



OFFICE OF THE VICE PROVOST -
ACADEMIC PERSONNEL AND PROGRAMS

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

February 18, 2015

COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ACADEMIC COUNCIL CHAIR GILLY
ANR VICE PRESIDENT ALLEN-DIAZ

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

Dear Colleagues:

Enclosed for Systemwide Review are proposed revisions to Presidential Policy on Sexual Harassment and Sexual Violence. Also enclosed is a cover letter from UC Senior Vice President Sheryl Vacca describing the history of the policy issued on February 25, 2014 and the rationale for proposed revisions.

Systemwide Review

Systemwide Review is a public review distributed to the Executive Vice Chancellors/Provosts, the Director, Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, affected employees and union membership about policy proposals. Systemwide Review also includes a mandatory, three-month full 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>. Attached is a Model Communication which may be used to inform non-exclusively represented employees about 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.

We would appreciate receiving your comments by **May 20, 2015**. Please submit your comments to ADV-VPCARLSON-SA@ucop.edu. If you have any questions, please contact Janet Lockwood at Janet.Lockwood@ucop.edu or (510) 987-9499.

Sincerely,

A handwritten signature in blue ink that reads "Susan Carlson".

Susan Carlson
Vice Provost
Academic Personnel and Programs

February 18, 2015

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Enclosures: Proposed Revised Presidential Policy on Sexual Harassment and Sexual Violence
(redline and clean copy)
Senior Vice President Vacca Letter dated January 23, 2015
Model Communication

cc: President Napolitano
Chancellors
Provost and Executive Vice President Dorr
Executive Vice President Brostrom
Secretary Shaw
Senior Vice President Stobo
Senior Vice President Vacca
Vice President Duckett
Vice President Sakaki
Interim Vice President Tucker
Vice Provosts of Academic Personnel/Academic Affairs
Council of Graduate Deans
Chief of Staff Grossman
Deputy/Executive Director Griffin-Desta
Deputy/UCOP Compliance Officer Lane
Deputy to the Chief of Staff Riley
Academic Personnel Directors
Deputy General Counsel Drown
Senior Counsel Van Houten
Executive Director Baxter
Executive Director Fox
Executive Director Rodrigues
Executive Director Tanaka
Director Chester
Director Jennings
Manager Henderson
Manager Lockwood
Policy Coordinator Trifonov
Human Resources Policy Analyst Bello
Senior Administrative Assistant Rupert

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

January 23, 2015

VICE PRESIDENT DUCKETT
VICE PROVOST CARLSON
VICE PRESIDENT SAKAKI

SUBJECT: Updated Presidential Policy on Sexual Harassment and Sexual Violence

On February 25, 2014, the University of California issued a revised Presidential Policy on Sexual Harassment and Sexual Violence that updated the University's policy on preventing and responding to allegations of sexual misconduct on our campuses. The new policy also brought the University into compliance with the requirements of the Violence Against Women Act (VAWA) that was reauthorized by President Obama in 2013.

As you are aware, the revised policy was vetted with several audiences including senior campus academic and administrative leaders, faculty, other academic appointees, staff, and students. Critical issues and comments received were incorporated and inclusion of other suggestions/comments was postponed pending issuance of the final regulations by the Department of Education, which were due in Fall 2014.

Final regulations were issued on October 20, 2014 and will become effective July 1, 2015. Immediately, a working committee comprised of representatives from Student Affairs, Academic Personnel and Programs, Human Resources, Office of General Counsel, Communications, Title IX, CARE Advocates, and Compliance evaluated the regulations and reviewed the revised policy. The goals of the committee's work—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 initial vetting as promised by President Napolitano;
3. 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,
4. Improve accessibility and readability by the broader University community including students, parents and community members.

After a concerted effort by the working committee throughout the Fall 2014, the University's Policy on Sexual Harassment and Sexual Violence 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.

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 hoping to utilize this training to incorporate VAWA and SVSA)
- Consideration was given to policy language to make the policy clearer and in plain language to address comments received from reviewers during the initial vetting that the policy was difficult to understand
- Provides that complainants and respondents may appeal an investigation process that alleges violation of this policy (stated in initial policy as well)
- Updates in policy terminology as required by VAWA
- Clarifies appropriate paths for reporting incidents
- Updates definition of consent and adds additional definitions to improve readability, consistency and understanding
- Includes "amnesty" provision for reporting (De Leon)
- Incorporates "abuse" as included in domestic violence or sexual violence. It is included to strengthen a cause that complainants often raise in allegations.
- 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 that is non-sexual in nature will be 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 policy development process. I look forward to comments received by your office and the discussion of them as we finalize the policy for the President's signature in time for compliance with the VAWA Reauthorization Act by July 1, 2015.

Sincerely,



Sheryl Vacca
Senior Vice President
Chief Compliance and Audit Officer

Enclosure

cc Provost and Executive Vice President Dorr
Executive Vice President Brostrom
Chief of Staff Grossman



Sexual Harassment and Sexual Violence

[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:	XX/XX/2015
Effective Date:	XX/XX/2015
Last Review Date	XX/XX/2015
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 harassment, sexual violence, and stalking, please contact your local CARE Advisor, at <http://sexualviolence.universityofcalifornia.edu>

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Sexual Harassment and Sexual Violence

For questions about this policy, please contact:

	Academic	Student	Staff
Contact:	Janet Lockwood	Eric Heng	Jeannene Whalen
Email:	janet.lockwood@ucop.edu	eric.heng@ucop.edu	jeannene.whalen@ucop.edu
Phone:	(510) 987-9499	(510) 987-0239	(510) 987-0853

I. POLICY SUMMARY

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. Every member of the community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence (hereafter referred to as *Policy*).

This *Policy* complies with the law and with the University's commitment to the highest standards of ethical conduct, which are outlined in the University's [Statement of Ethical Values and Standards of Ethical Conduct](#).

II. DEFINITIONS

A. Sexual Harassment: Includes

- unwelcome sexual advances,
- requests for sexual favors,
- conduct of a sexual nature, including verbal, nonverbal, or physical conduct that creates an environment in which a reasonable person finds the behavior intimidating, hostile, or offensive, and
- conduct of a sexual nature, including verbal, nonverbal, or physical conduct – behavior that affects or interferes with a person's employment, work, education, and/or educational performance.

Sexual harassment may include incidents between any members of the University community, including:

- faculty and other academic appointees
- staff
- student employees

Sexual Harassment and Sexual Violence

- students
- coaches
- residents
- interns
- non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients).

Sexual harassment can occur in all types of relationships: hierarchical, between peers, or between individuals of the same sex or opposite sex. The University will respond to reports of any such conduct between any such members of the University community, according to the *Policy*.

To determine whether any reported conduct constitutes sexual harassment, the University will consider the record of the conduct as a whole including the circumstances and context in which the conduct occurred.

Harassment of one student by another student is defined as unwelcome conduct of a sexual nature that effectively denies equal access to the University's resources and opportunities because such conduct is severe and/or pervasive, objectively offensive, and substantially impairs a person's access to University programs or activities. (See the University of California Policies Applying to Campus Activities, Organizations, and Students, [Policy 100.00 on Student Conduct and Discipline, Section 102.09](#))

B. Sexual Violence: Physical, sexual acts, engaged in without the consent of the other person, or when the other person is unable to consent. Sexual violence includes any of the following:

- sexual assault
- rape
- sexual battery
- domestic violence
- dating violence
- stalking

1. **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 the following:

- physical force
- violence
- threat
- intimidation
- ignoring the objections of the other person

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- causing the other person's intoxication or incapacitation (through the use of drugs or alcohol)
 - taking advantage of the other person's incapacitation (including voluntary intoxication)
2. **Dating Violence:** Abuse committed by a person who is, or has been, in a romantic and/or intimate relationship with the victim.
3. **Domestic Violence:** Abuse committed against:
- an adult or a minor who is a
 - spouse or former spouse
 - cohabitant or former cohabitant
 - someone with whom the abuser has
 - a child
 - an existing dating or engagement relationship
 - a former dating or engagement relationship
4. **Stalking:** Behavior in which someone repeatedly engages in conduct directed at a specific person. This conduct places the targeted person in reasonable fear of his or her safety or the safety of others or causes the targeted person to suffer substantial emotional distress. This policy intends to address stalking that could be reasonably construed as sexual or gender based in nature. Other forms of stalking of a non-sexual nature may be addressed by other University policies.
- C. **Abuse:** In the context of dating and domestic violence, abuse is defined as any act of violence, whether it's a single act or an ongoing pattern of behavior, and/or any threatened act of violence, against:
- one's self
 - one's sexual or romantic partner, spouse or former spouse
 - the family and/or friends of one's sexual or romantic partner, spouse or former spouse
 - one's cohabitant or former cohabitant
 - someone with whom the abuser has a child,
 - someone with whom the abuser has an existing dating or engagement relationship
 - someone with whom the abuser has had a former dating or engagement relationship

"Abuse" includes but is not limited to conduct that a reasonable person in similar circumstances and with similar identities would find intimidating, frightening, terrorizing, or threatening, including:

- physical violence

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- sexual violence
- emotional abuse
- economic abuse
- threats
- assault
- property damage

- D. Awareness Programs:** Any community-wide programming, initiatives, and/or strategies that increase awareness, and share information and resources to prevent sexual violence, promote safety, and reduce acts of abuse.
- E. Complainant:** Any person who files a report of sexual harassment or sexual violence.
- F. Consent:** Consent is a *decision*; an unambiguous, affirmative, and conscious decision by each person, to engage in mutually agreed-upon sexual activity. (For the purposes of this *Policy*, the age of consent is consistent with California Penal Code Section 261.5.)

Consent is *voluntary*. Consent means a willing and positive cooperation in an act, or expressing a desire to engage in an act. A person can only give his/her true consent if there is no force, threats, or intimidation. Ultimately, consent is an exercise of free will. Silence does not mean consent.

Consent is *revocable*. At any point, in any context, consent can be denied and be taken back. More specifically:

- Consent to sexual activity, on one occasion, does not mean consent has been given to *any* form of sexual activity, on *any* occasion.
- A past dating experience or sexual relationship, by itself, is not enough to assume consent. Even in the context of a relationship, there always has to be mutual consent to engage in any sexual activity at any time.
- Consent is ongoing; meaning at any point during a sexual encounter consent has to be given, and can be withdrawn. 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 intimidation.

A person cannot consent if s/he cannot understand the act because of a physical or mental impairment.

Sexual Harassment and Sexual Violence

- G. Designated Employee:** Any employee, who must report incidents of sexual harassment or sexual violence to the Title IX coordinator or other appropriate University designees. Generally, this includes all employees, including academic appointees unless s/he has been identified as an employee who can provide confidential consultations for the University community pursuant to Section V.F. of this Policy. Designated employees must be informed of their own reporting responsibilities.
- H. Executive Officer:** The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agricultural and Natural Resources.
- I. Incapacitation:** The physical and/or mental inability to make informed and rational judgments. States of incapacitation include, but are not limited to:
- unconsciousness
 - sleep
 - blackouts

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 affects 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.

The factors to be considered when determining whether [consent](#) was given include whether the respondent knew, or whether a reasonable person should have known, that the complainant was incapacitated.

- J. Ongoing Prevention and Awareness Campaigns:** Programming, initiatives, and strategies that aim to increase understanding and awareness of sexual violence among a variety of audiences. These campaigns further aim to develop skills that address such issues and occurrences. The campaigns will cover topics relevant to dating violence, domestic violence, sexual assault, and stalking.
- K. Primary Prevention Programs:** Programming, initiatives, and strategies that have been created based on research, and/or assessed for their value, effectiveness, and/or outcome. These programs focus on preventing dating violence, domestic violence, sexual assault, and stalking. Therefore, these programs promote behaviors that foster healthy and respectful relationships, while also encouraging a safe

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environment for bystanders to intervene in a potential case of dating violence, domestic violence, sexual assault, and stalking.

L. Proceeding: All activities involved when an institutional complaint is made requiring a non-criminal resolution. These activities include, but are not limited to:

- fact-finding investigations, and
- formal and informal meetings and hearings.

