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I. THE CLERY ACT

In 1990, the Higher Education Act of 1965 (HEA) was amended to include the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542). This amendment required all postsecondary institutions participating in the Title IV student financial aid programs to disclose campus crime statistics and security information. In 1998, the Act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (more commonly known as the Clery Act) in memory of Jeanne Clery, a Lehigh University student who was killed in her dorm room in 1986. On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the bill were amendments to the Clery Act that afforded additional rights to victims/survivors of dating violence, domestic violence, sexual assault and stalking.

The Clery Act requires colleges and universities to draft and implement policies and procedures, as well as disclose certain crime statistics. These requirements include, but are not limited to:

- Developing policies and procedures regarding crime prevention, missing students, drug and alcohol use, reporting and preventing sexual assaults, and issuing emergency notifications, among others.
- Creating awareness programs for students and employees regarding dating violence, domestic violence, sexual assault and stalking.
- Issuing Timely Warnings for Clery Act crimes that constitute a serious or continuing threat to the safety of students or employees.
- Publishing an Annual Security and Fire Safety Report containing crime and fire statistics and statements of policy/procedures.
- Submitting crime and fire statistics to the U.S. Department of Education.

UC San Diego strives to provide a safe campus environment for its students, faculty and staff in compliance with the Clery Act and other federal and state laws. Each year by October 1, UC San Diego publishes its Annual Security and Fire Safety Report, which includes UC San Diego’s policies and procedures relating to campus safety and security, as well as certain crime and fire statistics. This Annual Security and Fire Safety Report is prepared with the cooperation of many University departments, and is intended to communicate important safety information to students, faculty and staff, and to assist prospective students, faculty and staff in the decision-making process of selecting a college or university by highlighting that UC San Diego is a safe place to learn, live and work.
II. PREPARING THE ANNUAL SECURITY AND FIRE SAFETY REPORT

The policy statements and procedures presented in the Annual Security and Fire Safety Report have been prepared by the Clery Compliance Officer, in cooperation with many departments, including:

- Academic Employee Relations
- CARE at the Sexual Assault Resource Center (CARE at SARC)
- Campus Fire Marshal
- Campus Security Authorities (CSAs) (defined in Section III.B)
- Council of Deans
- Employee Relations
- Environment, Health & Safety
- Facilities Management
- Housing, Dining, & Hospitality
- Office of Ethics and Compliance
- Office for the Prevention of Harassment & Discrimination (OPHD)
- Office of Student Conduct (OSC)
- Police Department
- Residence Life
- Student Affairs

The statistics provided in the Annual Security and Fire Safety Report come from reports of crimes or fires made to the UC San Diego Police Department, the UC San Diego Campus Fire Marshal, the Office of Student Conduct, Residence Life staff, Campus Security Authorities (“CSAs”), and local law enforcement agencies.
III. REPORTING CRIMES AND EMERGENCIES

A. Reporting to Law Enforcement

The University encourages crime victims, witnesses or anyone who learns about a crime to report the crime or emergency accurately and promptly to the UC San Diego Police Department or to the San Diego Police Department if you are off campus and within the city of San Diego or to the local law enforcement agency. Crimes should be reported when the victim of such crime elects to report, or is unable to make such a report. Every report made to the UC San Diego Police Department is reviewed to determine whether a follow-up investigation is required or to determine if a Timely Warning to the UC San Diego community is warranted. Please see Section VII for UC San Diego’s Timely Warning policy statement.

The UC San Diego Police Department is located at Campus Services Complex, Bldg B and can be reached twenty-four hours a day at 858-534-HELP (4357). For off campus locations, calls for assistance should be directed to the local law enforcement agency, such as the San Diego Police Department.

Crimes may also be reported to Campus Security Authorities (“CSAs”). CSAs will not investigate the crime, but they send reports to the UC San Diego Police Department online or via a fillable pdf available at http://blink.ucsd.edu/go/clery. The UC San Diego Police Department assesses the information provided in the crime report, determines whether an immediate response is warranted, if a Timely Warning should be issued and determines appropriate follow-up. Please see Section III.B for a description of Campus Security Authorities.

