



OFFICE OF THE VICE PROVOST --  
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT  
1111 Franklin Street, 11<sup>th</sup> Floor  
Oakland, California 94607-5200

October 1, 2015

COUNCIL OF VICE CHANCELLORS  
LABORATORY DIRECTOR ALIVISATOS  
ACADEMIC COUNCIL CHAIR HARE  
ANR VICE PRESIDENT HUMISTON

**Re: Systemwide Review of Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment**

Dear Colleagues:

Enclosed for Systemwide Review are proposed revisions to Presidential Policy on Sexual Violence and Sexual Harassment. Also enclosed is a cover letter from UC Senior Vice President Sheryl Vacca describing the history of the policy and the rationale for proposed revisions.

#### **Systemwide Review**

Systemwide Review is a public review distributed to the Executive Vice Chancellors, the Director, Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community and affected employees about policy proposals. Systemwide Review also includes a mandatory Senate review. Employees should be afforded the opportunity to review and comment on the draft policy, available online at: <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policies-under-review/index.html>. Enclosed is a Model Communication which may be used to inform non-exclusively represented employees affected by these proposals.

Vice President Dwaine Duckett is circulating the proposed revised policy to human resources leaders and staff, including the Chief Human Resources Officers and the Title IX Officers. Vice President Judy Sakaki is circulating the proposed revised policy to the student affairs leaders, student organizations, and staff. Comments from those groups will be submitted to either Vice President Duckett or Vice President Sakaki, as appropriate.

This letter and enclosures anticipate that you will begin Systemwide Review of the proposed draft and submit comments no later than **October 31, 2015**. Please send comments on the proposed policy to [ADV-VPCARLSON-SA@ucop.edu](mailto:ADV-VPCARLSON-SA@ucop.edu). Questions may be directed to Janet Lockwood at [Janet.Lockwood@ucop.edu](mailto:Janet.Lockwood@ucop.edu) or (510) 987-9499.

Sincerely,

Susan Carlson  
Vice Provost  
Academic Personnel and Programs

October 1, 2015

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Enclosures: Cover Letter from UC Senior Vice President Sheryl Vacca  
Proposed Revised Draft Presidential Policy on Sexual Violence and Sexual Harassment  
(clean copy and redline)  
Model Communication

cc: President Napolitano  
Chancellors  
Provost and Executive Vice President Dorr  
President's Advisory Group  
Executive Vice President Nava  
Senior Vice President Vacca  
Vice President Duckett  
Vice President Sakaki  
Vice Provosts/Vice Chancellors Academic Personnel/Academic Affairs  
Council of Graduate Deans  
Academic Personnel Directors  
Deputy General Counsel Friedlander  
Deputy General Counsel Woodall  
Executive Director Baxter  
Executive Director Tanaka  
Director Chester  
Director Henderson  
Director Jennings  
Director Lockwood  
Chief of Staff Grossman  
Deputy/Compliance Officer Lane  
Human Resources Policy Analyst Bello  
Senior Administrative Analyst Rupert  
Analyst Jordan

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
OFFICE OF ETHICS, COMPLIANCE AND AUDIT SERVICES



1111 Franklin Street, 5th Floor • Oakland, California 94607-5200 • (510) 987-0479 • FAX (510) 287-3334

September 30, 2015

**VICE PRESIDENT DUCKETT  
VICE PROVOST CARLSON  
VICE PRESIDENT SAKAKI**

**SUBJECT:** Updated Presidential Policy on Sexual Violence and Sexual Harassment

I am attaching a revised final draft of the University of California's Presidential Policy on Sexual Violence and Sexual Harassment (formerly Sexual Harassment and Sexual Violence). After a concerted effort by the Policy Work Group throughout this past summer, this Policy is now ready for systemwide review and vetting. We would like to have this policy disseminated to your respective representative groups, i.e. senior campus leaders, faculty, other academic appointees, staff, and students. **Comments on the draft Policy are due no later than October 31, 2015.**

Background: In February 2015, the University of California circulated for review a draft revised Presidential Policy on Sexual Harassment and Sexual Violence that brought the University into compliance with the requirements of the Violence Against Women Act (VAWA) that was reauthorized by President Obama in 2013. In addition, this proposed revision updated the University's Policy and Procedures on preventing and responding to sexual violence and sexual assault to reflect the recommendations of the *President's Task Force on Preventing and Responding to Sexual Violence and Sexual Assault*.

The revised February 2015 draft policy was vetted with several audiences including faculty, staff and students. We received significant feedback on the February 2015 draft and as a result the President issued an interim policy asking the Policy Work Group to review the comments received—especially those from the Academic Senate and faculty representatives. Consequently, on June 25, 2015, the University of California issued a revised Interim Presidential Policy on Sexual Harassment and Sexual Violence. The President directed that a final Policy be ready for approval by January 2016.

Current Status: Over the summer, the Policy Work Group comprised of representatives from Student Affairs, Academic Personnel and Programs, Human Resources, Office of General Counsel, Title IX, and Compliance evaluated the regulations and reviewed the revised policy and comments received. The Policy Work Group was augmented with additional representatives chosen from the Academic Senate and the office of Academic Personnel and Programs. The goals of the Policy Work Group's efforts—staffed by my office--were to:

1. Incorporate the final regulations and requirements of VAWA into UC's policy;
2. Address outstanding issues/questions from the previous Policy and Interim Policy as promised by President Napolitano;

3. Review comments received during the vetting process for the February and June versions of the policy and incorporate where necessary.
4. Assure the Policy was consistent with the efforts and requirements of the President's Task Force on Preventing and Responding to Sexual Violence and Sexual Assault (SVSA); and,
5. Improve accessibility and readability by the broader University community including students, parents and community members.

After a concerted effort over the summer, the University's Policy on Sexual Violence and Sexual Harassment is now ready for its final review and vetting. We would like to have this policy disseminated to your respective representative groups, i.e. senior campus leaders, faculty, other academic appointees, staff, and students. **Comments are due no later than October 31, 2015 (as agreed by Academic Senate Leadership and Office of Academic Personnel and Programs).** This timeframe will allow us to review the comments received and complete the final policy for the President by the January 2016 deadline.

The current revised draft (attached) has the following key revisions:

- Incorporates any new VAWA regulations and recent legislation requirements.
- Incorporates recommendations of the California State Auditor Audit Findings and President's Task Force on SVSA to require mandatory education for faculty, other academic appointees, staff, and students. (Mandatory sexual harassment and prevention education for faculty is already required and we are planning to utilize this training to incorporate VAWA requirements and University SVSA Task Force changes).
- Reorganization of the Policy for clarity.
- Updates the definition of consent and adds additional definitions to improve readability, consistency and understanding
- Includes "amnesty" provision for reporting as per California Statute for students and applies the amnesty possibility for faculty and staff.
- Clarifies that the policy addresses only "sexual harassment" as required by VAWA. (Other forms of harassment, i.e., that are non-sexual in nature, including non-sexual hostility and stalking is covered in other policies).
- Complies with the President's directive to disclose disciplinary actions to complainants.

I am pleased to present this draft policy to your offices for vetting as required by our Presidential policy development process. Please be sure all comments are received by **October 31, 2015** so we can finalize the policy for the President's signature by January 2016.

Sincerely,



Sheryl Vacca  
Senior Vice President  
Chief Compliance and Audit Officer

Attachment

cc Provost and Executive Vice President Dorr  
Chief Operating Officer Nava  
Chief of Staff Grossman



# Sexual Violence and Sexual Harassment

[Para la traducción en Español, oprima aquí](#)

[中國版本, 請按這裡](#)

Academic Officer:	Vice Provost – Academic Personnel and Programs
Academic Office:	APP – Academic Personnel and Programs
Student Officer:	VP – Student Affairs
Student Office:	SA – Student Affairs
Staff Officer:	VP – Human Resources
Staff Office:	HR – Human Resources
Issuance Date:	
Effective Date:	
Last Review Date	
Scope:	This Policy applies to all University employees, students and University campuses, the Lawrence Berkeley National Laboratory, Medical Centers, the Office of the President, Agriculture and Natural Resources, and all University programs and activities

**For assistance with incidents of dating violence, domestic violence, sexual assault, sexual violence, sexual harassment, and stalking, please contact your local CARE Advisor or Title IX Officer, at <http://sexualviolence.universityofcalifornia.edu/get-help/index.html>**

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## I. POLICY SUMMARY

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This *Policy* addresses the University of California’s responsibilities and procedures related to sexual violence and sexual harassment in order to ensure an equitable and inclusive education and employment environment free of sexual violence and sexual harassment. The *Policy* defines conduct prohibited by the University of California and explains the administrative procedures the University uses to resolve reports of sexual violence and sexual harassment.

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### FOR QUESTIONS ABOUT THIS POLICY, PLEASE CONTACT:

	Academic	Student	Staff
Contact	Janet Lockwood	Eric Heng	Rachael Howard
Email:	Janet.Lockwood@ucop.edu	Eric.Heng@ucop.edu	Rachael.Howard@ucop.edu
Phone:	(510) 987-9499	(510) 987-0239	(510) 987-9859

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## II. DEFINITIONS

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### A. Consent

Consent is *affirmative, conscious, voluntary, and revocable*. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence, alone, does not constitute consent. Affirmative consent must be ongoing throughout sexual activity and can be revoked at any time. 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. Similarly, the existence of a subsequent dating relationship or subsequent sexual relations should not be assumed to be an indicator of consent to prior conduct.

The Respondent's belief that the Complainant consented shall not provide a valid excuse where:

1. The Respondent's belief arose from the Respondent's own intoxication or recklessness;

2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented;
3. The Respondent knew or reasonably should have known that the Complainant was unable to consent because the Complainant was:
  - a. asleep or unconscious;
  - b. incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; or
  - c. unable to communicate due to a mental or physical condition.

*Incapacitation:* The physical and/or mental inability to make informed and rational judgments. States of incapacitation include, but are not limited to being semi-conscious, unconsciousness, or asleep. Alcohol, drugs, or other medication can also be a factor. Incapacitation is defined with respect to how the alcohol or other drugs that were consumed affect a person's decision-making capacity, awareness of consequences, ability to make fully informed judgments, and ability to communicate.

Being intoxicated by drugs, alcohol, or other medication does not give another party permission to ignore whether consent was given.

## **B. Prohibited Conduct**

### **1. Sexual Violence:**

- a. **Sexual Assault:** Sexual contact or penetration, as defined below, that occurs without the consent of the other person, or when the other person is unable to consent to the activity.
  - i. **Sexual Contact:** is defined as touching an intimate body part (genitals, anus, groin, breasts or buttocks), (i) unclothed or (ii) clothed. Note: This definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. When reports alleging sexual contact are received, the Title IX Officer will determine whether the allegation should be treated as sexual violence or sexual harassment. (See FAQ for more information)
  - ii. **Sexual Penetration:** is defined as the penetration no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.

**Note:** Actual or attempted sexual assault is aggravated (more serious) when it includes, but is not limited to, the following:

- Overcoming the will of Complainant by:
  - *force* (the use of physical force or inducing reasonable fear of immediate bodily injury);
  - *violence* (the use of physical force to cause harm or injury);
  - *menace* (a threat, statement, or act showing intent to injure);
  - *duress* (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable

person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit to something that he or she would not otherwise do).

- deliberately causing a person to be incapacitated (through drugs or alcohol);
- taking advantage of the other person's incapacitation (including voluntary intoxication)
- Recording, photographing, transmitting, viewing or distributing intimate or sexual images without the knowledge and consent of all parties involved.

**b. Relationship Violence:**

- i. **Dating Violence:** Intentionally, or recklessly, causing, attempting, or threatening to cause bodily injury to the Complainant or another by a person who is or has been in a romantic or intimate relationship with the complainant as determined by the length, type, frequency of interaction between them. Dating violence also includes placing the Complainant in reasonable fear of serious bodily.
- ii. **Domestic Violence:** Intentionally, or recklessly, causing, attempting, or threatening to cause bodily injury to the Complainant or another by a person who is:
  - a current or former spouse or intimate partner of the Complainant; or
  - a person with whom the Complainant shares a child in common.

Domestic violence also includes placing the Complainant in reasonable fear of serious bodily.

- c. **Stalking:** repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for his or her safety, or the safety of others, or to suffer substantial emotional distress.

Stalking of a non-sexual nature is addressed by other University including but not limited to the [Student Code of Conduct, Section 102.10](#).

- d. **Sexual Intercourse with a Minor** is sexual intercourse with a person under the age of 18.

**2. Sexual Harassment:**

**a. General Situations**

For all incidents other than those between students outside of an employment context (see below), sexual harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature when:



- i. *Quid Pro Quo*: a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement; or other decisions affecting participation in a University program or activity; or
- ii. *Hostile Environment*: such conduct is sufficiently severe or pervasive as to create a hostile environment that denies or adversely limits a person's participation in or benefit from the education, employment or other programs and services of the University; or it creates an environment that affects or interferes with a person's employment, work, education, and/or educational performance, and which a reasonable person would find to be intimidating, hostile or offensive.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients).

**b. Sexual Harassment between students outside of an employment**

**context:** The University of California Policies Applying to Campus Activities, Organizations, and Students, [Policy 100.00 on Student Conduct and Discipline](#), Section 102.09, define sexual harassment of one student by another student as unwelcome conduct of a sexual nature 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. This definition does not apply to sexual violence, as defined in this Policy.

- c. Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of any gender or gender identity. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the totality of the circumstances, including the context in which the conduct occurred.

**Note On Sex Discrimination:** In addition to sexual harassment, discrimination based on sex, gender, gender identity, gender expression, sex- or gender-stereotyping, and sexual orientation violates law and other University policies. Such discrimination may also contribute to the creation of a hostile work or academic environment based on sex and thus constitute or contribute to sexual harassment.

**3. Retaliation**

Retaliation includes threats, intimidation, reprisals, and/or adverse employment or education actions against a person based on their report of or participation in the report, investigation, remedial, and/or disciplinary processes provided for in this *Policy*.