“Proceeding” does not include communications and meetings between officials and complainants when it concerns a complainant’s accommodations/protective measures.

M. Respondent: A person against whom a report of sexual harassment or sexual violence is filed.

N. Risk Reduction: Strategies designed to decrease perpetration and bystander inaction, and create an environment where bystanders step in when abuse occurs, rather than remaining silent. These options would ultimately increase victim empowerment by reaching out to individuals and communities to:

- promote safety,
- extend help, and
- address conditions that facilitate violence.

O. Trauma-Informed: Methods designed to acknowledge the impact of violence and trauma on people's lives and the importance of addressing trauma in education. Services are influenced by an understanding of the impact of interpersonal violence and victimization on an individual's life and development. To provide trauma-informed services, all staff of an organization must understand how violence impacts the lives of the people being served, so that every interaction is consistent with the recovery process and reduces the possibility of re-traumatization.

III. POLICY STATEMENT

A. *General Overview/Prohibited Behavior*

The University prohibits sexual harassment and sexual violence. This behavior violates both the law and University policy. The University will respond as quickly as possible to any reports of sexual harassment and/or sexual violence. The University will take any and all appropriate action to prevent, correct, and when necessary, discipline behavior that violates this *Policy*. Any staff, student or academic employee in violation of this *Policy* may be subject to disciplinary action, up to and including dismissal.

Sexual Harassment and Sexual Violence

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.¹ To determine if there has been sexual harassment or sexual violence, the University may take into account *any* acts of discrimination based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.

B. Consensual Relationships

While romantic relationships between members of the University community may begin as consensual, they are not immune to instances of sexual harassment and/or sexual violence. Consensual romantic relationships between members of the University community also are subject to other University policies. For example, policies that concern faculty-student relationships are found in [The Faculty Code of Conduct](#). The various locations may have local policies about consensual relationships.

C. Reporting Sexual Harassment or Sexual Violence

Each location will notify the campus community about where reports of sexual harassment and/or sexual violence can be made. Any member of the University community can report acts of sexual harassment or sexual violence to these designated employees, supervisors, managers, or Title IX Officer (Sexual Harassment Officer).

All designated employees must immediately forward the reports to the Title IX Officer (Sexual Harassment Officer). The reports will be reviewed and appropriate action will be taken in accordance with this Policy. Any manager, supervisor, or other designated employee who must report or respond to sexual harassment or sexual violence, who knew about an incident, and who took no action to stop or report it may be subject to disciplinary action.

Each location will identify staff who can provide confidential consultations to members of the University community seeking resources, information, and/or advice about making a sexual harassment and/or sexual violence report. While the University understands the desire for confidentiality and will consider such a request, the University also has a legal responsibility to the respondent. Depending on the situation, there are cases in which the University needs to inform the respondent of the source of the allegation. (Information regarding confidentiality can be found in [Section V.E and F.](#))

An individual may file a complaint or grievance alleging sexual harassment or sexual violence under the University complaint resolution or grievance procedure ([Section V. Procedures](#); [Appendix I: University Complaint Resolution and Grievance Procedures](#)).

¹ [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](#).

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D. Response to Reports of Sexual Harassment or Sexual Violence

All locations will provide a prompt, fair, and neutral 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.)

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

If the University confirms an occurrence/occurrences of sexual harassment or sexual violence, the University may offer remedies to the individual or individuals harmed by the harassment and/or violence. These remedies will be consistent with “applicable complaint resolution” and “grievance procedures” ([Appendix I: University Complaint Resolution and Grievance Procedures](#)). Such remedies may include:

- counseling,
- repeating course work without penalty,
- changing student housing assignments, and
- other appropriate interventions, such as changes in academic, living, transportation, or working situations.

Any member of the University community who 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](#)).

Generally, disciplinary action will be taken when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the complainant’s opportunity to participate in or benefit from educational programs.

E. Protection for Complainants and Witnesses

To encourage reporting of sexual violence incidents, complainants and witnesses who participate in an investigation of sexual violence will not be subject to disciplinary sanctions or corrective actions for policy violations at or near the time of the incident, unless the University determines that the violation was egregious, including, but not limited, to an action that places the health or safety of any person at risk.

F. Retaliation

This *Policy* prohibits retaliation against a person who reports sexual harassment or sexual violence. This protection also extends to anyone who assists someone with a report and anyone involved in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes, but is not limited to:

Sexual Harassment and Sexual Violence

- threats,
- intimidation,
- reprisals, and/or
- harmful (adverse) actions related to employment or education.

Any member of the University community who participates in retaliation may be subject to disciplinary action, including dismissal, according to the University disciplinary procedures ([Appendix II: University Disciplinary Procedures](#)).

G. Provision of Educational Programs/Employee Training and Dissemination of the Policy

To promote compliance with this *Policy* and familiarity with the procedures, each location must provide training and make preventive educational materials available to all members of the University community. In addition, the University will provide annual training to investigators and hearing officers. Each location must post a copy of this *Policy* in a prominent place on its website ([See Section V. Procedures](#)).

As part of the University's commitment to provide a working and learning environment free from sexual harassment and sexual violence, this *Policy* must be distributed to the entire University community through:

- publications,
- websites,
- new employee orientations,
- student orientations, and
- other appropriate channels of communication.

H. 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. 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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I. 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. 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.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

Responsible Officers have the authority to develop procedures or other supplementary information to support the implementation of this *Policy*. Responsible Officers may apply appropriate and consistent interpretations to clarify the *Policy* provided that the interpretations do not result in substantive changes to the *Policy*.

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

Executive Officers and Responsible Officers are authorized to delegate responsibility for establishing 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 campus determines which type of proceeding to use based on the circumstances of an allegation.

B. Revisions to the Policy

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

The Responsible Officers have the authority to initiate 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.

Sexual Harassment and Sexual Violence

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. Noncompliance with the Policy

Noncompliance with the *Policy* is managed according to the [Policy on Student Conduct and Discipline](#), Personnel Policies for Staff Members [61](#), [62](#), [63](#), [64](#), [65](#), and <http://policy.ucop.edu/doc/401041667> pertaining to disciplinary and separation matters, and according to other University policies, including but not limited to, [The Faculty Code of Conduct \(APM - 015\)](#) and [University Policy on Faculty Conduct and the Administration of Discipline \(APM - 016\)](#), [Non-Senate Academic Appointees/Corrective Action and Dismissal \(APM-150\)](#) or, as applicable, collective bargaining agreements. Reference Section VI and Appendices I and II.

V. REQUIRED PROCEDURES

A. Location Responsibilities

Each location must do the following:

1. 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.
2. 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 efficiently and effectively, 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 misconduct. The CCRT serves in an advisory capacity to campus leadership and community members about best practices in policies, education, prevention and response to sexual misconduct.
3. Provide mandatory training and education about sexual harassment and sexual violence prevention to all students, faculty, other academic staff, and staff.

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4. Offer primary prevention programs and awareness campaigns to the University community, to promote ongoing awareness of:
 - rape and acquaintance rape
 - domestic violence
 - dating violence
 - sexual assault
 - stalking

These campaigns will include, but are not limited to, education about:

- the definition of consent,
 - consensual relationships,
 - options for bystander intervention, and
 - risk reduction awareness information.
5. Offer comprehensive, annual training, for individuals conducting formal investigations of reports or conducting hearings on responding to sexual violence, including trauma-informed approaches as defined in this *Policy*.
 6. Provide all members of the University community with a process for reporting sexual harassment or sexual violence according to the *Policy*.
 7. Identify on- and off-campus resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services.
 8. 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, according to the *Policy*.
 9. Provide written notification as outlined in Section V.B.1 of the *Policy*.
 10. Designate trained individuals 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.
 11. Conduct proceedings that incorporate these additional elements:
 - Timely notice of meetings, at which the respondent or complainant, or both, may be present.
 - Timely access to any information that will be used after the fact-finding investigation, but during informal and formal disciplinary meetings and hearings, to the complainant, the respondent, and appropriate officials.
 - Timely proceedings conducted by officials who do not have a conflict of interest, or bias for or against the complainant or the respondent.

Sexual Harassment and Sexual Violence

12. Establish and designate a Title IX Officer (Sexual Harassment Officer). The names and contact information for the Title IX Officer (Sexual Harassment Officer) as well as any designated, trained, sexual harassment or sexual violence advisors, will be posted with the *Policy* and local procedures on the location's website and will 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:
 - 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*.
 - Disseminate the *Policy* to the University community.
 - Provide educational materials to promote compliance with the *Policy* and familiarity with local reporting procedures.
 - Train University employees who are responsible for reporting or responding to reports of sexual harassment.
 - Provide prompt and effective response to reports of sexual harassment or sexual violence according to the *Policy*.
 - Maintain records of reports of sexual harassment and sexual violence at the location, as well as any actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.
 - Identify and address any patterns or systemic problems that arise during the review of sexual harassment and sexual violence complaints.

13. Distribute and post this Policy. Each location is required to distribute this policy to students, faculty, other academic staff and staff. Examples include, websites, student information boards, student handbook, faculty handbook and staff websites and information boards and during training and student orientation.

B. Procedures for Reporting and Responding to Reports of Sexual Harassment Or Sexual Violence

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 violate the *Policy*. This includes conduct by employees, students, or third parties.

Reports of sexual harassment or sexual violence may be brought to the Title IX Officer (Sexual Harassment Officer). They may also be brought to any manager, supervisor, or other designated employee who is responsible for responding to reports of sexual harassment or sexual violence.

Sexual Harassment and Sexual Violence

If the person to whom harassment normally would be reported is actually the individual being accused of harassment, reports may be made to another manager, supervisor, or other designated employee.

When a report is received, managers, supervisors, and all designated employees are required to notify the Title IX Officer (Sexual Harassment Officer) or another appropriate official designated by the location, who will then review the sexual harassment and sexual violence complaints and take appropriate action in accordance with this Policy.

Reports of 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, prompt reporting will make it easier for the University to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported, even if a significant amount of time has passed. However, delaying a report may make it difficult for the University to conduct an investigation and/or to take appropriate remedial actions.

1. Required Notifications For Reports of Sexual Violence

When the University receives a report that a student or employee has been a victim of [sexual violence](#), the University will provide a written explanation of rights and available options to the complainant, including procedures to follow. This will be provided regardless of whether the offense occurred on campus or in connection with any University program. The written information shall include:

- How and to whom the alleged offense should be reported.
- 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.
- 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 regarding such orders.
- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community.
- 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 victim chooses to report the crime to campus police or local law enforcement;
- Any applicable procedures for institutional disciplinary action.

Sexual Harassment and Sexual Violence

2. *Options for Resolution*

Individuals reporting sexual harassment or sexual violence must be informed about their options. These options include but are not limited to:

- Early Resolution,
- Formal Investigation, and
- Filing complaints or grievances under the applicable University complaint resolution or grievance procedures.

Individuals making reports must also be informed about the confidentiality of reporting under this *Policy* (see Section V.G below).

Locations must respond promptly and effectively to reports of sexual harassment and sexual violence regardless of whether the reports are brought forth anonymously or by third parties who are not directly involved in the asserted offenses. However, the response to such reports may be limited if the information in the report cannot be verified by independent facts.

Individuals reporting sexual harassment and sexual violence must be informed about the range of possible outcomes of the report including:

- temporary protections,
- remedies for the individual harmed by the incident,
- disciplinary actions that might be taken as a result of the report, and
- information about the procedures leading to such outcomes.

An individual who experiences retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) may report it. Retaliation could be experienced by those who:

- reported sexual harassment or sexual violence, in good faith;
- assisted someone with a report of sexual harassment or sexual violence; or
- participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence

(The report of retaliation shall be subject to the procedures in [Section V.B.3](#) and [Section V.B.4](#) below.)

3. *Procedures for Early Resolution*

The goal of Early Resolution is to resolve concerns with the cooperation of all parties involved, at the earliest stage possible. Locations are encouraged to use Early Resolution options only when the people involved desire to do so, or when a Formal Investigation is not likely to lead to a satisfactory outcome. Participation in the Early

Sexual Harassment and Sexual Violence

Resolution process is voluntary. Therefore, the University does not require that parties attempt to participate in Early Resolution before a Formal Investigation. Mediation, even if voluntary, may not be used in cases involving sexual violence. Some reports of sexual harassment may not be appropriate for mediation, and may first and foremost require a Formal Investigation. The University will not compel a complainant to engage in mediation.

Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution should be flexible and include a full range of possible and appropriate outcomes.

Early Resolution includes, but is not limited to, the following options:

- mediating an agreement between the parties (not for incidents of sexual violence),
- separating the parties,
- referring the parties to counseling programs,
- negotiating an agreement for disciplinary action,
- conducting targeted preventive educational and training programs,
- providing remedies for the individual harmed by the offense,
- discussions with the parties,
- making recommendations for resolution, and
- conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively.

Early Resolution might be appropriate for responding to anonymous reports and/or third party reports. All of the steps taken to encourage Early Resolution, and any agreements reached through Early Resolution, should be documented.

4. Procedures for Formal Investigation

In cases where Early Resolution is inappropriate or unsuccessful, a location may conduct a Formal Investigation.

In such cases, the individual making the report may be asked to file a written request for Formal Investigation. The wishes of the individual making the request will be considered, but will not solely determine whether a Formal Investigation into the report of sexual harassment or sexual violence is conducted.

In cases where there is no written request, the Title IX Officer (Sexual Harassment Officer) or other appropriate, designated officials, will make a preliminary inquiry into the facts. Such officials could then initiate a Formal Investigation.

In cases where a complainant states that 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

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whether to go forward with a Formal Investigation, the Title IX Officer (Sexual Harassment Officer) may consider:

- the seriousness of the allegation,
- the age of the student in the case of a student complainant,
- if there have been other complaints or reports against the respondent,
- if there will be a formal proceedings with sanctions, and
- if the accused individual has the right to receive information about the complainant and/or the allegations.

Even if a complainant does not want to pursue an investigation, under some circumstances, the Title IX Officer (Sexual Harassment Officer) may have to investigate a complaint. For example, there could be a risk to the campus community if the respondent remains on campus. The complainant should be made aware that there could be this independent obligation to investigate the complaint.

(a) To provide a prompt, fair, and impartial investigation and resolution, any Formal Investigation of reports of sexual harassment and/or sexual violence must incorporate the following standards:

The individual(s) accused of conduct violating the *Policy* must be provided with 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

The individual(s) conducting the investigation must:

- i) Be familiar with the *Policy*;
- ii) Have training or experience in conducting investigations;
- iii) Be familiar with the relevant policies and procedures specific to students, staff, faculty, academic appointees, and visitors; and,
- iv) 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.

(b) If the alleged conduct is also the subject of a criminal investigation, the campus may not wait for the end of the criminal investigation to begin an investigation under to this *Policy*. However, a campus 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 campus must promptly

Sexual Harassment and Sexual Violence

resume and complete its fact-finding for the sexual harassment or sexual violence investigation.

(c) To conduct a fair and thorough investigation, disclosing facts to parties and witnesses should be limited to what is reasonably necessary. Participants in an investigation may be advised to maintain the confidentiality of an investigation if it is essential to protect the investigation's integrity. The investigation generally should include:

- interviews with the parties, if available;
- interviews with other witnesses as needed; and
- a review of relevant documents as appropriate.

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

(e) The complainant and the respondent may each request to have a representative present when he or she is interviewed, and at any other proceeding or related meeting. Other witnesses may also have a representative present if approved by the investigator, or if required by University policy or a collective bargaining agreement.

(f) At any time during the investigation, the investigator can recommend that certain temporary protections or solutions be provided by appropriate University officials for the parties or witnesses. These protections or remedies may include:

- separating the parties,
- placing limitations on the contact between the parties, or
- making alternative working or student housing arrangements.

Failure to comply with the terms of temporary protections may be considered a separate violation of this *Policy*.

(g) The investigation should be completed as quickly as possible and in most cases within 60 working days from the date that the formal investigation started. This deadline can be extended if the designated University official approves. Timeframe extensions will only be made for good cause, with written notifications to the complainant and the respondent, including the reason for the delay.

(h) Generally, an investigation results in a written report. The report is submitted to a designated University official with the authority to implement the necessary actions that aim to resolve the complaint. The report can be used as evidence in other related procedures, for example: future complaints, grievances and/or disciplinary actions.

Sexual Harassment and Sexual Violence

- (i) According to University policy that governs privacy and access to personal information, 1) the complainant and the respondent may request a copy of the investigative report, and 2) the report must be redacted to protect the privacy of any personal and confidential information regarding all individuals other than the individual requesting the report.
- (j) At the conclusion of any proceeding, the complainant and the respondent will simultaneously be informed of the following in writing:
 - i. The outcome of any University proceeding, including
 1. the final determination with respect to the alleged offense;
 2. any sanction that is imposed against the respondent; and
 3. the rationale for the result and the sanction;
 - ii. The right and the procedures for both the complainant and respondent to appeal the outcome of any University disciplinary proceeding;
 - iii. Any change to the results that occurs prior to the time that such results become final; and
 - iv. When results become final.

C. Complaints or Grievances Involving Allegations of Sexual Harassment or Sexual Violence

Instead of, or in addition to, reporting to a Title IX Officer (Sexual Harassment Officer) or other appropriate designated officials, an individual who believes he or she has been subjected to sexual harassment or sexual violence can file a complaint or grievance. A complaint or grievance alleging sexual harassment or sexual violence must meet all of the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing, listed in [Appendix I: University Complaint Resolution and Grievance Procedures](#).

If a complaint or grievance is filed in addition to a report made to the Title IX Officer (Sexual Harassment Officer), the complaint or grievance must be put on temporary hold, subject to the requirements of any applicable complaint resolution or grievance procedure. It will remain suspended until there is an outcome reached from the Early Resolution or Formal Investigation procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution or Formal Investigation will then become the first step or steps of the applicable complaint resolution or grievance procedure.

Sexual Harassment and Sexual Violence

A complainant or respondent can also file a complaint or grievance stating that the actions taken in response to the report of sexual harassment or sexual violence did not follow *Policy*. Such a complaint or grievance cannot be used to address the disciplinary sanction, if any, that was imposed upon the respondent. 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 latest of the dates on which the individual was notified of:

- the outcome of the investigation,
- any other resolution process according to this *Policy*, and/or
- the actions that the administration took in response to the report of sexual harassment or sexual violence.

D. Remedies and Referral to Disciplinary Procedures

If the *Policy* was violated, and a report of sexual harassment or sexual violence results in a recommendation for disciplinary action, there are applicable, disciplinary action procedures that should be followed ([Appendix II](#)). In addition, these procedures should guide any remedies for the complainant.

Procedures under this *Policy* will be coordinated with all local complaint resolution, grievance, and disciplinary procedures, to avoid any 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 who reports sexual harassment or sexual violence, and
- violating interim protections.

Investigative reports made according to this *Policy* can be used as evidence in any future complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

E. Privacy

The University will protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent permitted by law and by University *Policy*. A report of sexual harassment or sexual violence can result in gathering extremely sensitive information about individuals in the University community.

While such information is considered confidential, University policy may also require the disclosure of certain information during an investigation. In such cases, every effort will be made to redact the records to protect the privacy of individuals.

The complainant will be informed of the results of a disciplinary proceeding against the respondent, in accordance with [Section V.B.4.j.](#), including information regarding disciplinary action taken against the respondent.

Sexual Harassment and Sexual Violence

F. Resources, Confidentiality of Consultation and Reporting Sexual Harassment and/or Sexual Violence

For any member of the University community seeking resources, information, and/or advice about making a sexual harassment and/or sexual violence report, each location will offer confidential consultations with designated personnel. These resources

- provide such individuals with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved, and
- will be posted on each location's website.

Such confidential resources include:

- a survivor advocacy office,
- licensed counselors in employee assistance programs, and
- licensed counselors in student counseling centers.

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

The locations will 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.

While the University understands the desire for confidentiality, and will do its best to fulfill these requests when determining an appropriate response, the University also has a legal responsibility to the respondent. Depending on the situation, there are cases in which the University will need to inform the respondent of the source of the allegation. This level of disclosure may be necessary to ensure a complete and fair investigation.

G. Retention of Records Regarding Reports of Sexual Harassment and Sexual Violence

The office of the Title IX Officer (Sexual Harassment Officer) is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records will be maintained according to University records policies. Records that fall under 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.

Sexual Harassment and Sexual Violence

VI. RELATED INFORMATION

- A. [Violence Against Women Reauthorization Act \(VAWA\) of 2013](#)
- B. [University of California Statement of Ethical Values](#)
- C. [Standards of Ethical Conduct](#)
- D. [Academic Personnel Manual \(APM\) Section 015](#), The Faculty Code of Conduct (referenced in Section III.D, footnote 1)
- E. [Academic Personnel Manual \(APM\) Section 016, University Policy on Faculty Conduct and the Administration of Discipline](#) (referenced in Section III.D, footnote 1)
- F. footnote 1)
- G. [Academic Personnel Manual \(APM\) Section 035, Affirmative Action and Nondiscrimination in Employment](#) (referenced in Section III.D, footnote 2)
- H. [Academic Personnel Manual \(APM\) Section 150](#), Non-Senate Academic Appointees/Corrective Action and Dismissal
- I. [Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices](#) (referenced in Section III.D, footnote 2)
- J. [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#) (referenced in Section III.D, footnote 2)
- K. [Personnel Policies for Staff Members 12 \(Nondiscrimination in Employment\)](#) (referenced in Section III.D, footnote 2)
- L. [Policy on Student Conduct and Discipline](#)
- M. [Student-Related Policy Applying to Nondiscrimination on the Basis of Sex](#)
- N. [University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment](#) (referenced in Section III.D, footnote 2)
- O. [UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information](#)
- P. [University of California Policies Applying to Campus Activities, Organizations, and Students](#) (referenced in Section III.D, footnote 2)
- Q. [Business and Finance Bulletin RMP-2: Records Retention and Disposition: Principles, Processes, and Guidelines](#)
- R. [University of California Non-Discrimination Policy](#)
- S. Guidelines on Sexual Harassment and Sexual Violence Outcome Reporting
- T. [Government Code 12950.1](#)

VII. FREQUENTLY ASKED QUESTIONS

1. **Who can be considered a Representative as described in Section V (B)(4)(e)?**

A representative includes any individual who provides the complainant or respondent support, guidance, or advice (including attorneys). The institution cannot limit the choice of an advisor, but may establish certain restrictions regarding the extent to which the advisor can participate in the proceedings as long as the restrictions apply equally to both parties.²

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

A result or outcome includes 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**. For more information, please see the “Guidelines on Sexual Harassment and Sexual Violence outcome reporting”.

² Proposed regulation 34 C.F.R. 668.46(k)(2)(iii)-(iv) provides: (k) *Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking*. As required by paragraph (b)(11)(vi) of this section, an institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking and that - ... (2) Provides that the proceedings will....

(iv) ***Not limit the choice of advisor*** or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the ***institution may establish restrictions regarding the extent to which the advisory any participate in the proceedings, as long as the restrictions apply equally to both parties.***

Sexual Harassment and Sexual Violence

VIII. REVISION HISTORY

XX/XX/2015 –

02/25/104 - 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

Sexual Harassment and Sexual Violence

APPENDIX I: University Complaint Resolution and Grievance Procedures

The following are the resolution and grievance procedures for members of the University community:

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; and
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.

Sexual Harassment and Sexual Violence

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 harassment or sexual violence.

Because the forms of unacceptable behavior listed in *The Faculty Code of Conduct* also apply to sexual harassment or sexual violence, a violation of the University's *Policy on Sexual Harassment and Sexual Violence* also constitutes 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 harassment or sexual violence 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](#)



Sexual Harassment and Sexual Violence

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’s policy on Sexual Harassment and Sexual Violence establishes the University’s staunch position, as well as the various means of addressing any such instances of sexual harassment and/or sexual violence.