Clery Act crimes that are reported to the UC San Diego Police Department, San Diego Police Department, CSAs and local law enforcement agencies are used to compile the crime statistics for this Annual Security and Fire Safety Report.

IMPORTANT NUMBERS:

For on campus emergencies (police, fire, or medical):
Dial 9-1-1 from a campus or mobile phone
Use one of the emergency call boxes located in the parking lots or parking structures
Use the emergency intercom system located in most building elevators

For off-campus emergencies:
Dial 9-1-1 from a hardwired phone
Dial 9-1-1 from a mobile phone to reach either local law enforcement or the California Highway Patrol
B. Campus Security Authorities (“CSAs”)

The Clery Act requires individuals identified as Campus Security Authorities to report Clery Act crimes they directly witness or learn about in the course of their duties. CSA reports are made to the UC San Diego Police Department whether or not the victim chooses to file a report with law enforcement or to press charges. In addition to UC San Diego Police Department staff, CSAs include officials on campus who have significant responsibility for student and campus activities, including athletic coaches and assistant coaches, the Director and Assistant Director of Residence Life, Deans and Assistant Deans of Student Affairs, Resident Advisors, and Center for Student Involvement staff, among others.

CSAs complete a crime report form and submit it to the UC San Diego Police Department. The UC San Diego Police Department assesses the information provided in the crime report form, determines whether an immediate response is warranted, if a Timely Warning should be issued and determines appropriate follow-up.

The University strongly encourages all members of the community to report crimes directly to the UC San Diego Police Department. If the incident involves dating violence, domestic violence, sexual assault or stalking, CSAs who are also Responsible Employees as defined under Title IX and University of California policy must also make a report to the Office for the Prevention of Harassment & Discrimination for further assessment and administrative investigation.
C. Pastoral and Professional Counselors

UC San Diego does not employ Pastoral Counselors. Although professional counselors and other confidential resources on campus (described in Section III.D) may typically have significant responsibility and involvement in student and campus activities, they are exempt from Clery reporting requirements and they do not report Clery crimes to the UC San Diego Police Department for inclusion in the Annual Security and Fire Safety Report.

D. Voluntary/Anonymous Reporting

UC San Diego encourages all victims or witnesses of a crime to file a report with the UC San Diego Police Department. The University does not have a policy regarding the voluntary, confidential reporting of crimes by a victim or witness to be included in the Annual Security and Fire Safety Report. The individual(s) making the report to the UC San Diego Police Department should identify themselves. However, CSAs who are submitting reports of Clery crimes to the UC San Diego Police Department do not identify the victim by name. Victims or witnesses who wish to remain anonymous and/or seek confidential support or resources, and who do not wish to pursue action within the University or criminal justice system, are encouraged to contact confidential resources on campus for support and guidance. Confidential on-campus resources include CARE at SARC, Counseling & Psychological Services (CAPS) (for students), Faculty & Staff Assistance Program (for staff and faculty), Student Legal Services, and the Office of the Ombuds. In order to maintain victim/patient/client confidentiality, these offices will not forward information relating to the incident for purposes of inclusion in the Annual Security and Fire Safety Report or to the Office for the Prevention of Harassment & Discrimination for investigation of an allegation of dating violence, domestic violence, sexual assault or stalking. If a staff member in one of these departments is mandated by law to report the incident (such as an incident involving suspected child or elder abuse), they will advise the victim of those reporting requirements. Please also see Section XII.B.6 regarding confidentiality.
A. Law Enforcement Authority

The UC San Diego Police Department is empowered pursuant to § 830.2(b) of the California Penal Code and fully subscribes to the standards of the California Commission on Peace Officer Standards and Training (POST). UC San Diego police officers have the authority to conduct criminal investigations and make arrests anywhere in the State of California. They receive the same basic training as city and county peace officers throughout the state, plus additional training to meet the unique needs of a campus environment. The primary jurisdiction of the UC San Diego Police Department is the University campus and one mile surrounding the campus, as indicated in § 92600 of the California Education Code. The Department handles all patrol, investigation, crime prevention education, and related law enforcement duties for the campus community, and operates twenty-four hours a day, seven days a week.

