California Civil Stalking Law Cal Civ Code § 1708.7 \(2014\)](#)

### **RETALIATION**

#### UC Law SF Policy:

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Protected activity includes report or disclosure of Prohibited Conduct under this Policy and/or participation (or refusal to participate) in the investigation, reporting, remedial, or disciplinary process provided for in this Policy. Retaliation against an individual for an allegation, for supporting a party, or for assisting in providing information relevant to an allegation is a serious violation of College policy. Acts of alleged retaliation should be reported immediately to



the Title IX Coordinator and will be promptly investigated. University of California Hastings College of the Law is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. Retaliation includes threats, intimidation, reprisals, coercion, discrimination, and/or adverse employment or educational actions, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

*Examples of Retaliation:*

- Student A files an allegation against a professor for sexual harassment; the professor subsequently cuts the student's internship hours through the Clinic the professor supervises without a legitimate justification.
- A faculty member complains of gender inequity in pay within her department; the Department Chair then revokes his prior approval allowing her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."

## **CONSENT**

UC Law SF Policy:

- Consent is affirmative, conscious, voluntary, and revocable.
  - Consent is affirmative. Consent to sexual activity is informed and requires of each person an affirmative, unambiguous, and conscious agreement to engage in mutually agreed-upon sexual activity.
  - Consent is conscious. Consent cannot be given when a person is incapacitated. A person cannot consent if that person is unconscious or coming in and out of consciousness. A person cannot consent if that person is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if that person's understanding of the act is affected by a physical or mental impairment. (See definition below on Incapacitation.)
  - Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not alone constitute consent.
  - Consent is revocable. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. Once consent is withdrawn, the sexual activity must stop immediately. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity

on another occasion. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct). A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent

#### CA State Law:

(a) In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

(b) “A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a. Cal. Penal Code, Section 261.6.

### **ABUSIVE CONDUCT**

#### CA State Law:

- “Abusive conduct” is defined under California Government Code section 12950.1(g)(2) as the “conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests.” For example, abusive conduct “may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance.

### **LIABILITY:**

#### CA State Law:

Under California Law, every employer or prospective employer, and every person in the workplace: supervisor, subordinate, or co-worker found liable for sexual harassment is personally liable for the damages caused by the unlawful harassment.

- An individual is personally liable for damages caused by their unlawful actions
- An employer is strictly liable for the unlawful harassment by its supervisors and agents.
- Employers can be liable for harassment by non-supervisory employees if the employer knew or should have known about the harassing behavior and failed to take immediate and effective corrective action.

## **REMEDIES**

Remedies are available under the Sexual Misconduct Policy and Federal law when there is proof of sexual misconduct. They aim to stop the behavior, prevent and correct behavior, and discourage or eliminate recurrence.

*Examples:* Supportive measures, training, warning, performance improvement/management process, verbal counseling, one-on-one counseling, agreements, probation, demotion, loss of supervisor or oversight responsibility, suspension with/without pay, terminations, or anything else that will stop wrongful behavior.

State law provides for a variety of remedies for victims of employment discrimination, including:

Back pay (past lost earnings), front pay (future lost earnings), hiring / reinstatement, promotion, out-of-pocket expenses, policy changes, trainings, reasonable accommodation(s), damages for emotional distress, punitive damages, and attorney's fees and costs.

## **REPORTING SEXUAL HARASSMENT, DISCRIMINATION, OR RETALIATION**

### **Internal Reporting:**

Anyone (faculty, staff, students, alumni, non-community members) who experiences or witnesses alleged misconduct that may violate the Sexual Misconduct Policy can make a report to any of the following:

- 1) Report directly to the Title IX Coordinator at:  
Andrea Bing, Title IX Coordinator  
200 McAllister Street, Room 552  
San Francisco, CA 94102  
(415) 565-4733  
[TitleIXCoordinator@uchastings.edu](mailto:TitleIXCoordinator@uchastings.edu)
- 2) Report online, using the Formal Complaint reporting form posted on [Sharknet](#);
- 3) Employees can also make reports to their supervisor or Human Resources;
- 4) Reports may be made to any Responsible Employee\* (e.g., all faculty, staff, and administrators, unless they are "confidential resources"), who will promptly share the information with the Title IX Coordinator;
- 5) In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the Chancellor & Dean at [Chancellor@uchastings.edu](mailto:Chancellor@uchastings.edu) or (415) 565-4700.