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

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

<p>See the UC Sexual Harassment and Sexual Violence policy, for further information on:</p>
<ul style="list-style-type: none"> • Prohibited conduct and Affirmative Consent • Confidentiality of Reports of Sexual Harassment and Sexual Violence • Procedures for Reporting and Responding to Reports of Sexual Harassment or Sexual Violence • University Complaint Resolution and Grievance Procedures



Sexual Harassment and Sexual Violence Policy

[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:	02/25/2014 XX/XX/2015
Effective Date:	XX/XX/2015 02/25/2014
Last Review Date	XX/XX/2015
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 This policy applies to all University employees and students

For assistance with incidents of dating violence, domestic violence, sexual assault, sexual harassment, sexual violence, and stalking, please contact your local CARE Advisor, at <http://sexualviolence.universityofcalifornia.edu>

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Sexual Harassment and Sexual Violence

University of California Policy – Sexual Harassment and Sexual Violence

DRAFT POLICY FOR REVIEW AND COMMENT ONLY

[VII. FREQUENTLY ASKED QUESTIONS](#) *Error! Bookmark not defined.*

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For questions about this policy, please contact:

	Academic	Student	Staff
Contact:	Janet Lockwood	Eric Heng	Jeannene Whalen
Email:	janet.lockwood@ucop.edu	eric.heng@ucop.edu	jeannene.whalen@ucop.edu
Phone:	(510) 987-9499	(510) 987-0239	(510) 987-0853

I. POLICY SUMMARY

~~The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to 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, 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.~~

~~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. Every member of the community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence (hereafter referred to as *Policy*).~~

~~This *Policy* complies with the law and with the University's commitment to the highest standards of ethical conduct, which are 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 University of California. The University of California is~~

Sexual Harassment and Sexual Violence

University of California Policy – Sexual Harassment and Sexual Violence

DRAFT POLICY FOR REVIEW AND COMMENT ONLY

committed to creating and maintaining an atmosphere free of harassment, exploitation, and/or intimidation for every individual in our community. Therefore, we have a zero tolerance policy on Sexual Harassment and Sexual Violence (the Policy). In order to continue to work and learn together in a safe and fruitful healthy environment, we have created a policy that we feel establishes our staunch position, as well as our various means of addressing any such instances of sexual harassment and/or sexual violence.

This Policy applies to the following persons or locations:

- all University of California employees and students at its campuses;
- the Lawrence Berkeley National Laboratory;
- the Medical Centers;
- the Office of the President;
- Agriculture and Natural Resources; and
- all University programs and activities.

This Policy complies with the law as well as the and with the University's commitment to the highest standards of ethical conduct, which are outlined in the University's Statement of Ethical Values and Standards of Ethical Conduct.

II. DEFINITIONS

A. Sexual Harassment: Includes

- unwelcome sexual advances,
- requests for sexual favors,
- conduct of a sexual nature, including verbal, nonverbal, or physical conduct that creates an environment in which a reasonable person finds the behavior intimidating, hostile, or offensive, and
- conduct of a sexual nature, including verbal, nonverbal, or physical conduct – behavior that affects or interferes with a person's employment, work, education, and/or educational performance.

Sexual harassment may include incidents between any members of the University community, including:

- faculty and other academic appointees
- staff
- student employees
- students
- coaches
- residents

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- interns
- non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients).

Sexual harassment can occur in all types of relationships: hierarchical, between peers, or between individuals of the same sex or opposite sex. The University will respond to reports of any such conduct between any such members of the University community, according to the *Policy*.

To determine whether any reported conduct constitutes sexual harassment, the University will consider the record of the conduct as a whole including the circumstances and context in which the conduct occurred.

Harassment of one student by another student is defined as unwelcome conduct of a sexual nature that effectively denies equal access to the University's resources and opportunities because such conduct is: severe and/or pervasive, objectively offensive, and substantially impairs a person's access to University programs or activities. (See the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09)

B. Sexual Violence: Physical, sexual acts, engaged in without the consent of the other person, or when the other person is unable to consent. Sexual violence includes any of the following:

- sexual assault
- rape
- sexual battery
- domestic violence
- dating violence
- stalking

1. 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 the following:

- physical force
- violence
- threat
- intimidation
- ignoring the objections of the other person
- causing the other person's intoxication or incapacitation (through the use of drugs or alcohol)

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- taking advantage of the other person's incapacitation (including voluntary intoxication)

2. Dating Violence: Abuse committed by a person who is, or has been, in a romantic and/or intimate relationship with the victim.

3. Domestic Violence: Abuse committed against:

- an adult or a minor who is a
 - spouse or former spouse
 - cohabitant or former cohabitant
- someone with whom the abuser has
 - a child
 - an existing dating or engagement relationship
 - a former dating or engagement relationship

4. Stalking: Behavior in which someone repeatedly engages in conduct directed at a specific person. This conduct places the targeted person in reasonable fear of his or her safety or the safety of others or causes the targeted person to suffer substantial emotional distress. This policy intends to address stalking that could be reasonably construed as sexual or gender based in nature. Other forms of stalking of a non-sexual nature may be addressed by other University policies.

C. Abuse: In the context of dating and romantic relationships and, domestic violence, and/or, abuse is defined as -any act of violence, whether it's a single act or an ongoing pattern of behavior, and/or any threatened act -of violence, or threatened act of violence against:

- -one's self
- one's sexual or romantic partner, spouse or former spouse~~one's spouse or former spouse~~
- the family and/or friends of one's sexual or romantic partner, ,spouse, or, former spouse, etc.)
- one's cohabitant or former cohabitant
- , or someone with whom the abuser has a child,
- someone with whom the abuser has an existing dating or engagement relationship,
- someone with whom the abuser has had a former dating or engagement relationship,

- _____

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“Abuse” includes but is not limited to conduct that a reasonable person in similar circumstances and with similar identities would find intimidating, frightening, terrorizing, or threatening, including:

- physical violence
- sexual violence
- emotional abuse
- economic abuse
- threats
- assault
- property damage

or has had a former dating or engagement relationship. It “Abuse” includes, but is not limited to:

- physical violence
- , sexual violence
- , emotional violence
- e, and economic abuse that someone may a reasonable person in similar circumstances and with similar identities would find intimidating, frightening, terrorizing,
- or threatening.
- threats
- assault
- property damage It may involve one act or an ongoing pattern of behavior. It may take the form of threats, assault, property damage, violence or threat of violence to one’s self, one’s sexual or romantic partner or to the family members or friends of the sexual or romantic partner.

D. Awareness Programs: Any cCommunity-wide or audience-specific programming, initiatives, and/or strategies that increase awareness, audience knowledge and share information and resources to prevent sexual violence, promote safety, and reduce perpetrationacts of abuse.

E. Complainant: Any person who files a report of sexual harassment or sexual violence.

G.F. Consent: is informed. Consent is a decision; an affirmative, unambiguous, affirmative and conscious decision by each participantperson, in a relationship, to engage in mutually agreed-upon sexual activity. -(For the purposes of this Policy, the age of consent is consistent with California Penal Code Section 261.5.)

Consent is voluntary. It must be given without coercion, force. Consent means a willing and positive cooperation in an act, or expressing a desire to engage in an act. A person can only give his/her true consent if there is no force, threats, or

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intimidation. ~~Consent means positive cooperation in the act or expression of intent to engage in the act.~~ Ultimately, consent is an exercise of free will, pursuant to an exercise of free will. Silence does not mean consent.

Consent is revocable. At any point, in any context, consent can be denied and be taken back. More specifically:

- Consent to sexual activity, on one occasion, does not mean consent has been given to any form of sexual activity, on any occasion.
- A past dating experience or sexual relationship, by itself, is not enough to assume consent. Even in the context of a relationship, there always has to be mutual consent to engage in any sexual activity at any time.
- Consent is ongoing; meaning at any point during a sexual encounter consent has to be given, and can be withdrawn. 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 intimidation.

A person cannot consent if s/he cannot understand the act because of a physical or mental impairment.

~~Consent is revocable. At any point, in any relationship, in any context, consent can be denied, and be taken back. More specifically:~~

~~— Consent to some form of sexual activity, on one occasion, does not mean imply consent has been given to any to other forms of sexual activity, on any occasion.~~

~~— Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A A current or previous past dating experience or sexual relationship, by itself, is not sufficient enough to constitute assume consent in any other relationship. Even in the context of a relationship, there must always has to be mutual consent in order to engage in any sexual activity.~~

~~• Consent must be ongoing; meaning throughout at any point during a sexual encounter consent has to be given, and and can be revoked taken back at any time. Once consent is withdraw taken back, 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.~~

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- A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion force.
- A person cannot consent if s/his/her cannot understanding of the act is affected by because of a physical or mental impairment.

For the 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
- blackouts

Alcohol, drugs or other medication can also be a factor. In such a scenario, incapacitation is defined with respect to how the alcohol or other drugs that were consumed affects a person's

- decision-making capacity
- awareness of consequences
- ability to make fully informed judgments
- ability to communicate

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

The factors to be considered when determining whether consent was given include: whether the respondent knew that the complainant was incapacitated, or whether a reasonable person should have known.

DG.

Designated Employee: A designated employee is anyAny employee who has the obligation to report incidents of sexual harassment or sexual violence to the Title IX coordinator or other appropriate University designees. Generally this includes all employees, including academic appointees, unless s/he has been identified as an employee who can provide confidential consultations for the University community pursuant to Section V.F. of this Policy.; or a person to whom a student or employee could reasonably believe has this authority or duty. Designated employees must be informed of their own reporting responsibilities.

E.

Dating Violence: is defined as the committed by a person who is, or has been, in a social romantic and/or intimate relationship of a romantic or intimate nature with the victim.

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F.

Domestic Violence is defined as committed against:

- an adult or a minor who is a
 - spouse or former spouse
 - cohabitant or former cohabitant
- or against someone with whom the abuser has
 - has a child
 - 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
 -
 - has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

HG. Executive Officer: The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agricultural and Natural Resources.

HI. Incapacitation: The physical and/or mental inability to make informed and rational judgments. States of incapacitation include, but are not limited to
The physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to:

- unconsciousness
- sleep
- blackouts

Alcohol, drugs, or other medication can also be a factor. In such a scenario, incapacitation is defined with respect to how the alcohol or other drugs that were consumed affects 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.

The factors to be considered when determining whether consent was given include whether the respondent knew, or whether a reasonable person should have known, that the complainant was incapacitated.

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

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The factors to be considered when determining whether consent was given include: whether the respondent knew that the complainant was incapacitated, or whether a reasonable person should have known.

- ~~**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 respondent knew, or whether a reasonable person should have known, that the complainant was incapacitated.~~

Jl. Ongoing Prevention and Awareness Campaigns: Using a wide range of strategies with varying audiences throughout our institution, these are ~~Programming~~ Programming, initiatives, and strategies that are sustained over time and that focus on ~~aim to increase understanding and awareness of~~ sexual violence abuse among a variety of audiences. These campaigns further aim to develop skills that address such issues and occurrences. The campaigns will cover topics relevant to dating violence, domestic violence, sexual assault, and stalking.

- ~~increasing understanding of topics relevant to and skills addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.~~

Kj. Primary Prevention Programs: Are Programming, initiatives, and strategies that have been created based on research, and/or assessed for their value, effectiveness, and/or outcome. These programs focus on preventing dating violence, domestic violence, sexual assault, and stalking. Therefore, these programs 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. ~~Programming~~ programming, initiatives, and strategies that have been informed ~~created based on by research, and/or assessed~~ assessed for their value, effectiveness and/or outcome. These programs that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur aim to stop ~~focus on preventing dating violence, domestic violence, sexual assault, and stalking, before they occur. In order to~~ Therefore, do so, these programs through the promotion of ~~promote~~ positive and healthy behaviors that foster healthy, mutually respectful relationships and sexually ~~sexuality, while also encouraging a safe environment for bystanders to intervene in a potential case of abuse~~ tion, and seek to change behavior and social norms.

- ~~in health and safe directions.~~

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LK. Proceeding: ~~Means all~~ All activities involved when an institutional complaint is made requiring a non-criminal resolution. These activities include, but are not limited to:

- fact-finding investigations, and
- formal and informal meetings and hearings.