### **C. Other Definitions**

#### **1. Confidential Resources:**

Employees who can provide confidential consultation in their professional capacity include the:

- a. CARE advocates,
- b. Ombuds,
- c. Licensed counselors in employee assistance programs,
- d. Licensed counselors in student counseling centers,
- e. Any persons with a professional license requiring confidentiality (excluding campus legal counsel), or someone who is supervised by such a person, and
- f. Any health sciences center employees with a professional license requiring confidentiality, or someone who is supervised by such a person.

Designation as a “Confidential Resource” for purposes of this *Policy* only exempts these individuals from reporting to the Title IX office. Individuals with other mandatory reporting obligations must still comply with the UC CANRA (Child Abuse and Neglect Reporting Act) Policy, reporting obligations as a Campus Security Authority (CSA) under the Clery Act, and other policies or laws that require reporting to campus or local law enforcement, or Child Protective Services.

2. **Complainant:** Any person who files a report of sexual harassment or sexual violence or any person who has been the alleged subject of sexual violence, sexual harassment or retaliation.
3. **Location:** “Location” is all University of California campuses, the Lawrence Berkeley National Laboratory, Medical Centers, the Office of the President, and Agriculture and Natural Resources.
4. **Preponderance of Evidence:** A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.
5. **Respondent:** A person alleged to have engaged in a Prohibited Conduct and about whom a report of sexual violence, sexual harassment or retaliation is made.
6. **Responsible Employee:** Any University employee who is not a confidential resource and who receives information about possible sexual violence or sexual harassment involving an ***undergraduate student*** must promptly notify the Title IX Officer or designee. This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees.

Any of the following individuals who receive a report of sexual violence or sexual harassment from any other person affiliated with the University are responsible for promptly forwarding such reports to the Title IX Officer:

- Campus Police
- Human Resources staff, Academic Personnel Office staff, and Title IX Professionals

- Managers and Supervisors, including Deans, Department Chairs, and Directors of an Organized Research Unit (ORU)

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### III. POLICY STATEMENT

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#### A. *General*

The University of California is committed to creating and maintaining a community free of sexual violence and sexual harassment for every individual. Sexual violence and sexual harassment violate both law and University policy. Any member of the University community may report conduct that may constitute sexual violence or sexual harassment. The University will respond promptly and equitably to such reports, and will take appropriate action to stop, prevent, and remedy the sexual violence and sexual harassment, and when necessary, to discipline the Respondent.

To determine if there has been sexual violence or sexual harassment, the University may take into account *any* acts of harassment based on sex, gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation. Harassment that may not be sexual, but still contributes to a hostile work or academic environment, also could violate the University's non-discrimination policies.<sup>1</sup>

#### B. *Prohibited Conduct*

This Sexual Violence and Sexual Harassment Policy (hereafter referred to as *Policy*) prohibits sexual violence, sexual harassment, and retaliation as defined in Section II.

#### C. *Consensual Relationships*

While romantic and sexual relationships between members of the University community may begin as consensual, instances of sexual violence and sexual harassment may occur within such relationships. Accordingly, a report of sexual violence or sexual harassment that occurs within the context of a consensual relationship will be treated as any other report.

Because consensual romantic and sexual relationships between members of the University community may give rise to conflicts of interest, such relationships between a student and faculty member or other employees or between employees are also subject to other University policies, such as [The Faculty Code of Conduct](#), APM-015.II.A.6 & 7 and local policies.

#### C. *Protection for Complainants, Respondents, and Witnesses*

1. Immunity: To encourage reporting, neither a Complainant nor witness in an investigation of sexual violence will be subject to disciplinary sanctions for a violation of the relevant university conduct policy at or near the time of the

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<sup>1</sup> [University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff](#); [Nondiscrimination and Affirmative Action Policy Statement for University of California](#); [Academic Personnel Manual \(APM\) Section 035, Affirmative Action and Nondiscrimination in Employment](#); [Personnel Policies for Staff Members 12, Nondiscrimination in Employment](#); [University of California Policies Applying to Campus Activities, Organizations, and Students](#); and [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#).

incident, unless the violation placed the health or safety of another at risk, involves plagiarism, cheating, or academic dishonesty, or was otherwise egregious.

2. **Retaliation:** Retaliation against someone for reporting or participating in an investigation and related processes is prohibited. See Prohibited Conduct in this *Policy*.
3. **Privacy:** The University will protect the privacy of individuals involved in a report of sexual violence or sexual harassment to the extent permitted by law and by University policy. However, it should be recognized that an investigation may involve interviews with a number of persons to inquire if they have relevant evidence, and extremely sensitive information may be gathered. While such information is considered confidential, University policy may also require the disclosure of certain information during or following an investigation. Efforts will be made to redact written reports and to protect the privacy of individuals, to the extent possible.

#### **D. Free Speech and Academic Freedom**

The faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This *Policy* is intended to protect members of the University community from discrimination, not to regulate protected speech. This *Policy* shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.

The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this *Policy* shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. (See APM-010 and 015.)

However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

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## **IV. COMPLIANCE / RESPONSIBILITIES**

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

Executive Officers (the University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources) or their designees, have the authority to develop procedures and supplementary information to support the implementation of this *Policy*. Responsible Officers (Vice Provost-Academic Personnel and Programs, the Vice President of Student Affairs and Vice President of Human Resources) will apply appropriate and consistent interpretations of this *Policy* that do not result in substantive changes to the *Policy*.

The Executive Officer, or their designee, at each location, must establish and implement local procedures consistent with this *Policy*. Exceptions to local procedures required by the *Policy* must be approved by the Executive Officer or designee.

**B. Revisions to the Policy**

The President approves the *Policy* and any revisions. The Responsible Officers have the authority to recommend revisions to the *Policy* consistent with approval authorities and applicable Bylaws, Standing Orders, and Policies of The Regents. The UC Provost and Executive Vice President of Academic Affairs, and the UC Executive Vice President – Chief Operating Officer have the authority to ensure that the *Policy* is reviewed regularly and updated in a manner that is consistent with other University policies.

**C. Approval of Actions**

Actions within the *Policy* must be approved according to local procedures.

**D. Compliance with the Policy**

The Executive Officer at each location will designate the local management office that is responsible for monitoring, enforcing, and reporting *Policy* compliance. The Senior Vice President – Chief Compliance and Audit Officer will periodically audit and monitor compliance with the *Policy*.

**E. Additional Enforcement Information**

The U.S. Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate reports of unlawful harassment, and sexual violence in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates reports of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as fact finders and attempt to facilitate the voluntary resolution of disputes. For more information, contact the nearest office of the EEOC, DFEH or OCR.

**F. Noncompliance with the Policy**

Engaging in Prohibited Conduct, defined in this *Policy*, is governed by this *Policy* and the [Policy on Student Conduct and Discipline](#), Personnel Policies for Staff Members [61](#), [62](#), [63](#), [64](#), [65](#), and [67](#) pertaining to disciplinary and separation matters, [The Faculty Code of Conduct \(APM - 015\)](#) and [University Policy on Faculty Conduct and the Administration of Discipline \(APM - 016\)](#), [Non-Senate Academic Appointees/Corrective Action and Dismissal \(APM-150\)](#), and as applicable, collective bargaining agreements, and other policies. See Section VI and Appendices I and II. Non-compliance with this *Policy*, other than violations of Prohibited Conduct, may result in employment or educational consequences up to and including informal counseling, education, adverse performance evaluations, corrective actions, and termination.

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## V. REQUIRED PROCEDURES

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### A. *Procedures for Reporting and Responding to Reports of Sexual Harassment Or Sexual Violence*

#### 1. **Reporting**

Reports, including reports by Complainants and reports by a third party including anonymous reports, of Prohibited Conduct may be brought to the Title IX Officer or to a Responsible Employee who shall forward the report to the Title IX Officer. If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to another Responsible Employee.

#### **Note: Timelines for Making Reports**

Reports of sexual violence or sexual harassment should be brought forward as soon as possible. While all incidents should be reported even if significant time has elapsed, prompt reporting will better enable the University to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate.

#### 2. **Initial Assessment of a Report**

As soon as practicable after receiving a report, the Title IX Officer will make an initial assessment of the report to determine whether the report, on its face, alleges a violation set forth in Prohibited Conduct defined in Section II; and such conduct has a sufficient nexus with the University for it to intervene.

- a. **Immediate Health and Safety** When a report of sexual violence has been made, the Title IX Officer, in coordination with the Case Management Team (see Section V below), shall make an immediate assessment concerning the health and safety of the individual and the campus community, implement remedies immediately necessary (including stay away orders), and inform the Complainant of campus and community resources, rights and reporting options (including the right to make reports to the police), and a written explanation of available rights and options. (See Appendix IV and Location Responsibilities in Section V).

Failure to comply with the terms of such Health, Safety and Educational Responses may be considered a separate violation of this *Policy*.

- b. **Jurisdiction over Reports of Sexual Violence or Sexual Harassment**

The University has jurisdiction over alleged violations of this *Policy* by students, staff and other academic appointees that occur on University grounds and facilities such as offices and residence halls, or that occur in connection with University activities, programs, or events. In addition, the University has discretion under this *Policy* to exercise jurisdiction over conduct that occurs off-campus but affects the learning or working environment. For incidents involving student Respondents, the University may exercise jurisdiction over off-campus conduct that would violate other University Policies if it occurred on campus. Please refer to Section IV of the [Student Conduct Code](#) for further information about the University's exercise of off-campus jurisdiction in such cases.

#### 3. **Notifications**

Individuals making reports shall be informed about:



- Policies applying to confidentiality of reports under this *Policy*.
- The range of possible outcomes of the report, including Health and Safety measures, remedies, disciplinary actions that might be taken against the Respondent, and information about the procedures leading to such outcomes.

#### 4. Overview of Resolution Processes

The University has several resolution processes for addressing reports of sexual violence and sexual harassment. These include procedures for Alternative Resolution, procedures for Formal Investigation, and filing reports or grievances under applicable University complaint resolution or grievance procedures.

##### a. Alternative Resolution

After a preliminary inquiry into the facts which does not involve a Formal Investigation and Report, the Title IX Officer may initiate an Alternative Resolution which permits a variety of options, including:

- mediation (except in cases of sexual violence);
- separating the parties;
- providing for safety;
- referring the parties to counseling;
- taking disciplinary action;
- conducting targeted preventive educational and training programs;
- conducting a follow-up review to ensure that the resolution has been implemented effectively.

Alternative Resolution may be especially useful when a Report is made by a third party or anonymously; when a Formal Investigation is not likely to lead to a satisfactory outcome; when both parties prefer an informal process; or in cases involving less serious violations. The Complainant and Respondent have the right to request a Formal Investigation at any time and may be accompanied by a support person throughout the process.

##### b. Formal Investigation

In cases where Alternative Resolution is inappropriate or unsuccessful, the location may conduct a Formal Investigation. Where an individual has requested an investigation, that request will be considered, but is not determinative.

However, if the Complainant requests that no investigation occur, the Title IX Officer shall determine whether the allegations nonetheless require an investigation to mitigate an apparent risk to the campus community. If determining not to proceed with an investigation, the Title IX Officer shall inform the Complainant that the ability to provide remedies may be limited, but the Title IX Officer shall nonetheless afford such remedies as are consistent with maintaining confidentiality and the absence of an administrative finding.

When the Title IX Officer determines to conduct an investigation, the Complainant and Respondent will be provided with a written summary of the allegations, the procedures that will be followed, resources available to them and a copy of the *Policy*. If proceeding with an investigation, the Title IX Officer shall attempt to maintain the identity of the Complainant confidential from the

Respondent or inform the Complainant that such confidentiality cannot be maintained.

The investigation shall be completed promptly, typically within 60 working days of its initiation, unless extended by the Title IX Officer for good cause, with written notice to the Complainant and Respondent of the reason for the extension and the projected new timeline. If the alleged conduct is also the subject of a criminal investigation, the Title IX Office will coordinate its investigation with the police but must act promptly without delaying its investigation until the conclusion of the criminal investigation.

The investigation generally includes interviews with the Complainant and Respondent, if available, and witnesses and a review of documents as appropriate. Disclosure of facts to persons interviewed shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be advised to maintain confidentiality when essential to protect the integrity of the investigation.

The Complainant or Respondent may have a representative present when personally interviewed and at any related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by University policy or collective bargaining agreement.

**c. Grievance Procedures for Employees**

Instead of, or in addition to, reporting under this *Policy* to the Title IX Officer or other Responsible Employee, an individual who believes they have been subjected to Prohibited Conduct (See Section II.B) can file a grievance. That grievance must meet all of the requirements, including time limits for filing, under the applicable complaint resolution or grievance procedure, listed in *Appendix I: University Complaint Resolution and Grievance Procedures*. Any report filed under an alternative report or grievance procedure will be forwarded to the Title IX Officer for consideration and will be held in abeyance pending resolution under this *Policy*. If a Formal Investigation is conducted under this *Policy*, this investigation will substitute for fact-finding provided under any other report or grievance process. If a Complainant utilizes an alternative University report process, such as a grievance under APM-140, a charge under the Faculty Code of Conduct, or a Whistleblower Report (or Whistleblower Retaliation Complaint), the University officer receiving that report shall forward the report to the Title IX Officer for processing under this *Policy*. After completion of the process under this *Policy*, the report that had been filed via the alternative report process may be reactivated but *only* as a means of appeal by the Complainant.

**5. The Investigation Report**

The investigator will prepare a written report that includes a statement of the allegations and issues, the positions of the Complainant and Respondent, a summary of the evidence, an explanation why any proffered evidence was not investigated, findings of fact, an analysis and determination by the investigator, made by a preponderance of the evidence standard, whether this *Policy* has been violated.