The UC San Diego Police Department maintains a cooperative relationship with local and surrounding police agencies. The Department is a member of the San Diego County Regional Communications System (RCS) and has direct radio contact with local public safety agencies. The Department also has access to local, state, and federal law enforcement telecommunications systems that provide vehicle registration, driver license and criminal record information.

The police officers serving at the UC San Diego Police Department are the only sworn law enforcement at UC San Diego. The UC San Diego Bookstore Loss Prevention Department, along with University Library Safety and Security personnel, under California Penal Code Section 490.5 (f)(1), “may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the merchant has probable cause to believe the person to be detained is attempting to unlawfully take or has unlawfully taken merchandise from the merchant's premises;” both groups have the power to conduct a Citizen's Arrest but are acting as agents of a merchant or library in a non-sworn capacity. UC San Diego Health Security Services agents, who are also non-sworn personnel, do not detain patrons but do reserve the authority to conduct a Citizen's Arrest when observing criminal activity in their presence. All other non-sworn security personnel, including those which are contracted and hired from outside of the University, may not detain individuals.

B. Law Enforcement Partnerships

Pursuant to California Education Code § 67381, the UC San Diego Police Department and the San Diego Police Department adopted and signed a written agreement on March 18, 2004 that clarifies and affixes operational responsibilities for the investigation of violent and non-violent crimes occurring on University property. Due to the sophisticated investigative resources required to properly investigate certain crimes, the UC San Diego Police Department, by agreement, has arranged in certain circumstances for assistance from the San Diego Police Department. The agreement states that the UC San Diego Police Department will be the primary reporting and investigating law enforcement agency for all crimes occurring on the UC San Diego campus, with the exception of homicide/manslaughter. In cases of homicide/manslaughter, the San Diego Police Department will be the lead reporting and investigating agency. The San Diego Police Department will be the primary reporting and investigating law enforcement agency for all crimes occurring in the vicinity of the UC San Diego campus, but outside the boundaries of the main campus. Both agencies will continue to provide mutual aid assistance as appropriate when requested.
In addition, the UC San Diego Police Department seeks assistance from federal, state, and county law enforcement agencies as needed. The UC San Diego Police Department is a signatory to the Memorandum of Understanding maintained by the San Diego County Police Chiefs’ and Sheriff’s Association consent pursuant to § 830.1 of the California Penal Code, dated January 3, 2007.

In accordance with California law and by a Memorandum of Understanding dated November 6, 2015, the UC San Diego Police Department will disclose to the San Diego Police Department any report of a violent crime, sexual assault or hate crime received by the UC San Diego Police Department, either reported directly or through a Campus Security Authority, and made by the victim for the purposes of notifying the University or law enforcement. These reports will not identify the victim, unless the victim consents to being identified after he/she/they has/have been informed of their right to have their personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the San Diego Police Department.

C. Firearms and Weapons

The following are laws pertaining to firearms, weapons, or destructive devices on University property:

- It is unlawful for any person to bring or possess any firearm (loaded or unloaded) upon the campus of, or buildings owned or operated for student housing, teaching, research or administration by a public or private university (certain exceptions apply).2
- It is unlawful for any person to bring or possess any dirk, dagger, ice pick, or knife having a fixed blade longer than 2.5 inches upon the grounds of, or within the University of California (certain exceptions apply).3
- It is unlawful for any person to bring or possess a less than lethal weapon, as defined in California Penal Code § 16780, or stun gun, as defined in California Penal Code § 17230, upon the grounds of or within a public or private university (certain exceptions apply).4
- It is unlawful for any person, except in self-defense, to draw or exhibit an imitation firearm, “BB” device, toy gun or a replica of a firearm in a threatening manner against another in such a way as to cause a reasonable person apprehension or fear of bodily harm.5
- It is unlawful for any person to possess for any reason any explosives, pipe bomb, grenade, destructive device or dry ice bomb.6
- It is unlawful for any person to possess any type of cane gun, wallet gun, any undetectable or camouflaged firearm, ballistic knife, belt buckle knife, leaded cane, zip gun, lipstick case knife, air gauge knife, writing pen knife, military practice hand grenade, billy club, sand club, sap, wooden, metal or composite knuckles, shuriken, nunchaku, or blackjack.7