~~“Proceeding” does not include communications and meetings between officials and complainants when it concerns a complainant’s accommodations/protective measures. All activities related involved when an institutional disciplinary complaint is made, and a non-criminal resolution must be found. to a non-criminal resolution of an institutional disciplinary complaint. These activities includeing, but are not limited to,~~
:

~~fact-finding investigations, and
formal and informal meetings and hearings.
, formal and informal meetings and hearings.~~

~~“Proceeding” does not include communications and meetings between officials and complainants when it concerns a complainant’s accommodations/protective measures.~~

M. Respondent: ~~– A person against whom a report of sexual harassment or sexual violence is filed.~~

~~Proceeding does not include communications and meeting between officials and complainants concerning accommodations or protective measures to be provided to a complainant.~~

NL. Risk Reduction: ~~Are e~~ Strategies designed to decrease perpetration and bystander inaction, and create an environment where bystanders step in when abuse occurs, rather than remaining silent. These options would ultimately increase victim empowerment by reaching out to individuals and communities to: ~~Options that could designed to not only decrease acts of abuse, perpetration but and create an environment where itommunications and meeting bbystanders inactionto step in when abuse occurs, rather than remaining silent. These options would ultimately increase victim empowerment by reaching out to individuals and communities to:~~

- promote safety,
- extend help, and
- address conditions that facilitate violence. ~~, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.~~

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O. Trauma-Informed: - Methods designed to acknowledge the impact of violence and trauma on people's lives and the importance of addressing trauma in education. Services are influenced by an understanding of the impact of interpersonal violence and victimization on an individual's life and development. To provide trauma-informed services, all staff of an organization must understand how violence impacts the lives of the people being served, so that every interaction is consistent with the recovery process and reduces the possibility of re-traumatization.

M. Sexual Assault: occurs Occurs when physical, sexual activity is engaged without the consent of the other person. Or, or when the other person is unable to consent to the activity. The activity or conduct may include: the following:

- Pphysical force,
- Vviolence,
- Tthreat, or
- Iintimidation,
- Iignoring the objections of the other person,
- Ccausing the other person's intoxication or incapacitation (through the use of drugs or alcohol),
- or Ttaking advantage of the other person's incapacitation (including voluntary intoxication).

N. Sexual Harassment: is dIncludese defined as:

- 1. Unwelcome sexual advances,
- 2. Rrequests for sexual favors,
- creating an environment in which a person finds the behavior intimidating, hostile or offense, and
- other verbal, nonverbal, or physical or sexual conduct — behavior that in any way affects or interferes with a person's employment, work, education, and/or educational performance.

3. Other verbal, nonverbal, or physical conduct of a sexual nature. This means is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive. The University will respond to reports of any such conduct in accordance with the Policy.

behavior that in any way affects or interferes with a personsuch that a reasonable person would find the conduct intimidati

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Sexual harassment also covers when the above conduct creates an environment in which a person finds the behavior intimidating, hostile or **offense**.

Sexual harassment may include incidents between any members of the University community, including:

- Fffaculty and and other academic appointees,
- Ssstaff,
- Ssstudent employees,
- Ssstudents,
- Cccoaches,
- Rrresidents,
- Iiinterns,
- and nNnon-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients).

Sexual harassment may can occur in all types of relationships: hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. The University will respond to reports of any such conduct between any such members of the University community, in accordance with according to the Policy.

To determine whether the any reported conduct constitutes sexual harassment, the University will consider the ation shall be given to the record of the conduct as a whole as a whole. This refers to and to the totality of the circumstances and the, including the context in which the conduct occurred.

To determine whether any reported conduct constitutes sexual harassment, the University will consider the record of the conduct as a whole including the circumstances and context in which the conduct occurred.

Consistent with the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09, hHarassment of one student by another student is defined as unwelcome conduct of a sexual nature, that effectively denies equal access to the University's resources and opportunities is because such conduct is: so severe and/or pervasive, and objectively offensive, and that so that which substantially impairs a person's access to University programs or activities. (See the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09) that the person is effectively denied equal access to the University's resources and opportunities.

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O. Sexual Violence: is defined as physical, sexual acts, engaged without the consent of the other person, or when the other person is unable to consent to the activity. Sexual violence includes any of the following:

- sexual assault;
- rape;
- battery
- , and sexual coercion;
-
- domestic violence;
-
- dating violence;
- and stalking.

P.

Stalking: is behavior in which someone a person who repeatedly engages in conduct behavior directed at another, specific person, that places the targeted person in reasonable fear for his or her safety, or fear for the safety of others. It could also make or them suffers substantial emotional distress. This policy intends to address stalking that could be reasonably construed considered as sexual or based on gender based in nature. Other forms of stalking of a non-sexual nature may be addressed by other University policies.

II.III. POLICY TEXT STATEMENT

A. General Overview/Prohibited Behavior

The University prohibits sexual harassment and sexual violence. Such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

The University prohibits sexual harassment and sexual violence. This behavior violates both the law and University policy. The University will respond as quickly as possible to any reports of sexual harassment and/or sexual violence. The University will take any and all appropriate action to prevent, correct, and when necessary, discipline behavior that violates this Policy. Any staff, student or academic employee in violation of this Policy may be subject to disciplinary action, up to and including dismissal.

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. The University prohibits sexual harassment and sexual violence. This behavior violates both the law and University policy. The University will respond as quickly as possible to any reports of sexual harassment and/or sexual violence. We will take any and all appropriate action to prevent, correct, and when

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~~necessary, to discipline behavior that violates this Policy. Any employee in violation of this Policy may be dismissed.~~

~~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.¹ In order to determine if there has been sexual harassment or sexual violence, the University may take into account any acts of discrimination based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.~~

~~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 harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, for purposes of this policy, 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.~~

~~This Policy prohibits sexual harassment and sexual violence 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.~~

B. 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. While romantic relationships between members of the University community may begin as consensual, they are not immune to instances of sexual harassment and/or sexual violence. Consensual romantic relationships between members of the University community also are subject to other University policies. For example, policies concerning that concern faculty-student relationships, which are can be found in The Faculty Code of Conduct. The Faculty Code of Conduct.² The Locations may have local policies pertaining to consensual relationships. While romantic relationships between members of the University community may begin as~~

¹ [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](#).

² ~~The Faculty Code of Conduct may be found in the [Academic Personnel Manual \(APM\) Section 015](#).~~

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consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence.

Various locations may have different, local policies about consensual relationships.

C. Reporting Sexual Harassment or Sexual Violence

Each location will will make known to notify the campus community, about where reports of sexual harassment University employees to whom reports of sexual harassment and/or sexual violence can be made. Any member of the University community can report acts of sexual harassment or sexual violence to these designated employees, supervisors, managers, or Title IX Officer (Sexual Harassment Officer).

These All designated employees must immediately forward the reports to the Title IX Officer (Sexual Harassment Officer). The reports will be reviewed and appropriate action will be taken in accordance with this Policy. and investigated. Any manager, supervisor, or other designated employee responsible for who must report ing or responding to sexual harassment or sexual violence, who knew about an incident, and who took no action to stop it or failed to report or report it may be subject to disciplinary action.

Each location will identify staff who can provide confidential consultations to members of the University community seeking resources, information, and/or advice about making a sexual harassment and/or sexual violence report. While the University understands the desire for confidentiality and will consider such a request, the University also has a legal responsibility to the respondent. Depending on the situation, there are cases in which the University needs to inform the respondent of the source of the allegation.

(Information regarding confidentiality can be found in Section V.E and F.)

Each location will offer confidential consultations with designated staff Ffor any member of the University community seeking resources, information, and/or advice about making a sexual harassment and/or sexual violence report, each location will offer confidential consultations with designated personnel. While we understand the desire for confidentiality, and will consider such a request, we also have a legal responsibility to the respondent. Depending on the situation, there are cases in which we need to inform him/her of the source of the allegation. (Information regarding confidentiality can be found in Section V.E and F.)

An individual may file a complaint or grievance alleging sexual harassment or sexual violence under the University complaint resolution or grievance procedure (Section V. Procedures; Appendix I: University Complaint Resolution and Grievance Procedures).

An individual may file a complaint or grievance alleging sexual harassment or sexual violence under the University complaint resolution or grievance procedure (Section V. Procedures; Appendix I: University Complaint Resolution and Grievance Procedures).

D. Response to Reports of Sexual Harassment or Sexual Violence

All locations will provide a prompt, fair, and neutral response to reports of sexual harassment or sexual violence, which may include Early Resolution, Formal

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Investigation, and/or targeted prevention training or educational programs. (See Section V, Procedures for more information.)

If an individual reports to the University that s/he has been a victim of domestic violence, dating violence, sexual assault, or stalking, s/he will be provided with a written explanation of his/her rights, as well as options, ~~considering~~ regardless of whether the offense occurred on- or off-campus, or on any University location.

If the University confirms an occurrence/occurrences of sexual harassment or sexual violence, the University may offer remedies to the individual or individuals harmed by the harassment and/or violence. These remedies will be consistent with “applicable complaint resolution” and “grievance procedures” (Appendix I: University Complaint Resolution and Grievance Procedures). Such remedies may include:

~~In the case where the University confirms an occurrence/occurrences of sexual harassment or sexual violence, the University will offer remedies to the individual or individuals harmed by the harassment and/or violence, which will. These remedies must be consistent with “applicable complaint resolution” and “grievance” procedures (Appendix I: University Complaint Resolution and Grievance Procedures). Such remedies may include:~~

- ~~• Counseling,~~
- ~~• A repeating opportunity to repeat course work without penalty,~~
- ~~• Changes to student housing assignments, and~~
- ~~• Or other appropriate interventions, such as changes in academic, living, transportation, or working situations.~~

Any member of the University community who 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).

~~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, which is in accordance with the applicable University disciplinary procedure (Appendix II: University Disciplinary Procedures). or other University policy.~~

Generally, disciplinary action will be taken when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the complainant’s opportunity to participate in or benefit from educational programs.

~~Generally, disciplinary action will be recommended when the conduct is sufficiently severe, persistent, or pervasive. More specifically, the conduct would alter the conditions of a person’s employment, or limit the harmed individual’s opportunity to participate in or benefit from educational programs.~~

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E. Protection for Complainants and Witnesses

To encourage reporting of sexual violence incidents, complainants and witnesses who participate in an investigation of sexual violence will not be subject to disciplinary sanctions or corrective actions for policy violations at or near the time of the incident, unless the University determines that the violation was egregious, including, but not limited, to an action that places the health or safety of any person at risk.

Complainants and/or witnesses who participate in an investigation of sexual violence will not be subject to any disciplinary sanctions or corrective actions for violating policy at or near the time of the incident.

If, however, the University determines that a violation made was egregious/blatant, including, but not limited to, an action that places the health or safety of any person at risk, then disciplinary/corrective action can be made.

FC. 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.

This Policy prohibits retaliation against a person who reports sexual harassment or sexual violence. This protection also extends to anyone who assists someone with a report and anyone involved in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes, but is not limited to:

Any member of the University community who is found to have engaged in retaliation is subject to disciplinary action including dismissal in accordance with the applicable University disciplinary procedure (*Appendix II: University Disciplinary Procedures*) or other University policy. Just as we have a zero tolerance policy regarding sexual harassment and/or sexual violence, this Policy prohibits any form of retaliation against a person who reports sexual harassment or sexual violence. This protection also extends to anyone who assists someone with a report, and anyone involved in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes, but is not limited to

the following:

- threats,
- intimidation, or
- paybacks/reprisals, and/or
- harmful (adverse) actions related to employment or education.

Any member of the University community who participates in retaliation may be subject to disciplinary action, including dismissal. This is in accordance with, according to the University disciplinary procedures (*Appendix II: University Disciplinary Procedures*).

D. Amnesty

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~~Complainants and witnesses who participate in an investigation of sexual violence will not be subject to disciplinary sanctions or corrective actions for policy violations at or near the time of the incident, unless the University determines that the violation was egregious, including, but not limited, to an action that places the health or safety of any person at risk.~~

EGD. Dissemination of the Policy, Educational Programs, and Employee Training **Provision of Educational Programs/Employee Training and** **Dissemination of** **the Policy**

~~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 will also make available prevention training to designated individuals. 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).~~

To promote compliance with this *Policy* and familiarity with the procedures, each location must provide training and make preventive educational materials available to all members of the University community. In addition, the University will provide annual training to investigators and hearing officers. Each location must post a copy of this *Policy* in a prominent place on its website (See Section V. Procedures).