The Complainant and Respondent will be simultaneously informed in writing of:



- the outcome of the investigation and its rationale;
- any rights and procedures for the Complainant and Respondent to appeal;
- any change to the results that occur prior to the time that such results become final; and when results become final;
- how to obtain a copy of the Investigation Report, which shall be redacted to protect the privacy of any personal and confidential information other than information regarding the person who is provided with the report. See APM-160 and other policies governing privacy.

The Report may be used as evidence in related disciplinary and grievance proceedings.

Any conclusion in a Report finding sexual violence, sexual harassment, or retaliation that involves an assessment of academic merit (either individual or programmatic) or academic freedom may only be made following a referral of that assessment to and an opportunity within 10 working days for a response from the Chief Academic Officer or delegee.

## **6. Remedy**

- a. If the Report finds a violation of Prohibited Conduct, the University shall take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects in order to eliminate a hostile environment. For a list of available remedies, see Appendix IV.
- b. To the extent that the remedy has not already been provided in the normal course of the University's educational processes, the Title IX Officer, in consultation with appropriate administrators will oversee the implementation of this Remedy.
- c. The Complainant will be sent a notice documenting any individual remedies offered or provided to the Complainant, and other steps taken to eliminate the hostile environment. The Respondent will be informed of stay away orders, but should not be notified of other individual remedies offered or provided to the Complainant.

## **7. Discipline**

- a. The Title IX Officer shall forward the Investigation Report (with any necessary redactions) to the appropriate administrator responsible for discipline.
- b. Any member of the University community who is found to have engaged in sexual violence or sexual harassment may be subject to disciplinary action depending on the seriousness of the violation, up to and including dismissal in accordance with the applicable University disciplinary procedure (Appendix II: University Disciplinary Procedures) or other University policy.
- c. At the conclusion of any disciplinary proceeding, the administrator of the disciplinary process shall simultaneously inform the Complainant and the Respondent in writing of:

- i. the outcome of the disciplinary proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed, and the rationale for the results;
- ii. any right and procedures, if available, to appeal the outcome;
- iii. any subsequent change to the results and when results will become final.

**B. Location Responsibilities**

Each location must do the following:

1. Designate and provide adequate resources to a Title IX Officer. The responsibilities of the Title IX Officer include, but may not be limited to, the duties listed below:
  - a. Coordinate with other responsible units to ensure that local sexual violence and sexual harassment prevention education and training programs are offered and provided, as required by the *Policy*.
  - b. Provide educational materials to promote compliance with the *Policy* and familiarity with local reporting procedures.
  - c. Provide training for University employees who are responsible for reporting or responding to reports of sexual harassment.
  - d. Provide prompt and equitable response to reports of sexual violence or sexual harassment according to the *Policy*.
  - e. Maintain records of reports of sexual violence and sexual harassment at the location, as well as any actions taken in response to reports, including records of investigations, resolutions, and disciplinary action, as appropriate.
  - f. Identify and address any patterns or systemic problems that arise during the review of sexual violence and sexual harassment reports.
  - g. Post on the Title IX website the names and contact information for the Title IX Officer as well as any additional designated, trained, sexual harassment or sexual violence advisors.
2. Designate persons who can offer consultations without reporting them to the Title IX Officer, to any member of the University community seeking information, or advice about making a report of sexual violence and/or sexual harassment. Each location will post information about how and where to contact confidential resources on its web site.

Individuals who consult with such resources will be advised that their discussions in these settings are *not* considered actual reports of sexual violence, sexual harassment or retaliation. Without additional action by the individual, these discussions will not result in any formal action by the University to resolve their concerns.

3. Establish an independent, confidential Advocacy Office for sexual violence, dating violence, domestic violence, stalking, and sexual assault called *CARE: Advocacy Office for Sexual and Gender-Based Violence and Misconduct*.

4. Provide a “Respondent Services Coordinator” that facilitates fair and equitable services for the Respondent.
5. Establish a consistent response team model consisting of two teams:
  - a. A Case Management Team (CMT) which maintains consistent coordination of reported sexual violence cases, ensures all cases are addressed promptly and equitably, and ensures the response is trauma-informed; and
  - b. A Coordinated Community Review Team (CCRT) responsible for a campus collaborative approach to preventing and addressing sexual violence. The CCRT serves in an advisory capacity to campus leadership and community members about best practices in policies, education, prevention and response to sexual violence.

Note: The requirements of #3, 4, and 5 above are for locations with students only. However, ANR, UCOP, and LBNL should coordinate delivery of these requirements with associated campuses or affiliated organizations.

6. Provide mandatory annual training and education about sexual violence and sexual harassment prevention to all students, faculty, other academic appointees, and staff.

Offer primary prevention programs and awareness campaigns to the University community, to promote ongoing awareness of sexual violence including preventing dating violence, domestic violence, sexual assault, and stalking. These campaigns will include, but are not limited to, education about the definition of consent, consensual relationships, options for bystander intervention, trauma-informed approaches, and risk reduction awareness information. These programs are to promote behaviors that foster healthy and respectful relationships, while also encouraging a safe environment for bystanders to intervene in a potential case of dating violence, domestic violence, sexual assault, and stalking.

7. Follow University established and approved processes for adjudication, investigation, and sanctioning.
8. Offer comprehensive, annual training, for individuals conducting Formal Investigations of reports or conducting hearings on responding to sexual violence, including trauma-informed approaches.
9. Publicize a location-specific process for reporting sexual violence or sexual harassment.
10. Provide written explanation of rights and available options as outlined in this *Policy* including:
  - a. How and to whom to report alleged violations.
  - b. Options for reporting to and/or notifying law enforcement and campus authorities; the right to be assisted by campus authorities in notifying law enforcement authorities, if the Complainant so chooses; and the right to decline to notify such authorities.

- c. The rights of Complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts, as well as the University’s responsibilities to comply with such orders.
  - d. The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order.
  - e. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community.
  - f. Options for, and available assistance to, change academic, living, transportation, and working situations, if the Complainant requests and if such options are reasonably available—regardless of whether the Complainant chooses to report the crime to campus police or local law enforcement.
  - g. Applicable procedures for institutional disciplinary action.
11. Distribute and post this *Policy*. Each location is required to distribute this *Policy* to students, faculty, other academic appointees and staff, by such means as websites, student information boards, student handbook, faculty handbook and staff websites and information boards and during training and student orientation.
12. The Title IX Officer is responsible for maintaining records relating to sexual violence and sexual harassment reports, investigations, and resolutions. Records will be maintained according to University records policies. Records within the scope of the Clery Act will be retained for 7 years, according to federal law. All records pertaining to pending litigation, or a request for records will be maintained according to instructions from legal counsel.

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## VI. RELATED INFORMATION

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- A. [University of California Standards of Ethical Conduct](#)
- B. [University of California Statement of Ethical Values](#)

### Academic Personnel Manual

- A. [Academic Personnel Manual \(APM\) Section 015](#), The Faculty Code of Conduct (referenced in Section III.D, footnote 1)
- B. [Academic Personnel Manual \(APM\) Section 016, University Policy on Faculty Conduct and the Administration of Discipline](#) (referenced in Section III.D, footnote 1)
- C. [Academic Personnel Manual \(APM\) Section 035, Affirmative Action and Nondiscrimination in Employment](#) (referenced in Section III.D, footnote 2)
- D. [Academic Personnel Manual \(APM\) Section 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal

### Presidential Policies and Guidelines

- A. [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#) (referenced in Section III.D, footnote 2)
- B. [Personnel Policies for Staff Members 12 \(Nondiscrimination in Employment\)](#) (referenced in Section III.D, footnote 2)
- C. [Business and Finance Bulletin RMP-2: Records Retention and Disposition: Principles, Processes, and Guidelines](#)
- D. Guidelines on Sexual Violence and Sexual Harassment Outcome Reporting
- E. [Policy on Student Conduct and Discipline](#)
- F. [Student-Related Policy Applying to Nondiscrimination on the Basis of Sex](#)
- G. [University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment](#) (referenced in Section III.D, footnote 2)
- H. [UC Business and Finance Bulletin RMP-8. Legal Requirements on Privacy of and Access to Information](#)
- I. [University of California Policies Applying to Campus Activities, Organizations, and Students](#) (referenced in Section III.D, footnote 2)
- J. [University of California Non-Discrimination Policy](#)  
[Federal and State Regulations](#)
- A. [Government Code 12950.1 Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices](#) (referenced in Section III.D, footnote 2)
- B. [Violence Against Women Reauthorization Act \(VAWA\) of 2013](#)

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## VII. FREQUENTLY ASKED QUESTIONS

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1. **Who can be considered an advisor or representative as described in this Policy?**  
A representative includes any individual who provides the Complainant or Respondent with support, guidance, or advice (including attorneys). The institution cannot limit the choice of a representative, but may establish certain restrictions regarding the extent to which the representative can participate in the proceedings as long as the restrictions apply equally to both parties.
2. **What is a “result” or “outcome” of a disciplinary proceeding?**  
A result or outcome includes a written description of any initial, temporary, and final decision made by any official or authorized person, that aims to resolve a disciplinary matter within the institution. The result must include any **sanctions** imposed by the institution. The result must also include **the rationale for the result and the sanctions**.
3. **Does Dating or Domestic Violence include psychological or emotional abuse?**  
Although this type of conduct does not rise to the level of violence as these terms are defined by the Violence Against Women Reauthorization Act, the University offers prevention education on identifying abusive behavior and reducing the risk of such

behavior. The University also offers counseling and support services to members of the University community who have been subject to, or have been found to have engaged in, this type of conduct.

**4. Why might Sexual Contact constitute sexual violence in some cases but sexual harassment in others?**

Sexual contact encompasses a broad spectrum of conduct, some of which constitutes sexual assault, but some of which is better treated as sexual harassment. One example of sexual contact that could be considered as sexual assault under this Policy is when a Respondent is accused of groping the Complainant's breast under the Complainant's clothing and without any indication of consent. An example of sexual contact that could be considered as sexual harassment is an allegation that the Respondent patted the Complainant's buttocks over the Complainant's clothing. While the example of groping might be resolved through a Formal Investigation, the patting example would generally be handled through Alternative Resolution. The Title IX Officer will review all sexual contact allegations to determine the best procedure for resolving the report based on the totality of the circumstances.

**5. Does Sexual Assault also include “rape” and “sexual battery” as those terms are used in the criminal law context?**

Yes. The types of conduct prohibited by this Policy include “rape” and “sexual battery” as defined in the Penal Code. This Policy also prohibits additional types of nonconsensual sexual contact. For additional assistance with any questions about whether a specific type of conduct violates this Policy, or the law, please contact your local CARE Advocate, UC Police, or Title IX Officer.

**6. Once the outcome of an investigation or disciplinary proceeding under this Policy is disclosed to the Complainant, can the Complainant be asked to keep this information confidential?**

The Complainant can be advised of the confidential and sensitive nature of personnel and student disciplinary matters that arise under this Policy, and in appropriate circumstances, such as in connection with a settlement of a matter, may be asked not to further disclose it.

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## VIII. REVISION HISTORY

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07/01/2015 –

02/25/2004 - This policy was reformatted into the standard University of California policy template effective.

Future revisions to this policy will be circulated under standard procedures for Presidential Policies; in the case of this policy, the review will include circulation under the standard Academic Personnel Manual (APM) process, with final authority resting with the President.

As a result of the issuance of this policy, the following documents are rescinded as of the effective date of this policy and are no longer applicable:

- University of California Policy on Sexual Harassment, dated February 10, 2006

- University of California Procedures for Responding to Reports of Sexual Harassment, dated December 14, 2004
- University of California Policy on Sexual Harassment and Complaint Resolution Procedures, dated April 23, 1992
- University of California Policy on Sexual Harassment and Complaint Resolution Procedures, dated March 10, 1986

**APPENDIX I: Applicable Complaint Resolution and Grievance Policies**

Academic Personnel:

Members of the Academic Senate

[Senate Bylaw 335](#)

Non-Senate Academic Appointees

[APM - 140](#)

Exclusively Represented Academic Appointees

Applicable collective bargaining agreement

Students:

[Policies Applying to Campus Activities, Organizations and Students, Section 110.00](#)

Staff Personnel:

Senior Managers

[PPSM II-70](#)

Managers and Senior Professionals,  
Salary Grades VIII and IX

[PPSM 71](#)

Managers and Senior Professionals,  
Salary Grades I – VII

[PPSM 70](#)

Professional and Support Staff

[PPSM 70](#)

Exclusively Represented Staff Personnel

Applicable collective bargaining agreement

Lawrence Berkeley National Laboratory Employees

[Applicable Laboratory policy](#)

All:

The [University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities \(Whistleblower Policy\)](#) and the [University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints \(Whistleblower Protection Policy\)](#), which govern the reporting and investigation of violations of state or federal laws or regulations and University policy, including sexual harassment.



## APPENDIX II: University Disciplinary Procedures

The following are the disciplinary procedures and policies if a report of sexual harassment or sexual violence results in a recommendation for disciplinary action:

- A. [The Faculty Code of Conduct \(APM - 015\)](#) (as approved by the Assembly of the Academic Senate and by The Regents)
- outlines the ethical and professional standards which University faculty are expected to observe, and
  - identifies various forms of unacceptable behavior which apply in cases of sexual violence or sexual harassment.

Because the forms of unacceptable behavior listed in *The Faculty Code of Conduct* also apply to sexual violence or sexual harassment, a violation of the University's *Policy on Sexual Harassment and Sexual Violence* may constitute a violation of the *Faculty Code of Conduct*. The [University Policy on Faculty Conduct and the Administration of Discipline \(APM - 016\)](#), as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.