\* Please note that sex- or gender-based discrimination complaints do not fall under the Sexual Misconduct Policy and should not be reported to Responsible Employees; however, they may be reported to any of the other options.

#### Confidential Reporting:

Confidential support with reporting may be obtained from the Center for Advocacy, Resources and Education (CARE). The CARE Advocate and any other service providers in CARE are confidential resources, meaning that they do not have an obligation to report incidents of sexual misconduct to the Title IX Coordinator. Therefore, students, staff, and faculty can disclose instances of sexual misconduct to these staff members and receive confidential support, whether or not they want to formally report what happened. The CARE Advocate can discuss support options as well as reporting options and support anyone who does decide to proceed with making a report to the College.

Confidential Advocate:  
Phone: 415-565-4699  
Email: [Care@uchastings.edu](mailto:Care@uchastings.edu)

#### External Reporting:

Individuals experiencing harassment, discrimination, or retaliation also have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Office for Civil Rights  
San Francisco Office  
U.S. Department of Education  
50 United Nations Plaza  
San Francisco, CA 94102  
Telephone: (415) 486-5555  
Facsimile: (415) 486-5570  
Email: [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)

U.S. Department of Justice Civil Rights Division

950 Pennsylvania Avenue, N.W.  
Educational Opportunities Section, PHB  
Washington, D.C. 20530  
By e-mail to: [education@usdoj.gov](mailto:education@usdoj.gov)  
By telephone at (202) 514-4092 or 1-877-292-3804 (toll-free)  
By facsimile at (202) 514-8337

Equal Employment Opportunity Commission (EEOC) (where the complainant is an employee)

Contact: <http://www.eeoc.gov/contact/>

California Civil Rights Department

[calcivilrights.ca.gov/complaintprocess](http://calcivilrights.ca.gov/complaintprocess)

Toll Free: 800.884.1684 / TTY: 800.700.2320

California Relay Service (711)





Civil Rights  
Department  
STATE OF CALIFORNIA

# CALIFORNIA LAW PROHIBITS WORKPLACE DISCRIMINATION & HARASSMENT

The California Civil Rights Department (CRD) enforces laws that protect you from illegal discrimination and harassment in employment based on your actual or perceived:

- ANCESTRY
- AGE (40 and above)
- COLOR
- DISABILITY (physical, developmental, mental health/psychiatric, HIV and AIDS)
- GENETIC INFORMATION
- GENDER EXPRESSION
- GENDER IDENTITY
- MARITAL STATUS
- MEDICAL CONDITION (genetic characteristics, cancer, or a record or history of cancer)
- MILITARY OR VETERAN STATUS
- NATIONAL ORIGIN (includes language restrictions and possession of a driver's license issued to undocumented immigrants)
- RACE (includes hair texture and hairstyles)
- RELIGION (includes religious dress and grooming practices)
- REPRODUCTIVE HEALTH DECISIONMAKING
- SEX/GENDER (includes pregnancy, childbirth, breastfeeding and/or related medical conditions)
- SEXUAL ORIENTATION



# CALIFORNIA LAW PROHIBITS WORKPLACE DISCRIMINATION & HARASSMENT



Civil Rights  
Department  
STATE OF CALIFORNIA

## THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT AND ITS IMPLEMENTING REGULATIONS PROTECT CIVIL RIGHTS AT WORK.

### HARASSMENT

1. The law prohibits harassment of employees, applicants, unpaid interns, volunteers, and independent contractors by any person. This includes a prohibition against harassment based on any characteristic listed above, such as sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, breastfeeding, and/or related medical conditions.
2. All employers are required to take reasonable steps to prevent all forms of harassment, as well as provide information to each of their employees on the nature, illegality, and legal remedies that apply to sexual harassment.
3. Employers with 5 or more employees and public employers must train their employees regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation.