As part of the University's commitment to provide a working and learning environment free from sexual harassment and sexual violence, this *Policy* must be distributed to the entire University community through:

- publications,
- websites,
- new employee orientations,
- student orientations, and
- other appropriate channels of communication.

As part of the University's commitment to provide a working and learning environment free from sexual harassment and sexual violence, this *Policy* must be distributed to the entire University community through

- Publications,
- Websites,
- New employee orientations,
- Student orientations, and
- Other appropriate channels of communication.

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To promote compliance with this Policy and familiarity with the procedures, each location must make preventive educational materials available to all members of the University community. In addition, the University will provide annual training to investigators and hearing officers. Each location must post a copy of this Policy in a prominent place on its website (See Section V. Procedures).

E.F. 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). Each location shall designate University employees responsible for reporting sexual harassment and sexual violence, and notify the campus community as to whom has been designated to carry out this function. 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.~~

~~Consulting with a confidential resource is not considered 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 respondent 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).~~

GF. Response to Reports of Sexual Harassment or Sexual Violence

~~The locations shall provide a prompt, fair and impartial 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.~~

~~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~~

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~~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.~~

GH. 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. 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.

~~As participants in a public university, 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 will be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.~~

The University also has a compelling interest ~~believes in and supports~~ free inquiry, ~~and as well as~~ the collective search for knowledge. ~~T~~and ~~thus~~ ~~therefore~~, ~~we~~ recognizes the principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this *Policy* shall ~~should~~ be interpreted to ~~prohibit~~ prohibits

—conduct that is legitimately related to the course content, teaching methods, and scholarship.; Nor should it be interpreted to prohibit

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~~—, or an individual faculty member's public commentary, of an individual faculty member or the educational, political, artistic, or and literary expression of students in classrooms and public forums.~~

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

I. 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. 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.

III.IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

Responsible Officers have the authority to develop procedures or other supplementary information to support the implementation of this Policy. Responsible Officers may apply appropriate and consistent interpretations to clarify the Policy provided that the interpretations do not result in substantive changes to the Policy.

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

Executive Officers and Responsible Officers are authorized to delegate responsibility for establishing 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 campus determines which type of proceeding to use based on the circumstances of an allegation.

~~R~~The Executive Officer, as well as designated, Responsible Officers at each location, have responsible for, and authorized to, establish local procedures that implement the Policy. These designated officers ave the authority to develop procedures or other supplementary information to support the implementation of this Policy. Responsible Officers may apply appropriate and consistent interpretations can interpret the Policy, but only when appropriate and for the sake of clarification, to clarify the Policy provided

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~~that the interpretations do should not result in substantive changes to the *Policy's* actual substance.~~

~~The Executive Officer at each location is authorized to establish and is responsible for local procedures to implement the *Policy*. Local procedures must be consistent with the *Policy*. The Executive Officer and Responsible Officers are also authorized to determine the responsibilities and authority at a secondary administrative level. Exceptions to procedures required by the *Policy* must be approved by the Executive Officer.~~

~~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 campus is responsible for dEach campus is responsible for creating a detailed description for each type of disciplinary proceeding describing each type of disciplinary proceeding used by the campus. This includes Descriptions include the steps, anticipated timelines, and decision-making processes for each type of disciplinary proceedings. The procedures must also describe how the campus determines which type of proceeding to use, based on the circumstances of an allegation.~~

B. Revisions to the Policy

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

~~The Responsible Officers have the authority to initiate 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.~~

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

~~The Responsible Officers have the authority to initiate revisions to the *Policy*, consistent with:~~

- ~~— Approval authorities~~
- ~~— Applicable Bylaws~~
- ~~— Standing Orders~~
- ~~— Policies of The Regents.~~

~~approval authorities and applicable Bylaws, Standing Orders, and Policies of The Regents.~~

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~~The UC Provost and Executive Vice President, and the Executive Vice President – Business Operations, have the authority to ensure that the Policy is reviewed regularly and that it is updated in a manner that is consistent with other University policies.~~

C. Approval of Actions

Actions within the Policy must be approved ~~in accordance~~ according to ~~with~~ 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. Noncompliance with the Policy

~~Noncompliance with the Policy is managed according to the Policy on Student Conduct and Discipline, Personnel Policies for Staff Members 61, 62, 63, 64, 65, and <http://policy.ucop.edu/doc/401041667> pertaining to disciplinary and separation matters, and according to other University policies, including but not limited to, The Faculty Code of Conduct (APM - 015) and University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), Non-Senate Academic Appointees/Corrective Action and Dismissal (APM-150) or, as applicable, collective bargaining agreements. Reference Section VI and Appendices I and II.~~

~~required~~ Noncompliance with the Policy is managed in accordance with ~~according to 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~~ according to other University policies, including but not limited to, The Faculty Code of Conduct (APM - 015) and University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), Non-Senate Academic Appointees/Corrective Action and Dismissal

~~or, as applicable, collective bargaining agreements. Reference Section VI and Appendices I and II.~~

IV.V. PROCEDURES

A. Location Responsibilities

~~In accordance with state and federal law, t~~The~~Each~~ locations shall ~~must:-~~ do the following:

1. 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.

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~~— 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. 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 efficiently and effectively, 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 misconduct. The CCRT serves in an advisory capacity to campus leadership and community members about best practices in policies, education, prevention and response to sexual misconduct.

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

~~1. Offer training and education to the University community surrounding sexual harassment prevention and abusive conduct. training and education to the University community, and, consistent with California Government Code 12950.1, provide sexual harassment prevention training and education to each supervisory employee;~~

~~— Offer prevention education programs to all incoming students and new employees.~~

4. Offer and ongoing primary prevention programs and awareness campaigns to the University community, in order, to promote ongoing awareness of:

- Rape and acquaintance rape,
- Domestic violence,
- Dating violence,
- Sexual assault, and
- Stalking

stalking, These campaigns will include, but are not limited to, education surrounding about:

- the definition of consent,
- consensual relationships,
- options for bystander intervention, and
- risk reduction awareness information.

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- 2-5. Offer comprehensive, annual training, for individuals conducting formal investigations of reports or conducting hearings on issues related to responding to sexual violence, including trauma-informed approaches as defined in this *Policy*, ~~for individuals conducting formal investigations of reports or conducting hearings;~~
- 3-6. Provide all members of the University community with a process for reporting sexual harassment or sexual violence ~~in accordance with~~ according to the *Policy*;
- 4-7. Identify on- and off-campus resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services;
- 5-8. 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~~ according to the *Policy*;
- 6-9. Provide written notification as outlined in Section V.B.1 of the *Policy*; ~~and~~
- 7-10. ~~DDesignate~~ UU 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.
11. Conduct proceedings that incorporate these additional elements:
- Timely notice of meetings, at which the respondent or complainant, or both, may be present.
 - Timely access to any information that will be used after the fact-finding investigation, but during informal and formal disciplinary meetings and hearings, to the complainant, the respondent, and appropriate officials.
 - Timely proceedings conducted by officials who do not have a conflict of interest, or bias for or against the complainant or the respondent.
12. Establish and designate a Title IX Officer (Sexual Harassment Officer). The names and contact information for the Title IX Officer (Sexual Harassment Officer) as well as any designated, trained, sexual harassment or sexual violence advisors, will be posted with the *Policy* and local procedures on the location's website and will 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:

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- 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*.
- Disseminate the *Policy* to the University community.
- Provide educational materials to promote compliance with the *Policy* and familiarity with local reporting procedures.
- Train University employees who are responsible for reporting or responding to reports of sexual harassment.
- Provide prompt and effective response to reports of sexual harassment or sexual violence according to the *Policy*.
- Maintain records of reports of sexual harassment and sexual violence at the location, as well as any actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.
- Identify and address any patterns or systemic problems that arise during the review of sexual harassment and sexual violence complaints.

13. Distribute and post this Policy. Each location is required to distribute this policy to students, faculty, other academic staff and staff. Examples include, websites, student information boards, student handbook, faculty handbook and staff websites and information boards and during training and student orientation.

Proceedings will incorporate these additional elements:

- Includes tTimely notice of meetings, at which the respondent or complainant, or both, may be present.
- Provides tTimely access to any information that will be used after the fact-finding investigation, but during informal and formal disciplinary meetings and hearings, to the complainant, the respondent, and appropriate officials to any information that will be used after the fact-finding investigation but during informal and formal disciplinary meetings and hearings.
- IsAre cTimely proceedings conducted by officials who do not have a conflict of interest, or bias for or against the complainant or the respondent.

Title IX Officer (Sexual Harassment Officer)

Each location shall will designate a single Title IX Officer (Sexual Harassment Officer). The names and contact information for the Title IX Officer (Sexual Harassment Officer) and as well as any designated, trained, sexual harassment or sexual violence advisors, shall will be posted with the *Policy* and local procedures on the location's website and will be readily accessible to the University community. The responsibilities of the Title

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IX Officer (Sexual Harassment Officer) include, but may not be limited to, the duties listed below:

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

B. Procedures for Reporting and Responding to Reports of Sexual Harassment -or Sexual Violence

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~~ violate the *Policy*. -This includes conduct by employees, students, or third parties.

Reports of sexual harassment or sexual violence may be brought to the Title IX Officer (Sexual Harassment Officer). They may also be brought, ~~or~~ to any manager, supervisor, or other designated employee who is responsible for responding to reports of sexual harassment or sexual violence.

If the person to whom harassment normally would be reported is actually the individual being accused of harassment, reports may be made to another manager, supervisor, ~~or~~ other designated employee.

When a report is received, managers, supervisors, and all designated employees are required to notify the Title IX Officer (Sexual Harassment Officer) or another appropriate official designated by the location, who will then review the sexual harassment and sexual violence complaints and take appropriate action in accordance with this Policy.

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~~When a report is received, mManagers, supervisors, and designated employees are required to notify the Title IX Officer (Sexual Harassment Officer) or another appropriate official designated, who will then to review and investigate sexual harassment complaints when a report is received.~~

Reports of 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, prompt reporting will ~~make it easier for~~^{better enable} the University to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported, even if a significant amount of time has passed. However, delaying a report may ~~impede~~^{make it difficult for} the University's ~~ability~~ to conduct an investigation and/or to take appropriate remedial actions.

1. Required Notifications For Reports of Sexual Violence

~~When the University receives a report that a student or employee has been a victim of sexual violence, the University will provide a written explanation of rights and available options to the complainant, including procedures to follow. This will be provided regardless of whether the offense occurred on campus or in connection with any University program. The written information shall include:~~

~~When the University receives a report that a student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, tThe University will provide a written explanation of available rights and options available to the complainant, including procedures to follow. This will be provided, when the University receives a report that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the offense occurred on or off campus or in connection with any University program. The written information shall include:~~

- ~~•~~
- How and to whom the alleged offense should be reported.
- 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.
- 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 regarding such orders.
- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.

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- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community.
 - 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 victim chooses to report the crime to campus police or local law enforcement;
 - Any applicable procedures for institutional disciplinary action.
-
- ~~How and to whom the alleged offense should be reported;~~
 - ~~options Options for reporting to and/or notifying law enforcement and campus authorities, including the option to notify local or on-campus law enforcement 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;~~
 - ~~the 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 and the University's responsibilities regarding such orders;~~
 - ~~the The importance of preserving evidence, as when may be necessary, in order to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protection order;~~
 - ~~existing Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community;~~
 - ~~options Options for, and available assistance to, change academic, living, transportation, and working situations, if the complainant requests, and if such options are requested by the complainant and if reasonably available—, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;~~
 - ~~Any applicable procedures for institutional disciplinary action.~~

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2. Options for Resolution

Individuals reporting sexual harassment or sexual violence must be informed about their options. These options include but are not limited to:

- Early Resolution,
- Formal Investigation, and
- Filing complaints or grievances under the applicable University complaint resolution or grievance procedures.

Individuals making reports must also be informed about the confidentiality of reporting under this Policy (see Section V.G below).