- B. Provisions of the policy on [Non-Senate Academic Appointees/Corrective Action and Dismissal \(APM - 150\)](#) (which are applicable to non-exclusively represented academic appointees) and collective bargaining agreements that are applicable to exclusively represented academic appointees allow for corrective action or dismissal for conduct which violates University policy.
- C. The [Policies Applying to Campus Activities, Organizations, and Students](#) sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that can be imposed for each of those violations of University policies or campus procedures.
- D. Provisions of the [Personnel Policies for Staff Members](#), and the Lawrence Berkeley National Laboratory personnel policies (applicable to non-exclusively represented staff employees), and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct that violates University policy for sexual violence or sexual harassment and provide for disciplinary action for violating University policy.
- [PPSM-62: Corrective Action](#)
  - [PPSM-63: Investigatory Leave](#)
  - [PPSM-64: Termination of Career Employees – Professional and Support Staff](#)
  - [PPSM-65: Termination of Career Employees - Managers & Senior Professionals, Salary Grades I through VII](#)
  - [PPSM-67: Termination of Career Employees – Managers & Senior Professionals, Salary Grades VIII and IX](#)
  - [PPSM II-64 \(Termination of Appointment\)](#)

# Sexual Violence and Sexual Harassment



## APPENDIX III: SAMPLE Policy Fact Sheet

The University of California is committed to creating and maintaining an atmosphere free of harassment, exploitation, and/or intimidation for every individual in our community. The University will respond promptly and equitably to reports of sexual violence and sexual harassment, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates the Sexual Violence and Sexual Harassment policy.

**For assistance with incidents of dating violence, domestic violence, sexual assault, sexual violence, sexual harassment, and stalking, please contact:**

On Campus Resources	
<p><b>CARE Advocate</b>                      Confidential 24 hour counselor available for crisis support and referral services</p> <p>(510) 642-4444  <a href="mailto:CAREAdvisor@campus.edu">CAREAdvisor@campus.edu</a></p>	<p><b>The UC Police Department</b>                      (510) 643-7985 (24-hour line)                      (510) 642-3333 (24-hour emergency line)</p>
Off Campus Resources	
<p><a href="#">A Safe Place</a>                      Oakland hotline, shelter, crisis referral, advocacy, counseling, emergency food, clothing and transportation.  <b>24-hr. crisis line: (510) 536-SAFE (7233)</b></p>	<p><a href="#">BAWAR</a>                      24-hr hotline staffed by trained counselors. Accompanies survivors to police dept, hospitals &amp; courts. Offers short term counseling and support groups, and referrals for long-term counseling. Special outreach to Latina survivors.  <b>24-hr. crisis line: (510) 845-RAPE (7273)</b></p>

### What do I do if I've been sexually assaulted?

- **Find a safe location away from your attacker.** If you cannot get somewhere safe, call 911 right away.
- **Get medical attention.** Do not shower, eat, drink go to the bathroom, brush your teeth or change your clothes before going to the hospital.
  - If you want to change your clothes, put them in a paper (not plastic) bag and bring them to the hospital.
  - Seeking medical attention right away will reduce your risk of pregnancy and STI's.
- **Seek support.** Sexual assault is a traumatic experience. If you feel comfortable, seek support from a CARE Advisor, friend, or family member.

### How can I help someone who may have been sexually harassed or sexually assaulted??

- Remember that the victim's wellbeing must be considered before all other matters.
- Immediately reporting a case to the police could be more traumatic for the victim than beneficial. Let them make the decision to report (or not report).
- Talk to the person and reinforce that they are not at fault. However, if the individual does not wish to talk to you, respect their decision.

- Contact resources above for information on how to best support a friend through his or her healing process.

See the [UC Sexual Violence and Sexual Harassment policy, for further information on:](#)

- Prohibited conduct and Affirmative Consent
- Confidentiality of Reports of Sexual Violence and Sexual Harassment
- Procedures for Reporting and Responding to Reports of Sexual Violence or Sexual Harassment
- University Complaint Resolution and Grievance Procedures

## APPENDIX IV – Remedies

At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of this *Policy*.

Remedies include but are not limited to:

- i. *Campus Services Generally*: Inform the Complainant and Respondent about and refer to Campus services that are available to all students and in many cases to others: academic support including tutoring, counseling, disability services, health and mental health services, family planning services, survivor advocacy, housing assistance, legal assistance; information about the right to report a crime to campus or local law enforcement, and written materials prepared by the Title IX Officer pursuant to V.B below.
- ii. *Campus Services Modified For Students*:
  - If a campus service is not generally available or a fee is imposed, the Title IX Officer will arrange for access or the elimination of fees when appropriate.
  - Comprehensive, holistic survivor services including additional medical, counseling and academic support services.
  - Any other accommodations or protective measures that are reasonably available once a Complainant has requested them.
- iii. *Additional Educational Remedies For Students*<sup>2</sup>:
  - Change advisors, class sections and similar schedule adjustments.
  - Arrange extra time for the Complainant to complete academic requirements of a class or program, to re-take a class or withdraw from a class without an academic or financial penalty if the University delayed such accommodations after it reasonably should have known of the violation.
  - Review any disciplinary actions taken against the Complainant subsequent to the incident described in the Report to determine whether there is a causal connection between the violation and the Complainant's misconduct.
- iv. *Remedies Available To Employees, Including Student Employees*:
  - Transfer to a different supervisor, workstation, unit, department, or position for which the employee is qualified provided that, in the case of a Complainant's transfer, the change is voluntary and equitable.
- v. *Training And Education Of The Respondent*: The Title IX Coordinator may require that the Respondent undergo training, including sexual harassment training, anger management training, and periodic refresher classes.

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<sup>2</sup>April 29, 2014 A-6 providing safety

**vi. No Contact Remedies:**

- Complainant and Respondent Options:
  - a) The Title IX Officer will notify the Complainant and Respondent of options to avoid contact and assist the Complainant and Respondent to change academic and extracurricular activities or living, transportation, dining, and working situations as appropriate,
  - b) assist the Complainant and Respondent to apply for no contact orders; and,
  - c) when appropriate, arrange for effective escort services to ensure that the Complainant and Respondent can move safely between classes and activities.
  
- Respondent's Restrictions: *some of which may be imposed by Title IX Officer, all of which may be implemented by agreement, and the more serious of which may be imposed only pursuant to Discipline*
  - a) Allow the Complainant to take the regular sections of courses while arranging for the Respondent to take the same courses online or through independent study;
  - b) Moving the Respondent to a different residence hall;
  - c) Forbidding the Respondent to participate in specific athletic or extracurricular events or social clubs (including fraternities or sororities);
  - d) Requiring that the Respondent stay away from the Complainant for a period of time (up to the Complainant's graduation or other departure from the campus) via scheduling or class changes;
  - e) Prohibiting the Respondent from attending school for a period of time, or transferring the Respondent to another campus; and
  - f) If a Respondent presents an ongoing safety risk, excluding the Respondent from campus.

**vii. Other Remedies Devised By The Title IX Officer Or Other Administrator.**



University of California ~~Policy~~ ~~SHSV~~  
~~Sexual Harassment and Sexual Violence~~  
~~Sexual Violence and Sexual Harassment~~

Interim Policy

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~~correct, and when necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence (hereafter referred to as *Policy*).~~

~~This *Policy* applies to all University of California employees and students at its campuses, the Lawrence Berkeley National Laboratory, the Medical Centers, the Office of the President ("locations"), Agriculture and Natural Resources, and its University programs and activities. This *Policy* furthers the University's commitment to compliance with the law and to the highest standards of ethical conduct as outlined in the University's Statement of Ethical Values and Standards of Ethical Conduct.~~

~~It is the policy of the University not to engage in discrimination against or harassment of any person associated with the University of California.~~

~~This *Policy* addresses the University of California's responsibilities and procedures related to sexual violence and sexual harassment in order to ensure an equitable and inclusive education and employment environment free of sexual violence and sexual harassment. The *Policy* defines conduct prohibited by the University of California and explains the administrative procedures the University uses to resolve reports of sexual violence and sexual harassment.~~

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FOR QUESTIONS ABOUT THIS ~~POLICY~~POLICY, PLEASE CONTACT:

Academic

Student

Staff

Contact	<a href="#">Janet Lockwood</a>	<a href="#">Eric Heng</a>	<a href="#">Rachael Howard</a>
Email:	<a href="mailto:Janet.Lockwood@ucop.edu">Janet.Lockwood@ucop.edu</a>	<a href="mailto:Eric.Heng@ucop.edu">Eric.Heng@ucop.edu</a>	<a href="mailto:Rachael.Howard@ucop.edu">Rachael.Howard@ucop.edu</a>
Contact:	<a href="#">Janet Lockwood</a>	<a href="#">Eric Heng</a>	<a href="#">Jeannene Whalen</a>
Email:	<a href="mailto:Janet.Lockwood@ucop.edu">Janet.Lockwood@ucop.edu</a>	<a href="mailto:Eric.Heng@ucop.edu">Eric.Heng@ucop.edu</a>	<a href="mailto:Jeannene.Whalen@ucop.edu">Jeannene.Whalen@ucop.edu</a>
Phone:	(510) 987-9499	(510) 987-0239	(510) 987- <del>0853</del> <b>9859</b>



# Sexual Violence and Sexual Harassment



## II. DEFINITIONS

### A. Consent

Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence, alone, does not constitute consent. Affirmative consent must be ongoing throughout sexual activity and can be revoked at any time. 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. Similarly, the existence of a subsequent dating relationship or subsequent sexual relations should not be assumed to be an indicator of consent to prior conduct.

The Respondent's belief that the Complainant consented shall not provide a valid excuse where:

1. The Respondent's belief arose from the Respondent's own intoxication or recklessness;
2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented;
3. The Respondent knew or reasonably should have known that the Complainant was unable to consent because the Complainant was:
  - a. asleep or unconscious;
  - b. incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; or
  - c. unable to communicate due to a mental or physical condition.

Incapacitation: The physical and/or mental inability to make informed and rational judgments. States of incapacitation include, but are not limited to being semi-conscious, unconsciousness, or asleep. Alcohol, drugs, or other medication can also be a factor. Incapacitation is defined with respect to how the alcohol or other drugs that were consumed affect a person's decision-making capacity, awareness of consequences, ability to make fully informed judgments, and ability to communicate.

Being intoxicated by drugs, alcohol, or other medication does not give another party permission to ignore whether consent was given.

### B. Prohibited Conduct

#### 1. Sexual Violence:

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**a. Sexual Assault:** Sexual contact or penetration, as defined below, that occurs without the consent of the other person, or when the other person is unable to consent to the activity.

**i. Sexual Contact:** is defined as touching an intimate body part (genitals, anus, groin, breasts or buttocks), (i) unclothed or (ii) clothed. Note: This definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. When reports alleging sexual contact are received, the Title IX Officer will determine whether the allegation should be treated as sexual violence or sexual harassment. (See FAQ for more information)

**ii. Sexual Penetration:** is defined as the penetration no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.

**Note:** Actual or attempted sexual assault is aggravated (more serious) when it includes, but is not limited to, the following:

- Overcoming the will of Complainant by:
  - force (the use of physical force or inducing reasonable fear of immediate bodily injury);
  - violence (the use of physical force to cause harm or injury);
  - menace (a threat, statement, or act showing intent to injure);
  - duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit to something that he or she would not otherwise do).
  - deliberately causing a person to be incapacitated (through drugs or alcohol);
  - taking advantage of the other person's incapacitation (including voluntary intoxication)
- Recording, photographing, transmitting, viewing or distributing intimate or sexual images without the knowledge and consent of all parties involved.

**b. Relationship Violence:**

**i. Dating Violence:** Intentionally, or recklessly, causing, attempting, or threatening to cause bodily injury to the Complainant or another by a person who is or has been in a romantic or intimate relationship with the complainant as determined by the length, type, frequency of interaction between them. Dating violence also includes placing the Complainant in reasonable fear of serious bodily.

**ii. Domestic Violence:** Intentionally, or recklessly, causing, attempting, or threatening to cause bodily injury to the Complainant or another by a person who is:

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- ~~• a current or former spouse or intimate partner of the Complainant; or~~
- ~~• a person with whom the Complainant shares a child in common.~~

~~Domestic violence also includes placing the Complainant in reasonable fear of serious bodily.~~

~~c. **Stalking:** repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for his or her safety, or the safety of others, or to suffer substantial emotional distress.~~

~~Stalking of a non-sexual nature is addressed by other University including but not limited to the Student Code of Conduct, Section 102.10.~~

~~d. **Sexual Intercourse with a Minor** is sexual intercourse with a person under the age of 18.~~

~~2. **Sexual Harassment** is defined as:~~

~~a. **General Situations**~~

~~For all incidents other than those between students outside of an employment context (see below), sexual harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal, or physical conduct of a sexual nature. ~~Sexual harassment is when:~~~~

~~i. *Quid Pro Quo:* a person's submission to such conduct ~~that explicitly or is implicitly affects a person's employment or or explicitly made the basis for employment decisions, academic evaluation, grades or advancement; or other decisions affecting participation in a University program or activity; or~~~~

~~ii. *Hostile Environment:* such conduct is sufficiently severe or pervasive as to create a hostile environment that denies or adversely limits a person's participation in or benefit from the education or, employment or other programs and services of the University; or it creates an environment that affects or interferes with a person's employment, work, education, and/or educational performance or creates an environment such that, and which a reasonable person would find the conduct to be intimidating, hostile, or offensive. ~~Sexual harassment includes sexual violence (see definition below). The University will respond to reports of any such conduct in accordance with the Policy.~~~~

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Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients). ~~Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.~~

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~~b. Consistent with the Sexual Harassment between students outside of an employment context: The University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Policy 100.00 on Student Conduct and Discipline, Section 102.09, define sexual harassment of one student by another student is defined as unwelcome conduct of a sexual nature 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. This definition does not apply to sexual violence, as defined in this Policy.~~

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~~Sexual Violence is defined as physical sexual acts engaged without the consent harassment may occur in hierarchical relationships, between peers, or between individuals of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.~~

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~~iii. Abuse: means intentionally any gender or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another gender identity. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the totality of the circumstances.~~

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~~Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.~~

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~~**Sexual Assault** occurs when physical sexual activity is engaged without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication).~~

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~~**Consent** is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.~~

~~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.~~

~~Consent is revocable. 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. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.~~

~~Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment.~~

~~For purposes of this Policy, the age of consent is consistent with California Penal Code Section 261.5.~~

~~**Incapacitation** is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol, drugs or other medication are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, ability to make fully informed judgments, and inability to communicate. Being intoxicated by drugs, alcohol or other medication does not absolve one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated.~~

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c. **Stalking** is behavior in which a person repeatedly engages in the conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others occurred.