### DISCRIMINATION/REASONABLE ACCOMODATIONS

1. California law prohibits employers with 5 or more employees and public employers from discriminating based on any protected characteristic listed above when making decisions about hiring, promotion, pay, benefits, terms of employment, layoffs, and other aspects of employment.
2. Employers cannot limit or prohibit the use of any language in any workplace unless justified by business necessity. The employer must notify employees of the language restriction and consequences for violation.
3. Employers cannot discriminate against an applicant or employee because they possess a California driver's license or ID issued to an undocumented person.
4. Employers must reasonably accommodate the religious beliefs and practices of an employee, unpaid intern, or job applicant, including the wearing or carrying of religious clothing, jewelry or artifacts, and hair styles, facial hair, or body hair, which are part of an individual's observance of their religious beliefs.
5. Employers must reasonably accommodate an employee or job applicant with a disability to enable them to perform the essential functions of a job.

### ADDITIONAL PROTECTIONS

1. The law provides specific protections and hiring procedures for people with criminal histories who are looking for employment.
2. Employers with 5 or more employees and public employers must provide up to 12 weeks of job-protected leave to eligible employees: to care for themselves, a family member (child of any age, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling) or a designated person (with a blood or family-like relationship to employee); to bond with a new child; or for certain military exigencies.

3. Employers must provide job-protected leave of up to 4 months to employees disabled because of pregnancy, childbirth, or a related medical condition, as well as require employers to reasonably accommodate an employee, on the advice of their health care provider, related to their pregnancy, childbirth, or a related medical condition.
4. Employers, employment agencies, and unions must preserve applications, personnel records, and employment referral records for a minimum of four years.
5. Employment agencies must serve all applicants equally, refuse discriminatory job orders, and prohibit employers and employment agencies from making discriminatory pre-hiring inquiries or publishing help-wanted advertisements that express a discriminatory hiring preference.
6. Unions cannot discriminate in member admissions or dispatching members to jobs.
7. The law prohibits retaliation against a person who opposes, reports, or assists another person to oppose unlawful discrimination, including filing an internal complaint or a complaint with CRD.

### REMEDIES/FILING A COMPLAINT

1. The law provides remedies for individuals who experience prohibited discrimination, harassment, or retaliation in the workplace. These remedies can include hiring, front pay, back pay, promotion, reinstatement, cease-and-desist orders, expert witness fees, reasonable attorney's fees and costs, punitive damages, and emotional distress damages.
2. If you believe you have experienced discrimination, harassment, or retaliation, you may file a complaint with CRD. Independent contractors and volunteers: If you believe you have been harassed, you may file a complaint with CRD.
3. Complaints must be filed within three years of the last act of discrimination/harassment/retaliation. For those who are under the age of eighteen, complaints must be filed within three years after the last act of discrimination/harassment/retaliation or one year after their eighteenth birthday, whichever is later.

**If you have been subjected to discrimination, harassment, or retaliation at work, file a complaint with the Civil Rights Department (CRD).**

### TO FILE A COMPLAINT

Civil Rights Department  
[calcivilrights.ca.gov/complaintprocess](http://calcivilrights.ca.gov/complaintprocess)  
Toll Free: 800.884.1684 / TTY: 800.700.2320  
California Relay Service (711)

Have a disability that requires a reasonable accommodation?  
CRD can assist you with your complaint.

The Fair Employment and Housing Act is codified at Government Code sections 12900 - 12999. The regulations implementing the Act are at Code of Regulations, title 2, division 4.1.

Government Code section 12950 and California Code of Regulations, title 2, section 11023, require all employers to post this document. It must be conspicuously posted in hiring offices, on employee bulletin boards, in employment agency waiting rooms, union halls, and other places employees gather. Any employer whose workforce at any facility or establishment consists of more than 10% of non-English speaking persons must also post this notice in the appropriate language or languages.