Locations must respond promptly and effectively to reports of sexual harassment and sexual violence regardless of whether the reports are brought forth anonymously or by third parties who are not directly involved in the asserted offenses. However, the response to such reports may be limited if the information in the report cannot be verified by independent facts.

Individuals reporting sexual harassment and sexual violence must be informed about the range of possible outcomes of the report including:

- temporary protections,
- remedies for the individual harmed by the incident,
- disciplinary actions that might be taken as a result of the report, and
- information about the procedures leading to such outcomes.

An individual who experiences retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) may report it. Retaliation could be experienced by those who:

- reported sexual harassment or sexual violence, in good faith;
- assisted someone with a report of sexual harassment or sexual violence; or
- participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence

(The report of retaliation shall be subject to the procedures in Section V.B.3 and Section V.B.4 below.)

~~Individuals reporting sexual harassment or sexual violence shall~~must ~~be informed about their options for resolving potential violations of the Policy. These options shall~~will ~~include:~~

~~procedures for E~~early Resolution,
~~procedures for F~~ormal Investigation, and

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~~Ffiling complaints or grievances under the applicable University complaint resolution or grievance procedures.~~

~~Individuals making reports also shall must also be informed about the confidentiality of reporting policies applying to confidentiality of reports under this *Policy* (see Section V.G below).~~

~~Locations must shall respond extensively to to reports of sexual harassment and sexual violence to the the greatest extent possible to reports of sexual harassment and sexual violence. This applies regardless of whether the reports are brought forth anonymously or brought by third parties who are not directly involved in the asserted offenses. However, the response to such reports may be limited if the information contained in the report cannot be thoroughly verified by independent facts.~~

~~Individuals reporting sexual harassment and sexual violence shall must be informed about the range of possible outcomes of the report. This, includes:ing including~~

~~l temporary interim protections;~~

~~, R remedies for the individual harmed by the incident;~~

~~D disciplinary actions that might be taken against the respondent as a result of the report; and;~~

~~l including information about the procedures leading to such outcomes.~~

~~An individual who experiences is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) may report it. Retaliation could be experienced by those who~~

~~(e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for~~

~~h having made a report reported of sexual harassment or sexual violence, in good faith;~~

~~who assisted someone with a report of sexual harassment or sexual violence; or~~

~~, or who participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence;~~

~~(The report of retaliation shall be subject to the procedures in Section V.B.3 and Section V.B.4 below.)~~

~~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.~~

3. Procedures for Early Resolution

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The goal of Early Resolution is to resolve concerns with the cooperation of all parties involved, at the earliest stage possible. Locations are encouraged to use Early Resolution options only when the people involved desire to do so, or when a Formal Investigation is not likely to lead to a satisfactory outcome. Participation in the Early Resolution process is voluntary. Therefore, the University does not require that parties attempt to participate in Early Resolution before a Formal Investigation. Mediation, even if voluntary, may not be used in cases involving sexual violence. Some reports of sexual harassment may not be appropriate for mediation, and may first and foremost require a Formal Investigation. The University will not compel a complainant to engage in mediation.

Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution should be flexible and include a full range of possible and appropriate outcomes.

Early Resolution includes, but is not limited to, the following options:

- mediating an agreement between the parties (not for incidents of sexual violence),
- separating the parties,
- referring the parties to counseling programs,
- negotiating an agreement for disciplinary action,
- conducting targeted preventive educational and training programs,
- providing remedies for the individual harmed by the offense,
- discussions with the parties,
- making recommendations for resolution, and
- conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively.

Early Resolution might be appropriate for responding to anonymous reports and/or third party reports. All of the steps taken to encourage Early Resolution, and any agreements reached through Early Resolution, should be documented.

~~The goal of Early Resolution is to resolve concerns with the cooperation of all parties involved, at the earliest stage possible. Locations are encouraged to utilize use Early Resolution options only when the parties people involved desire to do so 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 shallshould be flexible and encompassinclude a full range of possible possible, and appropriate, outcomes.~~

~~Early Resolution includes options such as: the following options:~~

- ~~— Mmediating an agreement between the parties,~~
- ~~— Sseparating the parties,~~
- ~~— Rreferring the parties to counseling programs,~~

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- ~~N~~negotiating an agreement for disciplinary action,
- ~~C~~conducting targeted preventive educational and training programs,
- ~~o~~r ~~p~~roviding remedies for the individual harmed by the offense,
- ~~discussions with the parties,~~
- ~~making recommendations for resolution, and~~
- ~~conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively.~~

~~Early Resolution also includes options such as~~ ~~D~~discussions with the parties,
~~M~~making recommendations for resolution,
~~and C~~conducting a follow-up review after a period of time to assure ~~ensure~~ that the resolution has been implemented effectively.

~~Early Resolution might~~ be appropriate for responding to anonymous reports and/or third party reports. ~~All of the s~~Steps taken to encourage Early Resolution, ~~and any~~ agreements reached through Early Resolution efforts, should be documented.

~~While the University encourages Early Resolution of a complaint, again, it~~ ~~this option is~~ ~~voluntary. Thus~~ ~~herefore,~~ ~~the~~ University does not require that parties ~~attempt to~~ participate in Early Resolution ~~prior~~ ~~before~~ a to the University's decision to initiate a Formal Investigation is made. Some reports of sexual harassment or sexual violence may not be appropriate for mediation, ~~but~~ ~~and~~ may ~~first and foremost~~ 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. ~~T~~The University will not compel a complainant to engage in mediation. Mediation, even if voluntary, may not be used in cases involving sexual violence.

4. Procedures for Formal Investigation

In cases where Early 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 asked to file a written request for Formal Investigation. The wishes of the individual making the request will be considered, but will not solely determine whether a Formal Investigation into the report of sexual harassment or sexual violence is conducted.

~~In such cases, the individual making the report may be asked~~ ~~encouraged~~ to file a written request for Formal Investigation. ~~The wishes of the individual making the request shall~~ ~~will~~ be considered, but are not determinative, ~~in~~ ~~will not solely determine~~ the decision to ~~whether~~ ~~initiate~~ a Formal Investigation ~~of~~ ~~into~~ ~~at~~ the report of sexual harassment or sexual violence ~~is~~ made.

In cases where there is no written request, the Title IX Officer (Sexual Harassment Officer) or other appropriate, ~~designated~~ ~~officials~~ ~~designated to review and~~ ~~investigate sexual harassment complaints,~~ will make a preliminary inquiry into the facts. potentially in consultation with the administration, Such officials could then ~~may~~ initiate a Formal Investigation ~~after making a preliminary inquiry into the facts.~~

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In cases where a complainant states that 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:

~~In cases where a complainant states that 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) Tthe seriousness of the allegation,¹⁷~~
- ~~• 2) In the case of a student complainant, the age of the student; in the case of a student complainant,~~
- ~~• 3) Wwhether if there have been other complaints or reports against the the~~
~~respondent, and~~
- ~~• 4) If there will be a formal proceedings with sanctions, and~~
- ~~• whether if the accused individual has the right to receive information about the complainant and/or the allegations. 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. For example, such as when there is could be a risk to the campus community if the respondent remains on campus. The complainant should be made aware of that there could be this independent obligation to investigate the complaint.

(a) To provide a prompt, fair, and impartial investigation and resolution, any Formal Investigation of reports of sexual harassment and/or sexual violence must incorporate the following standards:

The individual(s) accused of conduct violating the *Policy* must be provided with 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

The individual(s) conducting the investigation must:

- Be familiar with the *Policy*;
- Have training or experience in conducting investigations;

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- iii) Be familiar with the relevant policies and procedures specific to students, staff, faculty, academic appointees, and visitors; and,
- iv) 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.

(a) In order to provide a prompt, fair, and impartial investigation and resolution, any Formal Investigation of reports of sexual harassment and/or sexual violence shall must incorporate the following standards:

- i. The individual(s) accused of conduct violating the *Policy* shall must be provided
 - with 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
- ii. The individual(s) conducting the investigation shall must be
 - familiar with the *Policy*;
 - have training or experience in conducting investigations, and (if relevant);
 - and as relevant to the investigation, (if relevant) 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.

(b) If the alleged conduct is also the subject of a criminal investigation, the campus may not wait for the end of the criminal investigation to begin an investigation under to this *Policy*. However, a campus 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 campus must promptly resume and complete its fact-finding for the sexual harassment or sexual violence investigation. (b) If the alleged conduct is also the subject of a criminal investigation, the campus may does not have to wait for the conclusion end of the criminal investigation in order to begin an investigation

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~~pursuant to this Policy. However, a campus 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 campus must promptly resume and complete its fact-finding for the sexual harassment or sexual violence investigation.~~

~~(c) In order to conduct a fair and thorough investigation, disclosing facts to parties and witnesses should be limited to what is reasonably necessary. Participants in an investigation should be advised to maintain that maintaining the confidentiality of an investigation if it is essential in order to protect the investigation's integrity of the investigation. The investigation generally shall include:~~

~~(c)~~

- ~~• interviews with the parties, if available,~~
- ~~• interviews with other witnesses as needed, and~~
- ~~• a review of relevant documents as appropriate. interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.~~

~~(d) The investigator shall apply a preponderance of the evidence standard to determine shall should use apply a preponderance of evidence standard as much evidence as possible in order to determine whether there has been a violation of this Policy.~~

~~(e) Upon request, The complainant and the respondent may each request to have a representative present when he or she is interviewed, and at any other proceeding or related meeting. Other witnesses may also have a representative present if approved by the investigator, or if required by University policy or a collective bargaining agreement. The complainant and the respondent may each request to have a representative present when he or she is interviewed, and at any subsequent other proceeding or related meeting. Other witnesses may also have a representative present at the discretion of if approved by the investigator, or as if it is required by applicable certain University policies or collective bargaining agreement, or a collective bargaining agreement.~~

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(f) At any time during the investigation, the investigator can recommend that certain temporary protections or solutions be provided by appropriate University officials for the parties or witnesses. These protections or remedies may include:

~~— At any time during the investigation, the investigator may can recommend that interim certain temporary protections or remedies solutions for the parties or witnesses be provided by appropriate University officials for the parties or witnesses. These protections or remedies may include:~~

- separating the parties.
- placing limitations on the contact between the parties, or
- making alternative working or student housing arrangements.

Failure to comply with the terms of interim temporary protections may be considered a separate violation of this *Policy*.

(g) The investigation shall should be completed as promptly quickly as possible and in most cases within 60 working days offrom the date that the formal investigation was initiated started. This deadline may can be extended if the designated on approval by a designated University official approves. Extensions of timeframes Timeframe extensions will only be made for good cause, with written notification see to the complainant and the respondent of the delay, and including the reason for the delay.

(h) Generally, an investigation results in a written report. The report is submitted to a designated University official with the authority to implement the necessary actions that aim to resolve the complaint. The report can be used as evidence in other related procedures, for example: future complaints, grievances and/or disciplinary actions.

In accordance According to University policy (that governs privacy and access to personal information, ³), 1) the complainant and the respondent may request a copy of the investigative report. However, and 2) also in accordance with University policy, the report must be redacted to protect the privacy of any personal and confidential information regarding all individuals other than the individual requesting the report.

that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator 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

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~~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.~~

~~(h)–~~

~~(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 respondent 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 respondent, and the rationale for the result and sanctions, consistent with Section V.E.~~

~~(j)–~~

~~(k) The complainant and the respondent may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information.⁴ However, in accordance with University policy, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report.~~

~~(l)–~~

~~(i) At the conclusion of any disciplinary proceeding~~

(i) At the conclusion of any proceeding, the complainant and the respondent will simultaneously be informed of the following in writing:

i. The outcome of any University proceeding, including:

1. the final determination with respect to the alleged offense;
2. any sanction that is imposed against the respondent; and
3. the rationale for the result and the sanction;

ii. The right and the procedures for both the complainant and respondent to appeal the outcome of any University disciplinary proceeding;

iii. Any change to the results that occurs prior to the time that such results become final; and

iv. When results become final.