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**Executive Officer:** The **Note On Sex Discrimination:** In addition to sexual harassment, discrimination based on sex, gender, gender identity, gender expression, sex- or gender-stereotyping, and sexual orientation violates law and other University policies. Such discrimination may also contribute to the creation of a hostile work or academic environment based on sex and thus constitute or contribute to sexual harassment.

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### 3. **Retaliation**

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Retaliation includes threats, intimidation, reprisals, and/or adverse employment or education actions against a person based on their report of or participation in the report, investigation, remedial, and/or disciplinary processes provided for in this Policy.

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## C. **Other Definitions**

### 1. **Confidential Resources:**

Employees who can provide confidential consultation in their professional capacity include the:

- a. **CARE** advocates,
- b. **Ombuds**, **President**, **Chancellor**,
- c. Licensed counselors in employee assistance programs,
- d. Licensed counselors in student counseling centers,
- e. Any persons with a professional license requiring confidentiality (excluding campus legal counsel), or someone who is supervised by such a person, and
- f. Any health sciences center employees with a professional license requiring confidentiality, or someone who is supervised by such a person.

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Designation as a "Confidential Resource" for purposes of this Policy only exempts these individuals from reporting to the Title IX office. Individuals with other mandatory reporting obligations must still comply with the UC CANRA (Child Abuse and Neglect Reporting Act) Policy, reporting obligations as a Campus Security Authority (CSA) under the Clery Act, and other policies or laws that require reporting to campus or local law enforcement, or Child Protective Services.

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2. **Complainant:** Any person who files a report of sexual harassment or sexual violence or any person who has been the alleged subject of sexual violence, sexual harassment or retaliation.

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3. **Location:** "Location" is all University of California campuses, the Lawrence Berkeley National Laboratory, ~~Director, or Vice~~, ~~Medical Centers~~, the Office of the President, ~~of Agricultural~~, and Agriculture, and Natural Resources.

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4. **Preponderance of Evidence:** A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.
5. **Respondent:** A person alleged to have engaged in a Prohibited Conduct and about whom a report of sexual violence, sexual harassment or retaliation is made.
6. **Responsible Employee:** Any University employee who is not a confidential resource and who receives information about possible sexual violence or sexual harassment involving an **undergraduate student** must promptly notify the Title IX Officer or designee. This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees.

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Any of the following individuals who receive a report of sexual violence or sexual harassment from any other person affiliated with the University are responsible for promptly forwarding such reports to the Title IX Officer:

- Campus Police
- Human Resources staff, Academic Personnel Office staff, and Title IX Professionals
- Managers and Supervisors, including Deans, Department Chairs, and Directors of an Organized Research Unit (ORU)

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### III. POLICY STATEMENT

~~A.~~

#### ~~A. General~~

~~The University prohibits sexual harassment of California is committed to creating and maintaining a community free of sexual violence and sexual violence. Such behavior violates harassment for every individual. Sexual violence and sexual harassment violate both law and University policy. Any member of the University community may report conduct that may constitute sexual violence or sexual harassment. The University will respond promptly and effectively equitably to such reports of sexual harassment, and sexual violence and will take appropriate action to stop, prevent, to correct and remedy the sexual violence and sexual harassment, and when necessary, to discipline behavior that violates this Policy. the Respondent.~~

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~~B. To determine if there has been sexual violence or sexual harassment, the University may take into account any acts of harassment based on sex, gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation. Harassment that may not be sexual, but still contributes to a hostile work or academic environment, also could violate the University's non-discrimination policies.<sup>1</sup>~~

<sup>1</sup> University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff; Nondiscrimination and Affirmative Action Policy Statement for University of California;



~~Interim Policy~~

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~~**B. Prohibited Acts**~~~~Conduct,~~

~~This Sexual Violence and Sexual Harassment Policy (hereafter referred to as *Policy*) prohibits sexual violence, sexual harassment, and sexual violence retaliation as defined in Section II. Conduct by an employee that is sexual harassment or sexual violence in violation of this *Policy* is considered to be outside the course and scope of employment.~~

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~~**C. Consensual Relationships**~~

~~This *Policy* covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies. For example, policies governing faculty-student relationships are detailed in The Faculty Code of Conduct.<sup>2</sup> Locations may have local policies pertaining to consensual relationships. While romantic and sexual relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence; instances of sexual violence and sexual harassment may occur within such relationships. Accordingly, a report of sexual violence or sexual harassment that occurs within the context of a consensual relationship will be treated as any other report.~~

~~**D. Gender Identity, Gender Expression, or Sexual Orientation Discrimination**~~

~~Harassment that is not sexual in nature but is based on gender, gender identity, gender expression, sex or gender stereotyping, or sexual orientation also is prohibited by the University's nondiscrimination policies<sup>3</sup> if it denies or limits a person's ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual~~

~~Academic Personnel Manual (APM) Section 035, Affirmative Action and Nondiscrimination in Employment; Personnel Policies for Staff Members 12, Nondiscrimination in Employment; University of California Policies Applying to Campus Activities, Organizations, and Students; and Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters.~~

~~<sup>2</sup>The Faculty Code of Conduct may be found in the Academic Personnel Manual (APM) Section 015.~~

~~<sup>3</sup>University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff~~

~~Employment; Nondiscrimination and Affirmative Action Policy Statement for University of California~~

~~Publications Regarding Employment Practices; Academic Personnel Manual (APM) Section 035, Affirmative Action and Nondiscrimination in Employment; Personnel Policies for Staff~~

~~Members 12, Nondiscrimination in Employment; University of California Policies Applying to Campus Activities, Organizations, and Students; and Nondiscrimination Policy Statement for~~

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~~harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, gender identity, gender expression, sex or gender stereotyping, or sexual orientation.~~

~~E. Because consensual romantic and sexual relationships between members of the University community may give rise to conflicts of interest, such relationships between a student and faculty member or other employees or between employees are also subject to other University policies, such as The Faculty Code of Conduct, APM-015.II.A.6 & 7 and local policies.~~

#### ~~4. Protection for Retaliation~~

~~This *Policy* prohibits retaliation against a person who reports sexual harassment or sexual violence, assists someone with a report of sexual harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.~~

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#### ~~F. Student Amnesty~~

~~C. Complainants and witnesses, who are students, and who participate, Respondents, and Witnesses~~

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- ~~1. Immunity: To encourage reporting, neither a Complainant nor witness in an investigation of sexual violence will not be subject to disciplinary sanctions for a violation of the University's student relevant university conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places violation placed the health or safety of any other person another, at risk or, involves plagiarism, cheating, or academic dishonesty, or was otherwise egregious.~~

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#### ~~G. Dissemination of the Policy, Educational Programs, and Employee Training~~

~~As part of the University's commitment to providing a working and learning environment free from sexual harassment and sexual violence, this *Policy* shall be disseminated widely to the University community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. The locations shall make preventive educational materials and prevention training available to all members of the University community to promote compliance with this *Policy* and familiarity with local procedures. The locations shall designate University employees responsible for reporting sexual harassment and sexual violence and make available prevention training to designated employees. In addition, the University will provide annual training to investigators and hearing officers. Each location shall post a copy of this *Policy* in a prominent place on its website (See Section V. Procedures).~~

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#### ~~H. Reporting Sexual Harassment or Sexual Violence~~

~~Any member of the University community may report conduct that may constitute sexual harassment or sexual violence to any supervisor, manager, or Title IX Officer (Sexual Harassment Officer). Supervisors, managers, and other designated employees are responsible for promptly forwarding such reports to the Title IX Officer (Sexual Harassment Officer) or other local official designated to review and investigate sexual harassment and sexual violence complaints. Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment or sexual violence who knew about the incident and took no action to stop it or failed to report the prohibited act may be subject to disciplinary action.~~

- ~~2. Each location shall identify confidential resources, including but not limited to the CARE Advocate and Campus Retaliation: Retaliation against someone for reporting or participating in an investigation and related processes is prohibited. See Prohibited Conduct in this Policy.~~
- ~~3. Privacy: The University will protect the privacy of individuals involved in a report of sexual violence or sexual harassment to the extent permitted by law and by University policy. However, it should be recognized that an investigation may involve interviews with a number of persons to inquire if they have relevant evidence, and extremely sensitive information may be gathered. While such information is considered confidential, University policy may also require the disclosure of certain information during or following an investigation. Efforts will be made to redact written reports and to protect the privacy of individuals, to the extent possible.~~

~~Ombuds, with whom members of the University community can consult for advice and information regarding making a report of sexual harassment or sexual violence. Requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. See Section V.E and F for more information regarding confidentiality and privacy. Also, an individual may file a complaint or grievance alleging sexual harassment or sexual violence under the applicable University complaint resolution or grievance procedure (Section V, Procedures; Appendix I: University Complaint Resolution and Grievance Procedures).~~

#### ~~I. Response to Reports of Sexual Harassment or Sexual Violence~~

~~The locations shall provide prompt and effective response to reports of sexual harassment or sexual violence, which may include Early Resolution, Formal Investigation, and/or targeted prevention training or educational programs. See Section V, Procedures for more information.~~

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If an individual reports to the University that the individual has been a victim of domestic violence, dating violence, sexual assault, or stalking, s/he shall be provided with a written explanation of the individual's rights and options whether the offense occurred on or off campus or on any University location.

Upon a finding of sexual harassment or sexual violence, the University may offer remedies to the individual or individuals harmed by the harassment and/or violence consistent with applicable complaint resolution and grievance procedures (*Appendix I: University Complaint Resolution and Grievance Procedures*). Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions, such as changes in academic, living, transportation, or working situations.

~~Any member of the University community who is found to have engaged in sexual harassment or sexual violence is subject to disciplinary action including dismissal in accordance with the applicable University disciplinary procedure (*Appendix II: University Disciplinary Procedures*) or other University policy. Generally, disciplinary action will be recommended when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs.~~

**D. J. Free Speech and Academic Freedom**

~~As participants in a public university, the~~The faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. ~~This Policy is intended to protect members of the University community from discrimination, not to regulate protected speech. This Policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.~~

The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this ~~Policy~~ shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. ~~(See APM-010 and 015.)~~

However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

**A. K. Additional Enforcement Information**

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate complaints of unlawful harassment, including sexual violence, in employment. The U.S.

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~~Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC, DFEH or OCR.~~

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## IV. COMPLIANCE / RESPONSIBILITIES

### A.

#### A. Implementation of the Policy

~~Responsible Executive Officers (the University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources) or their designees, have the authority to develop procedures or other and supplementary information to support the implementation of this Policy. Responsible Officers may (Vice Provost-Academic Personnel and Programs, the Vice President of Student Affairs and Vice President of Human Resources) will apply appropriate and consistent interpretations to clarify the of this Policy provided that the interpretations do not result in substantive changes to the Policy.~~

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~~The Executive Officer, or their designee, at each location is authorized to, must establish and is responsible for implement local procedures to implement the Policy. Local procedures must be consistent with the this Policy. Exceptions to local procedures required by the Policy must be approved by the Executive Officer or designee.~~

~~Executive Officers and Responsible Officers are authorized to determine responsibilities and authorities at secondary administrative levels to establish local procedures necessary to implement the Policy.~~

~~Each location is responsible for describing each type of disciplinary proceeding used by the location. This includes the steps, anticipated timelines, and decision-making process for each type of disciplinary proceedings. The procedures must also describe how the location determines which type of proceeding to use based on the circumstances of an allegation.~~

### B.

#### B. Revisions to the Policy

~~The President approves the Policy and has the authority to approve any revisions upon recommendation by the Responsible Officers.~~

~~The Responsible Officers have the authority to initiate recommend revisions to the Policy consistent with approval authorities and applicable Bylaws, Standing Orders, and Policies of The Regents.~~

University of California ~~Policy~~ ~~SHSV~~ ~~Interim Policy~~  
Sexual Harassment and Sexual Violence  
Sexual Violence and Sexual Harassment

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The UC Provost and Executive Vice President of Academic Affairs, and the UC Executive Vice President – Chief Operating Officer have the authority to ensure that the *Policy* is reviewed regularly and updated in a manner that is consistent with other University policies.

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**C. ~~C.~~ Approval of Actions**

Actions within the *Policy* must be approved ~~in accordance with~~ according to local procedures.

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

The Executive Officer at each location will designate the local management office that is responsible for monitoring, enforcing, and reporting *Policy* compliance.

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**E. Additional Enforcement Information**

The U.S. Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate reports of unlawful harassment, and sexual violence in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates reports of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as fact finders and attempt to facilitate the voluntary resolution of disputes. For more information, contact the nearest office of the EEOC, DFEH or OCR.

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**E.**

**F. Noncompliance with the Policy**

~~Noncompliance with the *Policy* is managed in accordance with~~ Engaging in Prohibited Conduct, defined in this *Policy*, is governed by this *Policy* and the Policy on Student Conduct and Discipline, Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters, and in accordance with other University policies, including but not limited to 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters, The Faculty Code of Conduct (APM - 015) and University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150) or, as applicable, collective bargaining agreements. Reference Section VI and Appendices I and II.

Non-Senate Academic Appointees/Corrective Action and Dismissal (APM-150), and as applicable, collective bargaining agreements, and other policies. See Section VI and Appendices I and II. Non-compliance with this *Policy*, other than violations of Prohibited Conduct, may result in employment or educational consequences up to and including informal counseling, education, adverse performance evaluations, corrective actions, and termination.