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2 Cal. Penal Code §§ 626.9(h) & (i).
3 § 626.10(b).
4 § 626.10(b).
5 § 417.4.
6 § 18710.
7 §§ 19200, 20310, 20410, 20610, 20910, 21110, 21710, 21810, 22210, 22410, 24310, 24410, 24710 and 33600.
V. LOCAL LAW ENFORCEMENT MONITORING OF NON-CAMPUS CRIMINAL ACTIVITY

The Center for Student Involvement maintains contact with recognized fraternities and sororities through the office of the Greek Life advisor. The UC San Diego Police Department does not provide law enforcement services to any off-campus residences of recognized fraternity and sorority organizations. Criminal activity at recognized fraternity and sororities residences is monitored and recorded by the San Diego Police Department. The UC San Diego Police Department maintains a solid working relationship with allied police agencies and exchanges relevant information as appropriate. Non-campus activities may be subject to the University’s jurisdiction under the Student Conduct Code (See Section IV of the Code for more details).

File a Crime Report Online:
Online reporting is available for certain crimes. Visit http://www.police.ucsd.edu/onlinereport/ for more information.

Text-a-Tip:
Send an anonymous tip to the UC San Diego Police Department via text or the web. Send a text to 274637 (CRIMES on a traditional keyboard) and begin your message with keyword UCSD. Or send a tip through the web at: https://www.tipsubmit.com/Webtips.aspx?AgencyID=755&HR=http://tipsoft.com/index.asp?p=webtips

Take Responsibility For Your Own Safety.

Helpful reminders for residents:
• Keep room and apartment doors locked at all times.
• Ask strangers to wait in common areas and restrict access to private areas.
• Keep valuables out of sight.
• Refrain from leaving personal property in common areas.
• Report suspicious activity immediately to the UC San Diego Police Department.

For additional information on how to keep yourself safe in various situations, visit http://blink.ucsd.edu/safety/emergencies/security/personal.html.

Don’t Text and Drive:
VI. SECURITY, ACCESS AND MAINTENANCE OF CAMPUS FACILITIES

A. Security of, and Access to Campus Facilities

During business hours, the University, excluding certain housing and dining areas, is open to students, parents, employees, contractors, and guests. During non-business hours, access to University facilities is restricted to those with issued keys or those admitted for unscheduled access through the UC San Diego Police Department or Facilities Management, after verification of identity and space authorization. Many campus buildings utilize intrusion alarms, panic buttons, and video cameras to enhance security in their areas. The UC San Diego Police Department Community Service Officer (CSO) Program employs students who provide safety escorts during the evening hours. As student employees of the UC San Diego Police Department, the CSOs provide expanded safety and security resources for the campus. Call (858) 534-WALK (9255) to request an escort.

B. Security of, and Access to Campus Residential Facilities

Housing and Dining Services, the Academic and Residential Life Offices, and the UC San Diego Police Department work closely together to promote a safe and comfortable living and learning environment for resident students. Security in residential areas, including Mesa, One Miramar, Coast, and La Jolla Del Sol Apartments, is supplemented by Residential Security Officers (RSOs) who patrol during the evening hours. Housing buildings are protected by multilayer access protocols. Over extended breaks, residence halls are equipped with additional locks to supplement the existing locks and access-card entrance systems. In addition, in partnership with the Lock Shop, the UC San Diego Police Department has purchased and currently maintains an enterprise-level access control system, which has begun to transition disparate access control building systems to a centralized model; this centralization provides scheduled unlocking and securing of locations, lock-down capabilities, and audit capabilities for patrons of campus facilities.

C. Security Considerations in Building Maintenance

During the year, assessments are conducted to review issues and identify areas of concern with respect to building security, campus lighting, landscaping, and other potential safety and security issues. Lighting and safety hazards identified during routine patrol of the campus are forwarded on an ongoing basis to Facilities Management. Ongoing projects include a review of master specifications for physical security infrastructure and technologies in coordination with Facilities Design & Construction and Facilities Management, an update of the Campus Outdoor Lighting Policy and Standards, and a review of the Annual Lighting Survey standards and procedures.