At the conclusion of any disciplinary hearing, the complainant and the respondent will be simultaneously be informed of the following, in writing or in the report:

(such information can also be found in the above mentioned report, available upon request):

of:

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- The statement of the allegations and issues;
-
- The positions of the parties;
-
- A summary of evidence;
-
- A discovery of facts;
-
- A determination, by the investigator, whether this *Policy* has been violated;
-
- The outcome of any University disciplinary proceeding, including The final determination with respect to the alleged offense;
-
- A any actions taken to resolve the complaint. This can include including preventive educational programs, remedies for the complainant, and a referral to disciplinary procedures, as appropriate. i.e. any sanction that is imposed against the respondent; and
-
- The rationale for the result and the sanction, consistent with Section V.E.;
-
- The rights and the procedures for both the complainant and respondent to appeal the outcome of any University disciplinary proceeding; including 1) any change to the results that occur, and 2) when results become final.
-
- The University's procedures for appealing the results of the proceeding;
-
- Any change to the results that occur prior to the time that such results become final; and
-
- When results become final.

C. Complaints or Grievances Involving Allegations of Sexual Harassment or Sexual Violence

Instead of, or in addition to, reporting to a Title IX Officer (Sexual Harassment Officer) or other appropriate designated officials, an individual who believes he or she has been subjected to sexual harassment or sexual violence can file a complaint or grievance. A complaint or grievance alleging sexual harassment or sexual violence must meet all of the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing, listed in *Appendix I: University Complaint Resolution and Grievance Procedures.*

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If a complaint or grievance is filed in addition to a report made to the Title IX Officer (Sexual Harassment Officer), the complaint or grievance must be put on temporary hold, subject to the requirements of any applicable complaint resolution or grievance procedure. It will remain suspended until there is an outcome reached from the Early Resolution or Formal Investigation procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution or Formal Investigation will then become the first step or steps of the applicable complaint resolution or grievance procedure.

A complainant or respondent can also file a complaint or grievance stating that the actions taken in response to the report of sexual harassment or sexual violence did not follow *Policy*. Such a complaint or grievance cannot be used to address the disciplinary sanction, if any, that was imposed upon the respondent. 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 latest of the dates on which the individual was notified of:

An ~~Instead of, or in addition to, reporting to a Title IX Officer (Sexual Harassment Officer) or other appropriate designated officials, an individual who believes he or she has been subjected to sexual harassment or sexual violence can file a complaint or grievance.~~ may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure. ~~A complaint or grievance alleging sexual harassment or sexual violence must meet all of the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing, 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 must be put on temporary hold, held in abeyance subject to the requirements of any applicable complaint resolution or grievance procedure. It will remain suspended until, pending there is an outcome reached the outcome of the from 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 will then become 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 can also may file a complaint or grievance alleging stating that the actions taken in response to the report of sexual harassment or sexual violence did not follow *Policy*. Such a

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~~complaint or grievance may not be used filed to address a the disciplinary sanction, if any, that was imposed upon the respondent. 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 that the individual was notified of;~~

- ~~• It~~ the outcome of the ~~sexual harassment or sexual violence~~ investigation,
- ~~• or~~ ~~Any~~ other resolution process ~~pursuant in accordance with~~ ~~according to~~ ~~to~~ this Policy, and/or
- ~~• the actions that the administration took in response to the report of sexual harassment or sexual violence~~
~~of T~~ ~~the actions that the~~ ~~taken by the administration~~ ~~took in response to the report of sexual~~
~~harassment or sexual violence;~~ whichever is later.

D. Remedies and Referral to Disciplinary Procedures

~~If it has been determined that the there were Policy violations was violated, and a report of sexual harassment or sexual violence results in a recommendation for disciplinary action, Findings of Policy violation there are applicable, disciplinary action procedures that should be followed (Appendix II). In addition, these procedures should be referred to when determining any guide any remedies for the complainant. 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~~ will be coordinated with all ~~applicable~~ local complaint resolution, grievance, and disciplinary procedures, ~~in order~~ to avoid any duplication in the fact-finding process whenever possible. ~~Violations of the Policy may include:~~

- ~~E~~ ~~e~~ engaging in sexual harassment or sexual violence,
- ~~R~~ ~~r~~ retaliating against a complainant ~~reporting who reports~~ sexual harassment or sexual violence, and,
- ~~or~~ ~~V~~ violating interim protections.

Investigative reports made ~~pursuant in accordance~~ according to this Policy ~~may can~~ be used as evidence in subsequent any future complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

E. Privacy

The University ~~shall~~ will protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent permitted by law and by University Policy. A report of sexual harassment or sexual violence ~~may can~~ result in ~~the~~ gathering of extremely sensitive information about individuals in the University community.

While such information is considered confidential, University policy may also require the disclosure of certain information during an investigation. In such cases, every effort will be made to redact the records to protect the privacy of individuals.

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~~While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may also require the disclosure of this personal information, or public records, certain information concerning during an investigation a report of sexual harassment or sexual violence. In such cases, every effort shall will be made to redact the records in order to protect the privacy of individuals.~~

~~The complainant will be informed of the results of a disciplinary proceeding against the respondent, in accordance with Section V.B.4.j., including information regarding disciplinary action taken against the respondent.~~

~~The complainant shall will be informed of the final results of a disciplinary proceeding against the respondent, including information regarding disciplinary action taken against the respondent.~~

F. Resources, Confidentiality of Reports Consultation and Reporting of Sexual Harassment and/or and Sexual Violence

~~For any member of the University community seeking resources, information, and/or advice about making a sexual harassment and/or sexual violence report, each location will offer confidential consultations with designated personnel. Each location shall identify confidential resources with whom members of the University community can consult for advice and information regarding 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 such individuals with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved, and~~
- ~~• These resources shall will be posted on the each location's website.~~

~~Such cConfidential resources could include:~~

- ~~• thea survivor advocacy office,~~
- ~~• and/or licensed counselors in employee assistance programs, and~~
- ~~• licensed counselors in or student counseling centers.~~

Individuals who consult with confidential resources shall will be advised that their discussions in these settings are *not* considered actual reports of sexual harassment or sexual violence, and that Wwithout additional action by the individual, these discussions will not result in any formal action by the University to resolve their concerns.

The locations shall will 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.

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~~While wethe University understands the desire for confidentiality, and the University will do its best to fulfill these requests when determining an appropriate response, wethe University also havehas a legal responsibility to the respondent. Depending on the situation, there are cases in which wethe University will need to inform him/herthe respondent of the source of the allegation. 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 respondent to be informed of the allegations and their source. SomeThis 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.~~

G. Retention of Records Regarding Reports of Sexual Harassment and Sexual Violence

The office of the Title IX Officer (Sexual Harassment Officer) is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records ~~shall~~will be maintained ~~in accordance~~according to ~~with~~ University records policies. Records that fall under 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, will ~~shall~~ be maintained ~~in accordance with~~according to instructions from legal counsel.

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V.VI. RELATED INFORMATION

- A. [Violence Against Women Reauthorization Act \(VAWA\) of 2013](#)
- B. [University of California Statement of Ethical Values](#)
- C. [Standards of Ethical Conduct](#)
- D. [Academic Personnel Manual \(APM\) Section 015](#), The Faculty Code of Conduct (referenced in Section III.D, footnote 1)
- E. [Academic Personnel Manual \(APM\) Section 016, University Policy on Faculty Conduct and the Administration of Discipline](#) (referenced in Section III.D, footnote 1)
- F. [Academic Personnel Manual \(APM\) Section 035, Affirmative Action and Nondiscrimination in Employment](#) (referenced in Section III.D, footnote 2)
- G. [Academic Personnel Manual \(APM\) Section 150, Non-Senate Academic Appointees/Corrective Action and Dismissal](#)
- H. [Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices](#) (referenced in Section III.D, footnote 2)
- I. [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#) (referenced in Section III.D, footnote 2)
- J. [Personnel Policies for Staff Members 12 \(Nondiscrimination in Employment\)](#) (referenced in Section III.D, footnote 2)
- K. [Policy on Student Conduct and Discipline](#)
- L. [Student-Related Policy Applying to Nondiscrimination on the Basis of Sex](#)
- M. [University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment](#) (referenced in Section III.D, footnote 2)
- N. [UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information](#)
- O. [University of California Policies Applying to Campus Activities, Organizations, and Students](#) (referenced in Section III.D, footnote 2)
- P. [Business and Finance Bulletin RMP-2: Records Retention and Disposition: Principles, Processes, and Guidelines](#)
- Q. [University of California Non-Discrimination Policy](#)
- R. [Guidelines on Sexual Harassment and Sexual Violence Outcome Reporting](#)
- ~~A. [Guidelines on Sexual Harassment and Sexual Violence Outcome Reporting](#)~~
- S. [Government Code 12950.1](#)

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VII. FREQUENTLY ASKED QUESTIONS

1. Who can be considered a Representative as described in Section V (B)(4)(e)?

A representative includes any individual who provides the complainant or respondent support, guidance, or advice (including attorneys). The institution ~~may not~~ cannot limit the choice of an advisor, ~~but by~~ may establish certain restrictions regarding the extent to which the advisor ~~may~~ can participate in the proceedings, ~~as long as the restrictions apply equally to both parties.~~⁵

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

A result or outcome includes any initial, ~~interim~~ temporary, and final decision made by any official, or ~~entity~~ authorized person, that aims to resolve a disciplinary matters 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**. For more information, please see the “Guidelines on Sexual Harassment and Sexual Violence outcome reporting”.

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⁵ Proposed regulation 34 C.F.R. 668.46(k)(2)(iii)-(iv) provides: (k) *Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking*. As required by paragraph (b)(11)(vi) of this section, an institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking and that - ... (2) Provides that the proceedings will....

(iv) ***Not limit the choice of advisor*** or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the ***institution may establish restrictions regarding the extent to which the advisory any participate in the proceedings, as long as the restrictions apply equally to both parties.***

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II. REVISION HISTORY

XX/XX/2015 –

02/25/104 - 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

~~This policy was reformatted into the standard University of California policy template effective 02/25/2014.~~

~~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.~~

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APPENDIX I: University Complaint Resolution and Grievance Procedures

~~Applicable complaint~~ The following are the resolution and grievance procedures for members of the University community:

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; and
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.

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APPENDIX II: University Disciplinary Procedures

The following are the disciplinary procedures and policies ~~Applicable disciplinary action procedures~~ 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 it also~~
 - identifies various forms of unacceptable behavior which are applicable ~~apply~~ in cases of sexual harassment or sexual violence.

Because the forms of unacceptable behavior listed in *The Faculty Code of Conduct* ~~are interpreted to also~~ apply to sexual harassment or sexual violence, a violation of the University's *Policy on Sexual Harassment and Sexual Violence* ~~also~~ constitutes 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 (which are~~ applicable to exclusively represented academic appointees) ~~provide~~ 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 ~~may~~ 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 ~~which that~~ violates University policy ~~with respect to~~ for sexual harassment or sexual violence and provide for disciplinary action for ~~violation of~~ 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](#)

Sexual Harassment and Sexual Violence

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

~~DRAFT POLICY FOR REVIEW AND COMMENT ONLY~~

- PPSM-67: Termination of Career Employees – Managers & Senior Professionals, Salary Grades VIII and IX

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MODEL COMMUNICATION

The University invites comments on the proposed revisions to the Presidential Policy on Sexual Harassment and Sexual Violence.

The proposed revisions are intended to update the policy in accordance with Final Regulations implementing the requirements of the Violence Against Women Act (VAWA) that was reauthorized by President Obama in 2013. These Final Regulations were issued by the U.S. Department of Education on October 20, 2014 and become effective July 1, 2015. Additionally, proposed revisions address outstanding issues and questions dating from the original policy review process in fall 2013, assure that the policy is consistent with the efforts of the President's Task Force on Preventing and Responding to Sexual Violence and Sexual Assault, and improve clarity as requested by faculty, students, and staff.

The proposal is located on the UCOP Academic Personnel and Programs website, "Policies under review," under the "Systemwide Review" tab at <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policies-under-review/index.html>. It also may be viewed at (*e.g., the campus Academic Personnel Office*).

If you have any questions or if you wish to comment, please contact _____ at _____, no later than _____ 2015.