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## V. REQUIRED PROCEDURES

### A. ~~Location Responsibilities~~

The locations shall:

- ~~1. Establish an independent, confidential Advocacy Office for sexual misconduct (sexual violence, dating violence, domestic violence, stalking, and sexual assault) called CARE: Advocacy Office for Sexual and Gender-Based Violence and Misconduct;~~
- ~~2. Provide mandatory sexual harassment prevention training and education to the University community. Additionally consistent with California Government Code 12950.1, provide sexual harassment and abusive conduct prevention training and education to each supervisory employee;~~
- ~~3. Provide mandatory prevention education programs to all incoming students and new employees, and ongoing prevention and awareness campaigns to the University community, to promote awareness of rape and acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, including the definition of consent, options for bystander intervention, and risk reduction awareness information;~~
- ~~4. Provide mandatory comprehensive annual training on issues related to responding to sexual violence as defined in this Policy, including trauma-informed approaches, for individuals conducting formal investigations of reports or conducting hearings;~~
- ~~5. Provide all members of the University community with a process for reporting sexual harassment or sexual violence in accordance with the Policy;~~
- ~~6. Identify internal and external resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services;~~
- ~~7. Provide prompt and effective response to reports of sexual harassment, sexual violence, or reports of retaliation related to reports of sexual harassment or sexual violence in accordance with the Policy;~~
- ~~8. Provide written notification as outlined in Section V.B.1 of the Policy; and~~
- ~~9. Designate trained individuals, including, or other than, the Title IX Officer (Sexual Harassment Officer) to serve as resources for members of the University community who have questions or concerns regarding behavior that may be sexual harassment or sexual violence.~~

~~10. Proceedings will incorporate these additional elements:~~

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- a. ~~Timely notice of meetings at which the accused or complainant, or both, may be present.~~
- b. ~~Timely access to the complainant, the accused, and appropriate officials to any information that will be used after the fact-finding investigation but during informal and formal disciplinary meetings and hearings.~~
- c. ~~Is conducted by officials who do not have a conflict of interest or bias for or against the complainant or the accused.~~

~~Title IX Officer (Sexual Harassment Officer)~~

~~Each location shall designate a single Title IX Officer (Sexual Harassment Officer). The names and contact information for the Title IX Officer (Sexual Harassment Officer) and any designated trained sexual harassment or sexual violence advisors shall be posted with the *Policy* and local procedures on the location's website and be readily accessible to the University community. The responsibilities of the Title IX Officer (Sexual Harassment Officer) include, but may not be limited to, the duties listed below:~~

- ~~(a) Coordinate with other responsible units to ensure that local sexual harassment and sexual violence prevention education and training programs are offered and provided as required by the *Policy*;~~
- ~~(b) Disseminate the *Policy* widely to the University community;~~
- ~~(c) Provide educational materials to promote compliance with the *Policy* and familiarity with local reporting procedures;~~
- ~~(d) Train University employees responsible for reporting or responding to reports of sexual harassment;~~
- ~~(e) Provide prompt and effective response to reports of sexual harassment or sexual violence in accordance with the *Policy*;~~
- ~~(f) Maintain records of reports of sexual harassment and sexual violence at the location and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate; and~~
- ~~(g) Identify and address any patterns or systemic problems that arise during the review of sexual harassment and sexual violence complaints.~~

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~~A. **B. Procedures for Reporting and Responding to Reports of Sexual Harassment or Sexual Violence**~~

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~~All members of the University community are encouraged to contact the Title IX Officer (Sexual Harassment Officer) if they observe or encounter conduct that may be subject to the Policy. This includes conduct by employees, students, or third parties.~~

~~1. Reporting~~

~~Reports of sexual harassment or sexual violence, including reports by Complainants and reports by a third party including anonymous reports, of Prohibited Conduct may be brought to the Title IX Officer (Sexual Harassment Officer), or to any manager, supervisor, or other designated employee responsible for responding to reports of sexual harassment or sexual violence, or to a Responsible Employee who shall forward the report to the Title IX Officer. If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to another manager, supervisor, or designated employee. Managers, supervisors, and designated employees are required to notify the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints when a report is received. Responsible Employee.~~

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~~Note: Timelines for Making Reports~~

~~Reports of sexual violence or sexual harassment or sexual violence should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting all incidents should be reported even if significant time has elapsed, prompt reporting will better enable the University to respond to the report, determine the issues, and, investigate, provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a, and impose discipline if appropriate.~~

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~~2. Initial Assessment of a Report~~

~~As soon as practicable after receiving a report, the Title IX Officer will make an initial assessment of the report may impede the University's ability to conduct an investigation and/or to take appropriate remedial actions, to determine whether the report, on its face, alleges a violation set forth in Prohibited Conduct defined in Section II; and such conduct has a sufficient nexus with the University for it to intervene.~~

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~~1. Required Notifications For Reports of Sexual Violence~~

~~a. The University will provide Immediate Health and Safety When a report of sexual violence has been made, the Title IX Officer, in coordination with the Case Management Team (see Section V below), shall make an immediate assessment concerning the health and safety of the individual and the campus community, implement remedies immediately necessary (including stay away orders), and inform the Complainant of campus and community resources, rights and reporting options (including the right to make reports to the police), and a written~~

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~~explanation of available rights and options, including procedures to follow, when the~~ (See Appendix IV and Location Responsibilities in Section V).

~~Failure to comply with the terms of such Health, Safety and Educational Responses may be considered a separate violation of this Policy.~~

**~~b. Jurisdiction over Reports of Sexual Violence or Sexual Harassment~~**

~~The University has jurisdiction over alleged violations of this Policy by students, staff and other academic appointees that occur on University grounds and facilities such as offices and residence halls, or that occur in connection with University activities, programs, or events. In addition, the University has discretion under this Policy to exercise jurisdiction over conduct that occurs off-campus but affects the learning or working environment. For incidents involving student or employee who has been a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the offense occurred on campus, the University may exercise jurisdiction over off-campus conduct that would violate other University Policies if it occurred in connection with any University program. The written on campus. Please refer to Section IV of the Student Conduct Code for further information shall include about the University's exercise of off-campus jurisdiction in such cases.~~

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~~(a) **Notifications** How and to whom the alleged offense should be reported;~~

~~(b) options for reporting to law enforcement and University authorities, including the option to notify local or University law enforcement authorities; the right to be assisted by University authorities in notifying law enforcement authorities if the complainant so chooses and the right to decline to notify such authorities;~~

~~(c) the rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts and the University's responsibilities regarding such orders;~~

~~(d) the importance of preserving evidence as may be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protection order;~~

~~(e) existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community;~~

~~(f) options for, and available assistance to, change academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to University police or local law enforcement;~~

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~~(g) Any applicable procedures for institutional disciplinary action.~~

~~2. Options for Resolution~~

~~Individuals reporting sexual harassment or sexual violence shall be informed about options for resolving potential violations of the Policy. These options shall include procedures for Early Resolution, procedures for Formal Investigation, and filing complaints or grievances under applicable University complaint resolution or grievance procedures. Individuals making reports also shall be informed about policies applying to confidentiality of reports under this Policy (see Section V.G below). Locations shall respond to the greatest extent possible to reports of sexual harassment and sexual violence brought anonymously or brought by third parties not directly involved in the asserted offenses. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.~~

~~3. Individuals reporting sexual harassment and sexual violence shall be informed about the~~

~~Individuals making reports shall be informed about:~~

- ~~• Policies applying to confidentiality of reports under this Policy.~~
- ~~• The range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the incident, and Health and Safety measures, remedies, disciplinary actions that might be taken against the accused as a result of the report, including Respondent, and information about the procedures leading to such outcomes.~~

~~An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of sexual harassment or sexual violence in good faith, who assisted someone with a report of sexual harassment or sexual violence, or who participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence, may make a report of retaliation under these procedures. The report of retaliation shall be subject to the procedures in Section V.B.3 and Section V.B.4 below.~~

~~4. Procedures for Early Overview of Resolution Processes~~

~~The University has several resolution processes for addressing reports of sexual violence and sexual harassment. These include procedures for Alternative Resolution, procedures for Formal Investigation, and filing reports or grievances under applicable University complaint resolution or grievance procedures.~~

~~3.a. Alternative Resolution~~

~~After a preliminary inquiry into the facts which does not involve a Formal Investigation and Report, the Title IX Officer may initiate an Alternative Resolution which permits a variety of options, including:~~

- ~~• mediation (except in cases of sexual violence);~~

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~~The goal of Early Resolution is to resolve concerns at the earliest stage possible with the cooperation of all parties involved. Locations are encouraged to utilize Early Resolution options when the parties desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Participation in the Early Resolution process is voluntary. Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution shall be flexible and encompass a full range of possible appropriate outcomes.~~

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- ~~• Early Resolution includes options such as mediating an agreement between the parties, separating the parties;~~
- ~~• providing for safety;~~
- ~~• referring the parties to counseling programs, negotiating an agreement for;~~
- ~~• taking disciplinary action;~~
- ~~• conducting targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense. Early Resolution also includes options such as discussions with the parties, making recommendations for resolution, and;~~
- ~~• conducting a follow-up review after a period of time to assure ensure that the resolution has been implemented effectively. Early Resolution may be appropriate for responding to anonymous reports and/or third party reports. Steps taken to encourage Early Resolution and agreements reached through Early Resolution efforts should be documented.~~

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~~While the University encourages Early Resolution of a complaint, the University does not require that parties participate in Early Resolution prior to the University's decision to initiate a Formal Investigation. Some reports of sexual harassment or sexual violence may not be appropriate for mediation but may require a Formal Investigation at the discretion of the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints. The University will not compel a complainant to engage in mediation. Mediation, even if voluntary, may not be used in cases involving sexual violence.~~

#### *Procedures for*

~~Alternative Resolution may be especially useful when a Report is made by a third party or anonymously; when a Formal Investigation is not likely to lead to a satisfactory outcome; when both parties prefer an informal process; or in cases involving less serious violations. The Complainant and Respondent have the right to request a Formal Investigation at any time and may be accompanied by a support person throughout the process.~~

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**4.b. Formal Investigation**

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~~In cases where Early Alternative Resolution is inappropriate or in cases where Early Resolution is unsuccessful, the location may conduct a Formal Investigation. ~~In such cases, the individual making the report may be encouraged to file a written request for Formal Investigation. The wishes of the individual making the~~ Where an individual has requested an investigation, that request shall ~~will~~ be considered, but are ~~is~~ not determinative, in the decision to initiate a Formal Investigation of a report of sexual harassment or sexual violence. In cases where there is no written request, the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints, potentially in consultation with the administration, may initiate a Formal Investigation after making a preliminary inquiry into the facts.~~

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~~In cases where a complainant states he or she does not want to pursue a Formal Investigation, the Title IX Officer (Sexual Harassment Officer) should inform the complainant that the ability to investigate may be limited. When determining whether to go forward with a Formal Investigation, the Title IX Officer (Sexual Harassment Officer) may consider: 1) the seriousness of the allegation, 2) in the case of a student complainant, the age of the student, 3) whether there have been other complaints or reports against the accused, and 4) the rights of the accused individual to receive information about the complainant and the allegations if formal proceedings with sanctions may result from the investigation. Even if a complainant does not want to pursue an investigation, under some circumstances, the Title IX Officer (Sexual Harassment Officer) may have an obligation to investigate a complaint, such as when there is a risk to the University community, if the accused remains on campus or at the University location. The complainant should be made aware of this independent obligation to investigate the complaint.~~

~~In order to provide a prompt, fair, and impartial investigation~~ However, if the Complainant requests that no investigation occur, the Title IX Officer shall determine whether the allegations nonetheless require an investigation to mitigate an apparent risk to the campus community. If determining not to proceed with an investigation, the Title IX Officer shall inform the Complainant that the ability to provide remedies may be limited, but the Title IX Officer shall nonetheless afford such remedies as are consistent with maintaining confidentiality and the absence of an administrative finding.