For the past 20 years, CARE at SARC and the UC San Diego Police Department have coordinated the Annual Lighting Survey. Representatives from Facilities Management, Residential Life, Environment Health & Safety, Transportation Services, Housing, Dining & Hospitality, Campus Planning, the Libraries and CARE at SARC walk the entire campus evaluating dark areas, safety hazards and other concerns. Recommendations for improvements are forwarded to the appropriate departments. In addition, in Fall 2015, we began to utilize GIS mapping, location services, automated tracking and reporting of light fixtures. We also assess lighting conditions throughout campus on a quarterly basis.
VII. TIMELY WARNINGS

If a Clery Act crime constitutes a serious or continuing threat to students and employees, a Timely Warning will be written and issued by the UC San Diego Police Department. Clery Act crimes include all of the offenses listed in Section XV.B of this Annual Security and Fire Safety Report. The Police Department evaluates whether the incident was a Clery Act crime, whether it occurred on UC San Diego Clery reportable geography (on campus property, on campus student housing facilities, on public property within or immediately adjacent to or accessible from the main campus, or in/on non-campus buildings and property owned or controlled by the University), and whether the crime is considered to be a serious or continuing threat to the campus community. This evaluation is done on a case-by-case basis and considers several factors, such as the nature of the crime and the continuing danger to the campus community.

The Police Chief, Captain, Lieutenant, Chancellor, Watch Commander or a member of the Executive Policy Group all have authority to issue a Timely Warning. If a Timely Warning is deemed necessary, the Watch Commander on duty will determine the content of the Timely Warning and will initiate the notification.

Timely Warnings are primarily issued via email to all students, faculty and staff to their assigned ucsd.edu email accounts with the subject heading including the phrase “Timely Warning.” If the Watch Commander deems it appropriate, Timely Warnings may also be issued utilizing one or more of the following systems:

- Triton Alert Emergency Notification
- Talk-A-Phone callbox or other public address system
- Patrol Vehicle
- Twitter @UCSDPOLICE
- Low Power Radio—1610 AM

Timely Warnings are reported in a timely fashion, withhold the names of victims and are used to aid in the prevention of similar occurrences.
VIII. EMERGENCY NOTIFICATIONS, RESPONSE AND EVACUATION PROCEDURES

A. Emergency Notifications

1. Introduction

The University of California, San Diego provides emergency notifications to all members of our campus community and the public upon confirmation of a significant emergency or dangerous situation occurring on or around campus that involves an immediate threat to the health or safety of students or employees.

As required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), UC San Diego has developed and maintains a comprehensive system known as the “TRITON ALERT Emergency Notification” system, which is used to immediately inform the UC San Diego community upon confirmation of an emergency or dangerous situation.

Reporting Emergencies - All members of the UC San Diego community should report emergencies to the UC San Diego Police Department by calling 9-1-1. The UC San Diego Police Department can dispatch other emergency responders such as Fire or Paramedics in addition to local law enforcement.

Any situation or incident that involves a significant emergency or danger that may pose an immediate or on-going threat to the health and safety of students, employees and/or visitors on campus should be reported immediately.

2. When TRITON ALERT Emergency Notifications are Sent

Upon confirmation of a significant emergency or dangerous situation which presents an immediate threat to the health or safety of students or employees, UC San Diego will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the TRITON ALERT Emergency Notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The types of emergencies that may trigger a TRITON ALERT include, but are not limited to: an approaching tornado, hurricane or other extreme weather condition; a structure or wildland fire; an outbreak of meningitis, norovirus, or other serious contagious illness; a natural disaster; gas leak; active shooter or armed intruder; a bomb threat; civil unrest or rioting; an explosion; a terrorist incident; a nearby chemical or hazardous materials spill; or a significant impact power outage.

A. Emergency Instructions:

TRITON ALERT Emergency Notifications will contain a brief description of the emergency with instructions about what to do. It is critical that the instructions be followed immediately. If the emergency affects only a small portion of UC San Diego and is unlikely to impact the larger community, a TRITON ALERT Emergency Notification may be made only to the group affected, although an all-UC San Diego TRITON ALERT Emergency Notification may still be sent. This decision will be made by the UC San Diego Police Department Watch Commander or the UC San Diego Campus Emergency Manager.