~~When the Title IX Officer determines to conduct an investigation, the Complainant and Respondent will be provided with a written summary of the allegations, the procedures that will be followed, resources available to them and a copy of the Policy. If proceeding with an investigation, the Title IX Officer shall attempt to maintain the identity of the Complainant confidential from the~~

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~~Respondent or inform the Complainant that such confidentiality cannot be maintained.~~

~~(a) The investigation shall be completed promptly, typically within 60 working days of its initiation, unless extended by the Title IX Officer for good cause, with written notice to the Complainant and Respondent of reports of sexual harassment the reason for the extension, and/or sexual violence shall incorporate the following standards:~~

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~~i. The individual(s) accused of conduct violating the Policy shall be provided a copy of the written request for Formal Investigation or otherwise given a full and complete written statement of the allegations, and a copy of the Policy; and~~

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~~ii. The individual(s) conducting the investigation shall be familiar with the Policy, have training or experience in conducting investigations, and as relevant to the investigation, be familiar with policies and procedures specific to students, staff, faculty, academic appointees, and visitors. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to sexual violence. Such training includes how to conduct an investigation that protects the safety of the complainants and promotes accountability.~~

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~~(b) the projected new timeline. If the alleged conduct is also the subject of a criminal investigation, the location may not wait for the Title IX Office will coordinate its investigation with the police but must act promptly without delaying its investigation until the conclusion of the criminal investigation to begin an investigation pursuant to this Policy. However, the location may need to coordinate its fact-finding efforts with the police investigation. Once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the location must promptly resume and complete its fact-finding for the sexual harassment or sexual violence investigation.~~

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~~(c) The investigation generally shall include includes interviews with the parties Complainant and Respondent, if available, interviews with other and witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses persons interviewed shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall may be advised that maintaining to maintain confidentiality is when essential to protect the integrity of the investigation.~~

~~(d) The investigator shall apply a preponderance of evidence standard to determine whether there has been a violation of this Policy.~~

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~~(e) Upon request, the complainant and the accused may each. The Complainant or Respondent may have a representative present when he or she is personally interviewed, and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy or collective bargaining agreement.~~

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~~(f) At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of this Policy.~~

### **c. Grievance Procedures for Employees**

~~Instead of, or in addition to, reporting under this Policy to the Title IX Officer or other Responsible Employee, an individual who believes they have been subjected to Prohibited Conduct (See Section II.B) can file a grievance. That grievance must meet all of the requirements, including time limits for filing, under the applicable complaint resolution or grievance procedure, listed in Appendix I: University Complaint Resolution and Grievance Procedures. Any report filed under an alternative report or grievance procedure will be forwarded to the Title IX Officer for consideration and will be held in abeyance pending resolution under this Policy. If a Formal Investigation is conducted under this Policy, this investigation will substitute for fact-finding provided under any other report or grievance process. If a Complainant utilizes an alternative University report process, such as a grievance under APM-140, a charge under the Faculty Code of Conduct, or a Whistleblower Report (or Whistleblower Retaliation Complaint), the University officer receiving that report shall forward the report to the Title IX Officer for processing under this Policy. After completion of the process under this Policy, the report that had been filed via the alternative report process may be reactivated but only as a means of appeal by the Complainant.~~

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~~5. The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the request for formal investigation was filed. This deadline may be extended on approval by a designated University official. Extensions of timeframes will only be made for good cause, with Investigation Report~~

~~(g) The investigator will prepare a written notice to the complainant and the accused of the delay, and the reason for the delay.~~

~~(h) Generally, an investigation results in a written report that at a minimum, includes a statement of the allegations and issues, the positions of the parties Complainant and Respondent, a summary of the evidence, an explanation why any proffered evidence was not investigated, findings of fact, an analysis and a determination by the investigator, made by a preponderance of the evidence standard.~~



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whether this *Policy* has been violated. ~~The report also may contain a recommendation for actions to resolve the complaint, including preventive educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The report is submitted to a designated University official with authority to implement the actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.~~

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- (i) ~~The complainant shall be informed if there were findings made that the *Policy* was or was not violated and of actions taken to resolve the complaint, if any. At the conclusion of any University disciplinary proceeding, the complainant and the accused will be informed of the outcome of that proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed against the accused, and the rationale for the result and sanctions, consistent with Section V.E.~~

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~~The complainant~~ The Complainant and Respondent will be simultaneously informed in writing of:

- ~~the outcome of the investigation and its rationale;~~
- ~~any rights and procedures for the Complainant and Respondent to appeal;~~
- ~~any change to the results that occur prior to the time that such results become final; and the accused may request when results become final;~~
- ~~how to obtain a copy of the investigative report pursuant to University policy governing privacy and access to personal information.<sup>4</sup> However, in accordance with University policy, the report~~ Investigation Report, which shall be redacted to protect the privacy of any personal and confidential information regarding all individuals other than the information regarding the person who is provided with the report. See APM-160 and other policies governing privacy.

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The Report may be used as evidence in related disciplinary and grievance proceedings.

Any conclusion in a Report finding sexual violence, sexual harassment, or retaliation that involves an assessment of academic merit (either individual requesting or programmatic) or academic freedom may only be made following a referral of that assessment to and an opportunity within 10 working days for a response from the Chief Academic Officer or delegee.

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## 6. Remedy

- a. If the Report finds a violation of Prohibited Conduct, the University shall take prompt and effective steps reasonably calculated to stop the violation, prevent its

<sup>4</sup>UC Business and Finance Bulletin RMP 8, Legal Requirements on Privacy of and Access to Information.

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~~recurrence, and, as appropriate, remedy its effects in order to eliminate a hostile environment. For a list of available remedies, see Appendix IV.~~

~~(j)b. To the extent that the remedy has not already been provided in the normal course of the ~~report~~. University's educational processes, the Title IX Officer, in consultation with appropriate administrators will oversee the implementation of this Remedy.~~

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~~c. The Complainant will be sent a notice documenting any individual remedies offered or provided to the Complainant, and other steps taken to eliminate the hostile environment. The Respondent will be informed of stay away orders, but should not be notified of other individual remedies offered or provided to the Complainant.~~

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### ~~7. Discipline~~

~~a. The Title IX Officer shall forward the Investigation Report (with any necessary redactions) to the appropriate administrator responsible for discipline.~~

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~~b. Any member of the University community who is found to have engaged in sexual violence or sexual harassment may be subject to disciplinary action depending on the seriousness of the violation, up to and including dismissal in accordance with the applicable University disciplinary procedure (Appendix II: University Disciplinary Procedures) or other University policy.~~

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~~(k)c. At the conclusion of any disciplinary proceeding, the complainant and the accused will be administered by the administrator of the disciplinary process shall simultaneously inform the Complainant and the Respondent in writing of:~~

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~~i. The outcome of any University disciplinary proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed against the accused, and the rationale for the result and the sanction, consistent with Section V.E.; results;~~

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~~any ii. Any right and any procedures for both the complainant and accused, if available, to appeal the outcome of;~~

~~ii. any University disciplinary proceeding;~~

~~iii. Any subsequent change to the results that occur prior to the time that such and when results will become final; and,~~

~~iv. When results become final.~~



~~**C.—Complaints or Grievances Involving Allegations of Sexual Harassment or Sexual Violence**~~

~~An individual who believes he or she has been subjected to sexual harassment or sexual violence may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure listed in *Appendix I: University Complaint Resolution and Grievance Procedures*. Such complaint or grievance may be filed either instead of or in addition to making a report of sexual harassment to the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints under this *Policy*. A complaint or grievance alleging sexual harassment or sexual violence must meet all the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing.~~

~~If a complaint or grievance alleging sexual harassment or sexual violence is filed in addition to a report made to the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints under this *Policy*, the complaint or grievance shall be held in abeyance subject to the requirements of any applicable complaint resolution or grievance procedure, pending the outcome of the Early Resolution or Formal Investigation procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution or Formal Investigation shall constitute the first step or steps of the applicable complaint resolution or grievance procedure.~~

~~An individual who has made a report of sexual harassment or sexual violence also may file a complaint or grievance alleging that the actions taken in response to the report of sexual harassment or sexual violence did not follow *Policy*. Such a complaint or grievance may not be filed to address a disciplinary sanction imposed upon the accused. Any complaint or grievance regarding the resolution of a report of sexual harassment or sexual violence must be filed in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment or sexual violence investigation or other resolution process pursuant to this *Policy*, and/or of the actions taken by the administration in response to the report of sexual harassment or sexual violence, whichever is later.~~

~~**D.—Remedies and Referral to Disciplinary Procedures**~~

~~Findings of *Policy* violations may be considered to determine remedies for individuals harmed by the sexual harassment or sexual violence and shall be referred to applicable local disciplinary procedures (*Appendix II*). Procedures under this *Policy* shall be coordinated with applicable local complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible. Violations of the *Policy* may include engaging in sexual harassment or sexual violence, retaliating against a complainant reporting sexual harassment or sexual violence, or violating interim protections. Investigative reports made pursuant to this *Policy* may be~~

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~~used as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.~~

~~**E. Privacy**~~

~~The University shall protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent permitted by law and University policy. A report of sexual harassment or sexual violence may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment or sexual violence. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. Absent exceptional circumstances, the complainant shall be informed of the final results of a disciplinary proceeding against the accused, including information regarding disciplinary action taken against the accused. Any exception to this disclosure requirement must be approved by the Executive Officer.~~

~~**F. Confidentiality of Reports of Sexual Harassment and Sexual Violence**~~

~~**B. Location Responsibilities**~~

~~Each location shall identify confidential must do the following:~~

- ~~1. Designate and provide adequate resources to a Title IX Officer. The responsibilities of the Title IX Officer include, but may not be limited to, the duties listed below:
  - ~~a. Coordinate with whom members other responsible units to ensure that local sexual violence and sexual harassment prevention education and training programs are offered and provided, as required by the Policy.~~
  - ~~b. Provide educational materials to promote compliance with the Policy and familiarity with local reporting procedures.~~
  - ~~c. Provide training for University employees who are responsible for reporting or responding to reports of sexual harassment.~~
  - ~~d. Provide prompt and equitable response to reports of sexual violence or sexual harassment according to the Policy.~~
  - ~~e. Maintain records of reports of sexual violence and sexual harassment at the location, as well as any actions taken in response to reports, including records of investigations, resolutions, and disciplinary action, as appropriate.~~
  - ~~f. Identify and address any patterns or systemic problems that arise during the review of sexual violence and sexual harassment reports.~~
  - ~~g. Post on the Title IX website the names and contact information for the Title IX Officer as well as any additional designated, trained, sexual harassment or sexual violence advisors.~~~~

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~~2. Designate persons who can offer consultations without reporting them to the Title IX Officer, to any member of the University community can consult for seeking information, or advice and information regarding about making a report of sexual harassment or sexual violence. These resources provide individuals who may be interested in bringing a report of sexual harassment or sexual violence with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. These resources shall be posted on the location's website. Confidential resources could include campus ombuds, the CARE advocacy office and/or licensed counselors in employee assistance programs or student counseling centers. violence and/or sexual harassment. Each location will post information about how and where to contact confidential resources on its web site.~~

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~~Individuals who consult with ~~confidentialsuch~~ resources shallwill be advised that their discussions in these settings are ~~not~~ considered ~~actual~~ reports of sexual violence, sexual harassment or sexual violence and that withoutretaliation. Without additional action by the individual, ~~thethese~~ discussions will not result in any formal action by the University to resolve their concerns.~~

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~~3. Establish an independent, confidential Advocacy Office for sexual violence, dating violence, domestic violence, stalking, and sexual assault called CARE: Advocacy Office for Sexual and Gender-Based Violence and Misconduct.~~

~~4. Provide a "Respondent Services Coordinator" that facilitates fair and equitable services for the Respondent.~~

~~5. Establish a consistent response team model consisting of two teams:  
a. A Case Management Team (CMT) which maintains consistent coordination of reported sexual violence cases, ensures all cases are addressed promptly and equitably, and ensures the response is trauma-informed; and~~

~~b. A Coordinated Community Review Team (CCRT) responsible for a campus collaborative approach to preventing and addressing sexual violence. The CCRT serves in an advisory capacity to campus leadership and community members about best practices in policies, education, prevention and response to sexual violence.~~

~~44- Note: The requirements of #3, 4, and 5 above are for locations with students only. However, ANR, UCOP, and LBNL should coordinate delivery of these requirements with associated campuses or affiliated organizations.~~

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~~6. Provide mandatory annual training and education about sexual violence and sexual harassment prevention to all students, faculty, other academic appointees, and staff.~~

~~Offer primary prevention programs and awareness campaigns to the University community, to promote ongoing awareness of sexual violence including preventing dating violence, domestic violence, sexual assault, and stalking. These campaigns will include, but are not limited to, education about the definition of consent.~~

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consensual relationships, options for bystander intervention, trauma-informed approaches, and risk reduction awareness information. These programs are to promote behaviors that foster healthy and respectful relationships, while also encouraging a safe environment for bystanders to intervene in a potential case of dating violence, domestic violence, sexual assault, and stalking.

7. Follow University established and approved processes for adjudication, investigation, and sanctioning.
8. Offer comprehensive, annual training, for individuals conducting Formal Investigations of reports or conducting hearings on responding to sexual violence, including trauma-informed approaches.
9. Publicize a location-specific process for reporting sexual violence or sexual harassment.

Provide written ~~The locations shall notify the University community that certain University employees, such as the Title IX Officer (Sexual Harassment Officer), managers, supervisors, and other designated employees have an obligation to respond to reports of sexual harassment or sexual violence, even if the individual making the report requests that no action be taken. An individual's requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible.~~

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#### ~~**G. Retention of Records Regarding Reports of Sexual Harassment and Sexual Violence**~~

10. The office of the Title IX Officer (Sexual Harassment Officer) explanation of rights and available options as outlined in this *Policy* including:
  - a. How and to whom to report alleged violations.
  - b. Options for reporting to and/or notifying law enforcement and campus authorities; the right to be assisted by campus authorities in notifying law enforcement authorities, if the Complainant so chooses; and the right to decline to notify such authorities.
  - c. The rights of Complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts, as well as the University's responsibilities to comply with such orders.
  - d. The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order.
  - e. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community.

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- f. Options for, and available assistance to, change academic, living, transportation, and working situations, if the Complainant requests and if such options are reasonably available—regardless of whether the Complainant chooses to report the crime to campus police or local law enforcement.
- g. Applicable procedures for institutional disciplinary action.

11. Distribute and post this Policy. Each location is required to distribute this Policy to students, faculty, other academic appointees and staff, by such means as websites, student information boards, student handbook, faculty handbook and staff websites and information boards and during training and student orientation.

12. The Title IX Officer is responsible for maintaining records relating to sexual violence and sexual harassment and sexual violence reports, investigations, and resolutions. Records shall will be maintained in accordance with according to University records policies. Records that fall under within the purview scope of the Clery Act will be retained for 7 years in accordance with, according to federal law. All records pertaining to pending litigation, or a request for records shall will be maintained in accordance with according to instructions from legal counsel.