B. Evacuations:
B. Evacuations:
In the event an evacuation of a portion or all of the campus is needed, the TRITON ALERT Emergency Notification will describe those procedures. In addition, the Emergency Operations and Incident Management Plan (EOP) and the Emergency Management web page (http://blink.ucsd.edu/safety/emergencies/index.html) include evacuation guidelines that will be used in the event of a campus evacuation.

C. Follow-up Information:
After the initial TRITON ALERT Emergency Notification, follow-up information will be distributed by additional TRITON ALERT Emergency Notifications and via the internet at http://www.ucsd.edu/ or http://www.ucsd.edu/about/emergency.html until the emergency or threat has concluded.

3. Institutional Officials Authorized to Send TRITON ALERT Emergency Notifications
In the case of a reported significant emergency or threat, the UC San Diego Police Department Watch Commander or the UC San Diego Campus Emergency Manager, or in the event neither is available, their designated substitutes, will confirm with first responders /area experts that the emergency or dangerous situation exists. Confirmation of an immediate threat or emergency does not necessarily mean that all of the pertinent details are known or even available.

Upon confirmation of an immediate threat or emergency, the UC San Diego Police Department Watch Commander, the Campus Emergency Manager or their direct designee, will draft and send a TRITON ALERT Emergency Notification message to all University community members, subject to the exception noted above in Section VIII.A.2.

4. Types of TRITON ALERT Emergency Notifications

A. E-MAIL to Official UC San Diego Accounts:
When it has been determined that a TRITON ALERT Emergency Notification is required, an e-mail will be sent to all students, faculty and staff at their official ucsd.edu e-mail address. The University-wide e-mail subject line will be “TRITON ALERT.” University students, faculty and staff may not opt-out of receiving TRITON ALERT Emergency Notifications sent to their official UCSD email account.

B. TEXT/TELEPHONE to Mobile or Land-line Numbers:
On an annual basis, all UC San Diego students, faculty and staff will be asked to provide telephone and text message contact information to be used solely for the purpose of receiving TRITON ALERT Emergency Notifications or as part of a drill to test the TRITON ALERT Emergency Notification system. In order to receive TRITON ALERT Emergency Notifications via text message or telephone, individuals must provide accurate and up to date contact information. Students, faculty and staff are reminded to update their contact numbers once a year or when the information changes. Contact information may be updated at http://blink.ucsd.edu/safety/emergencies/campuswide/notifications/index.html. UC San Diego strongly encourages all students, faculty and staff to provide text / telephone contact information, however, individuals may opt-out from receiving TRITON ALERT Emergency Notifications sent via text message or telephone. Opt-out information may be found at https://blink.ucsd.edu/safety/emergencies/campuswide/notifications/faq.html.

Standard text messaging and voice messaging rates apply. All telephone numbers provided for TRITON ALERT Emergency Notifications will only be used during an emergency or a test of the TRITON ALERT Emergency Notification system.
C. Additional Methods of Providing TRITON ALERT Emergency Notifications:
Loudspeakers, bullhorns, Talk-A-Phone Callboxes, UC San Diego Police Department vehicle public address systems, building fire alarm systems or paper postings are methods that may also be used to relay information in an emergency or threatening situation.

Emergency information may also be provided through announcements to TritonLink https://students.ucsd.edu/, all at UCSD email notices, campus emergency status messages, social media websites, and the UC San Diego Radio Station (1610 AM),

5. Emergency Information via Web Sites

The following web sites may also contain local emergency information:
UC San Diego homepage: http://www.ucsd.edu/
UC San Diego Emergency Status website: http://www.ucsd.edu/about/emergency.html
UC San Diego Police Department website: http://blink.ucsd.edu/sponsor/police/index.html
San Diego County Emergency homepage: http://www.sdcountyemergency.com

6. TRITON ALERT Emergency Notification Tests / Drills

A full-scale test of the TRITON ALERT Emergency Notification system will occur via email, text and telephone annually and is generally performed in October. The University will publicize its emergency response and evacuation procedures in conjunction with the test. For each test, the University documents a description of the exercise, the date and time and whether it was announced or unannounced. Documentation of each test will take place and be maintained by the University for seven years. The results of recent tests are placed on the Emergency Management page at http://blink.ucsd.edu/safety/emergencies/index.html.