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## VI. RELATED INFORMATION

### A. University of California Standards of Ethical Conduct

• ~~A. Violence Against Women Reauthorization Act (VAWA) of 2013~~

• ~~B. University of California Statement of Ethical Values~~

• ~~Academic Personnel Manual Standards of Ethical Conduct~~

• ~~A. Academic Personnel Manual (APM) Section 015, The Faculty Code of Conduct (referenced in Section III.D, footnote 1)~~

• ~~Academic Personnel Manual (APM) Section 016, University Policy on Faculty Conduct and the Administration of Discipline (referenced in Section III.D,~~

~~B. footnote 1)~~

• ~~C. Academic Personnel Manual (APM) Section 035, Affirmative Action and Nondiscrimination in Employment (referenced in Section III.D, footnote 2)~~

• ~~D. Academic Personnel Manual (APM) Section 150, Academic Personnel Manual (APM) Section 150, Non-Senate Academic Appointees/Corrective Action and Dismissal~~

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- ~~• Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices (referenced in Section III.D, footnote 2)~~

Presidential Policies and Guidelines

- ~~• A. Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters (referenced in Section III.D, footnote 2)~~
- ~~• B. Personnel Policies for Staff Members 12 (Nondiscrimination in Employment) (referenced in Section III.D, footnote 2)~~
  - ~~• Policy on Student Conduct and Discipline~~
- ~~• C. Business and Finance Bulletin RMP-2: Records Retention and Disposition: Principles, Processes, and Guidelines~~
- ~~D. Guidelines on Sexual Violence and Sexual Harassment Outcome Reporting~~
- ~~E. Policy on Student Conduct and Discipline~~
- ~~• F. Student-Related Policy Applying to Nondiscrimination on the Basis of Sex~~
- ~~• G. University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment (referenced in Section III.D, footnote 2)~~
- ~~• H. UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information (referenced in Section V, footnote 4)~~
- ~~• I. University of California Policies Applying to Campus Activities, Organizations, and Students (referenced in Section III.D, footnote 2)~~
- ~~• J. Business and Finance Bulletin RMP-2: Records Retention and Disposition: Principles, Processes, and Guidelines~~
- ~~• K. University of California Non-Discrimination Policy~~

Federal and State Regulations

- ~~B. Government Code 12950.1 Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices (referenced in Section III.D, footnote 2)~~
- ~~• C. Violence Against Women Reauthorization Act (VAWA) of 2013~~
  - ~~• U.S. Department of Education Campus Safety and Security Resources (Clery)~~
  - ~~• California Government Code 12950.1~~

~~VII:~~

**VII. FREQUENTLY ASKED QUESTIONS**

FAQ's are available at <http://sexualviolence.universityofcalifornia.edu/fag/index.html>

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**1. Who can be considered an advisor or representative as described in this Policy?**

A representative includes any individual who provides the Complainant or Respondent with support, guidance, or advice (including attorneys). The institution cannot limit the choice of a representative, but may establish certain restrictions regarding the extent to which the representative can participate in the proceedings as long as the restrictions apply equally to both parties.

**2. What is a “result” or “outcome” of a disciplinary proceeding?**

A result or outcome includes a written description of any initial, temporary, and final decision made by any official or authorized person, that aims to resolve a disciplinary matter within the institution. The result must include any **sanctions** imposed by the institution. The result must also include **the rationale for the result and the sanctions**.

**3. Does Dating or Domestic Violence include psychological or emotional abuse?**

Although this type of conduct does not rise to the level of violence as these terms are defined by the Violence Against Women Reauthorization Act, the University offers prevention education on identifying abusive behavior and reducing the risk of such behavior. The University also offers counseling and support services to members of the University community who have been subject to, or have been found to have engaged in, this type of conduct.

**4. Why might Sexual Contact constitute sexual violence in some cases but sexual harassment in others?**

Sexual contact encompasses a broad spectrum of conduct, some of which constitutes sexual assault, but some of which is better treated as sexual harassment. One example of sexual contact that could be considered as sexual assault under this Policy is when a Respondent is accused of groping the Complainant's breast under the Complainant's clothing and without any indication of consent. An example of sexual contact that could be considered as sexual harassment is an allegation that the Respondent patted the Complainant's buttocks over the Complainant's clothing. While the example of groping might be resolved through a Formal Investigation, the patting example would generally be handled through Alternative Resolution. The Title IX Officer will review all sexual contact allegations to determine the best procedure for resolving the report based on the totality of the circumstances.

**5. Does Sexual Assault also include “rape” and “sexual battery” as those terms are used in the criminal law context?**

Yes. The types of conduct prohibited by this Policy include “rape” and “sexual battery” as defined in the Penal Code. This Policy also prohibits additional types of nonconsensual sexual contact. For additional assistance with any questions about whether a specific type of conduct violates this Policy, or the law, please contact your local CARE Advocate, UC Police, or Title IX Officer.

**6. Once the outcome of an investigation or disciplinary proceeding under this Policy is disclosed to the Complainant, can the Complainant be asked to keep this information confidential?**

The Complainant can be advised of the confidential and sensitive nature of personnel and student disciplinary matters that arise under this Policy, and in appropriate

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~~circumstances, such as in connection with a settlement of a matter, may be asked not to further disclose it.~~

## VIII. REVISION HISTORY

~~07/01/2015 –~~

~~02/25/2004 - This policy was reformatted into the standard University of California policy template effective.~~

### ~~VIII.~~

~~Future revisions to this policy will be circulated under standard procedures for Presidential Policies; in the case of this policy, the review will include circulation under the standard Academic Personnel Manual (APM) process, with final authority resting with the President.~~

~~June 17, 2015 – The policy was updated on an Interim basis effective until December 31, 2015. The interim issuance brings the policy into compliance with federal and state regulations, while the Policy undergoes full review and vetting. Once the review process is complete, the policy will be reissued at the start of 2016.~~

~~February 25, 2014 – This policy was reformatted into the standard University of California policy template effective.~~

~~As a result of the issuance of this policy, the following documents are rescinded as of the effective date of this policy and are no longer applicable:~~

- ~~• University of California Policy on Sexual Harassment, dated February 10, 2006~~
- ~~• University of California Procedures for Responding to Reports of Sexual Harassment, dated December 14, 2004~~
- ~~• University of California Policy on Sexual Harassment and Complaint Resolution Procedures, dated April 23, 1992~~
- ~~• University of California Policy on Sexual Harassment and ~~complaint~~Complaint Resolution Procedures, dated March 10, 1986~~

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**Interim Policy**

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**APPENDIX II: University Disciplinary Procedures**

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~~Applicable~~ The following are the disciplinary ~~action~~ procedures and policies if a report of sexual harassment or sexual violence results in a recommendation for disciplinary action:

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A. The Faculty Code of Conduct (APM - 015) (as approved by the Assembly of the Academic Senate and by The Regents)

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- ~~outlines the~~ ethical and professional standards which University faculty are expected to observe. ~~It also, and~~
- ~~identifies various forms of unacceptable behavior which are applicable apply in~~ cases of sexual ~~harassment violence~~ or sexual ~~violence, harassment.~~

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Because the forms of unacceptable behavior listed in The Faculty Code of Conduct ~~are interpreted to also~~ apply to sexual ~~harassment violence~~ or sexual ~~violence harassment~~, a violation of the University's Policy on Sexual Harassment and Sexual Violence ~~constitutes may constitute~~ a violation of the Faculty Code of Conduct. The University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.

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B. Provisions of the policy on Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150) (~~which are~~ applicable to non-exclusively represented academic appointees) and collective bargaining agreements (~~that are~~ applicable to exclusively represented academic appointees) ~~provide allow~~ for corrective action or dismissal for conduct which violates University policy.

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~~C. The Policies Applying to Campus Activities, Organizations, and Students~~ C. The Policies Applying to Campus Activities, Organizations, and Students sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that ~~may can~~ be imposed for ~~violation each of those violations~~ of University policies or campus procedures.

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D. Provisions of the Personnel Policies for Staff Members, and the Lawrence Berkeley National Laboratory personnel policies (applicable to non-exclusively represented staff employees), and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct ~~which that~~ violates University policy ~~with respect to for sexual violence or~~ sexual harassment ~~or sexual violence~~ and provide for disciplinary action for ~~violation of violating~~ University policy.

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- PPSM-62: Corrective Action
- PPSM-63: Investigatory Leave
- PPSM-64: Termination of Career Employees – Professional and Support Staff
- PPSM-65: Termination of Career Employees - Managers & Senior Professionals, Salary Grades I through VII
- PPSM-67: Termination of Career Employees – Managers & Senior Professionals, Salary Grades VIII and IX

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University of California ~~Policy~~ ~~SHSV~~  
~~Sexual Harassment and Sexual Violence~~  
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Interim Policy

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- PPSM II-64 (Termination of Appointment)

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# Sexual Harassment and Sexual Violence

## Sexual Violence and Sexual Harassment

### APPENDIX III: SAMPLE Policy Fact Sheet

The University of California is committed to creating and maintaining an atmosphere free of harassment, exploitation, and/or intimidation for every individual in our community. The University will respond promptly and equitably to reports of sexual violence and sexual harassment, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates the Sexual Violence and Sexual Harassment policy.

**For assistance with incidents of dating violence, domestic violence, sexual assault, sexual violence, sexual harassment, and stalking, please contact:**

On Campus Resources	
<p><b>CARE Advocate</b> Confidential 24 hour counselor available for crisis support and referral services</p> <p>(510) 642-4444 CAREAdvisor@campus.edu</p>	<p><b>The UC Police Department</b> (510) 643-7985 (24-hour line) (510) 642-3333 (24-hour emergency line)</p>
Off Campus Resources	
<p><b>A Safe Place</b> Oakland hotline, shelter, crisis referral, advocacy, counseling, emergency food, clothing and transportation. <b>24-hr. crisis line: (510) 536-SAFE (7233)</b></p>	<p><b>BAWAR</b> 24-hr hotline staffed by trained counselors. Accompanies survivors to police dept, hospitals &amp; courts. Offers short term counseling and support groups, and referrals for long-term counseling. Special outreach to Latina survivors. <b>24-hr. crisis line: (510) 845-RAPE (7273)</b></p>

### What do I do if I've been sexually assaulted?

- **Find a safe location away from your attacker.** If you cannot get somewhere safe, call 911 right away.
- **Get medical attention.** Do not shower, eat, drink go to the bathroom, brush your teeth or change your clothes before going to the hospital.
  - If you want to change your clothes, put them in a paper (not plastic) bag and bring them to the hospital.
  - Seeking medical attention right away will reduce your risk of pregnancy and STI's.
- **Seek support.** Sexual assault is a traumatic experience. If you feel comfortable, seek support from a CARE Advisor, friend, or family member.

### How can I help someone who may have been sexually harassed or sexually assaulted??

- Remember that the victim's wellbeing must be considered before all other matters.

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~~Sexual Harassment and Sexual Violence~~

Sexual Violence and Sexual Harassment

- Immediately reporting a case to the police could be more traumatic for the victim than beneficial. Let them make the decision to report (or not report).
- Talk to the person and reinforce that they are not at fault. However, if the individual does not wish to talk to you, respect their decision.
- Contact resources above for information on how to best support a friend through his or her healing process.

**See the UC Sexual Violence and Sexual Harassment policy, for further information on:**

- Prohibited conduct and Affirmative Consent
- Confidentiality of Reports of Sexual Violence and Sexual Harassment
- Procedures for Reporting and Responding to Reports of Sexual Violence or Sexual Harassment
- University Complaint Resolution and Grievance Procedures

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~~Sexual Harassment and Sexual Violence~~  
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**APPENDIX IV – Remedies**

~~(+) At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of this Policy.~~

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Remedies include but are not limited to:

*i. Campus Services Generally:* Inform the Complainant and Respondent about and refer to Campus services that are available to all students and in many cases to others: academic support including tutoring, counseling, disability services, health and mental health services, family planning services, survivor advocacy, housing assistance, legal assistance; information about the right to report a crime to campus or local law enforcement, and written materials prepared by the Title IX Officer pursuant to V.B below.

*ii. Campus Services Modified For Students:*

- If a campus service is not generally available or a fee is imposed, the Title IX Officer will arrange for access or the elimination of fees when appropriate.
- Comprehensive, holistic survivor services including additional medical, counseling and academic support services.
- Any other accommodations or protective measures that are reasonably available once a Complainant has requested them.

*iii. Additional Educational Remedies For Students<sup>5</sup>:*

- Change advisors, class sections and similar schedule adjustments.
- Arrange extra time for the Complainant to complete academic requirements of a class or program, to re-take a class or withdraw from a class without an academic or financial penalty if the University delayed such accommodations after it reasonably should have known of the violation.
- Review any disciplinary actions taken against the Complainant subsequent to the incident described in the Report to determine whether there is a causal connection between the violation and the Complainant's misconduct.

*iv. Remedies Available To Employees, Including Student Employees:*

- Transfer to a different supervisor, workstation, unit, department, or position for which the employee is qualified provided that, in the case of a Complainant's transfer, the change is voluntary and equitable.

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<sup>5</sup>April 29, 2014 A-6 providing safety



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~~Sexual Harassment and Sexual Violence~~  
~~Sexual Violence and Sexual Harassment~~

v. Training And Education Of The Respondent. The Title IX Coordinator may require that the Respondent undergo training, including sexual harassment training, anger management training, and periodic refresher classes.

vi. No Contact Remedies:

• Complainant and Respondent Options:

- a) The Title IX Officer will notify the Complainant and Respondent of options to avoid contact and assist the Complainant and Respondent to change academic and extracurricular activities or living, transportation, dining, and working situations as appropriate,
- b) assist the Complainant and Respondent to apply for no contact orders; and,
- c) when appropriate, arrange for effective escort services to ensure that the Complainant and Respondent can move safely between classes and activities.

• Respondent's Restrictions: some of which may be imposed by Title IX Officer, all of which may be implemented by agreement, and the more serious of which may be imposed only pursuant to Discipline

- a) Allow the Complainant to take the regular sections of courses while arranging for the Respondent to take the same courses online or through independent study;
- b) Moving the Respondent to a different residence hall;
- c) Forbidding the Respondent to participate in specific athletic or extracurricular events or social clubs (including fraternities or sororities);
- d) Requiring that the Respondent stay away from the Complainant for a period of time (up to the Complainant's graduation or other departure from the campus) via scheduling or class changes;
- e) Prohibiting the Respondent from attending school for a period of time, or transferring the Respondent to another campus; and
- f) If a Respondent presents an ongoing safety risk, excluding the Respondent from campus.

vii. Other Remedies Devised By The Title IX Officer Or Other Administrator,

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