7. UC San Diego Non-Affiliates: Parents, Visitors, Neighbors and Others

Individuals without ucsd.edu email accounts including parents, guests, neighbors or contractors who are not UC San Diego employees but may conduct business on campus may sign up to receive TRITON ALERT Emergency Notifications. They may provide and update their contact information by visiting https://ondemand.mir3.com/ucsd/login/?div=affiliates.

Standard text messaging and voice messaging rates apply. All telephone numbers provided for TRITON ALERT Emergency Notifications will only be used during an emergency or a test of the TRITON ALERT Emergency Notification system.

8. Notification to Surrounding Community

The UC San Diego Police Department Watch Commander or the UC San Diego Campus Emergency Manager are responsible for providing notification to the neighboring community of any emergencies or dangerous threats. The Watch Commander or the Emergency Manager will contact the San Diego County Office of Emergency Services or San Diego Police Department via phone call or text message to coordinate the appropriate response. Individuals in the surrounding communities can go to http://www.ucsd.edu/ or http://www.ucsd.edu/about/emergency.html for updated information.

Response to an Active Shooter
Contact the UC Learning Center to view the video entitled “Shots Fired on Campus” and take the quiz.
B. Emergency Response and Evacuation Procedures

The University's Emergency Operations Plan provides the framework for an organized and effective response to emergencies impacting the campus community. The purpose of the Emergency Operations Plan is to establish emergency management priorities and associated planning and response procedures.

1. Priorities

The University has established the following order of priorities for emergency response on campus:

- **Priority I: Protect Lives**
  Action Examples – Manage building evacuations; fire suppression; hazardous materials release response; search and rescue; medical aid; communications; utilities stabilization.

- **Priority II: Protect Facilities and the Environment**
  Action Examples – Building inspections; facilities security; shelter; food / water.

- **Priority III: Restore Operations**
  Action Examples – Resident re-occupancy or relocation; mutual aid arrangements; vital records security; resume academic schedule; safeguard research.

In addition to these priorities, the University provides support to external agencies (e.g., Red Cross, San Diego County Office of Emergency Services, Governor’s Office of Emergency Services, etc.) and assists neighboring facilities (e.g., Salk Institute, Scripps Clinic, Scripps Hospital, VA Medical Center) whenever possible during emergency events in the area.

Individual University departments play a key role through the development of site-specific Department Emergency Action Plans to ensure personnel can:

- Identify and use on-site emergency equipment (Ex. fire alarms, extinguishers, AEDs)
- Implement emergency response procedures based on the nature of the emergency (Examples: earthquakes, hazardous material spills, extended power outage)
- Evacuate buildings and relocate to designated safe assembly areas

Department Emergency Action Plans are tested and evaluated on a periodic basis during University-wide emergency exercises.

2. Emergency Staff and Supplies

Emergency supplies are stored in strategic locations throughout campus and are used by trained Campus Emergency Response Teams (CERTs) that are deployed in an emergency. This distributed approach to emergency response across campus ensures full coverage and equal distribution of assets and trained personnel during campus-wide emergency events.

3. Emergency Response

CERTs will conduct damage assessments and make reports to the Emergency Operations Center (EOC). Based on these reports and other available information resources, EOC staff will develop an emergency response plan of action using the previously referenced order of priorities as their guide. CERTs may also be involved in light search and rescue, basic fire suppression, triage and first aid activities, as well as supporting general requests by incident command.

University specialty teams will provide emergency response support specific to their department's area of expertise. For example, Environment Health & Safety deploys emergency response teams to the scene for a hazardous materials spill. Similarly, Facilities Management sends repair teams to the scene during an emergency involving a loss of any utilities on campus and Facilities Design and Construction sends personnel to assess structural damage during an emergency involving compromise to building support systems.
4. Department Safety Coordinator

Department Safety Coordinators (DSCs) are designated individuals responsible for emergency planning within their department. DSCs work closely with the Emergency Management division to develop department emergency plans. DSCs also assist with their individual department's coordinated response during an emergency. For example, DSCs are responsible for identifying individuals within their department who require special assistance during emergencies. Finally, DSCs assist in communicating the University-wide emergency response plan to their department staff.

5. Evacuation of University Buildings

Evacuation of University buildings can occur via a verbal order, University-wide emergency notification, or activation of the building fire alarm system. All University buildings are outfitted with posted evacuation maps that are updated annually. These maps direct occupants to the nearest available building exits. The evacuation maps also designate a safe relocation site where personnel accounting can take place.

6. Drills and Exercises

The University conducts various emergency response exercises every year including tabletop drills, field exercises, and emergency notification systems tests. Emergency response and evacuation procedures are published annually during a University-wide exercise. These exercises are designed to assess and evaluate the emergency plans and capabilities of the University.

During the fall quarter, an evacuation drill is conducted in all undergraduate housing and high occupancy residential buildings on campus. Residents receive advance notice, including date and time of the evacuation drills, from the University's emergency management staff. Other exercises involving emergency responders throughout the county may also be scheduled during the year. For each drill, the University documents a description of the drill, the date and time of the drill, and whether it was announced or unannounced.

Ongoing campus projects aimed at improving emergency response include expansion of the University-wide emergency notification system, integration of the mass notification system user interfaces, enhancements of portable emergency responder technologies, and development of a mobile digital sign program.

In conjunction with the scheduled drills, the University provides participants with copies of the emergency response and evacuation procedures.

The Emergency Operations Plan can be found at:
http://www-bfs.ucsd.edu/emerg/ucsdemp.htm

Instructions for building evacuations can be obtained at:
http://blink.ucsd.edu/safety/emergencies/preparedness/get-ready/evacuation.html

The UC San Diego Emergency Guide published by Environment, Health, & Safety contains essential phone numbers and “What to do in case of...?” information for employees and students:
http://blink.ucsd.edu/safety/emergencies/preparedness/guide.html
IX. MISSING PERSONS

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, they should immediately notify the UC San Diego Police Department at 9-1-1 or (858) 534-4357. The Police Department will generate a missing person report and initiate an investigation. California law requires all local police and sheriff’s departments to accept any report by any party, including a telephonic report of a missing person, without delay and shall give priority to handling these reports over the handling of reports relating to crimes involving property. The local police or sheriff’s department is required to immediately take reasonable steps to locate the missing person.

In cases where the report is taken by a department, other than that of the city or county of residence of the missing person, the department shall notify and send a copy of the report to the police department(s) having jurisdiction over the residence of the missing person and the place where the missing person was last seen.8

Notifications will be made to the following within twenty-four hours of determining that a student is missing:
- The student’s designated confidential contact
- The student’s parent or legal guardian, if they are under the age of eighteen and not emancipated
- Surrounding law enforcement agencies

Students residing in on-campus housing have the option to identify individuals to be contacted by the University within 24 hours of the determination that the student is missing. The confidential contact information will be accessible only to authorized campus officials, and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. Please note that the University must notify a custodial parent or guardian if the student is under 18 years of age and not emancipated in addition to notifying any additional contact person designated by the student. Undergraduate students can designate a confidential contact on their housing contract, during room selection or anytime during the year by contacting their Residential Life Office. Graduate students can designate a confidential contact on their housing application prior to move-in, or anytime during the year by submitting a confidential contact form maintained by the Residential Services Office. In addition to the notifications mentioned above, once an investigation is launched, it may include contacting any or all of the following:
- The student’s parents;
- The law enforcement agency that has jurisdiction where the student’s permanent residence is located;
- Law enforcement agencies along a route where the student may have likely traveled; and/or
- Any other person or entity that may have information as to the whereabouts of the missing student.

Call Boxes
Use a call box to contact the UC San Diego Police Department or to request a safety escort. They can be found in most parking lots and parking structures, as well as other locations on campus.

For a list, visit: http://blink.ucsd.edu/safety/emergencies/security/call.html

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8 Cal. Penal Code § 14211.
X. ALCOHOL AND DRUG POLICIES

A. Alcohol Policy

The purchase, sale, service, manufacture, possession, use, and consumption of alcohol and/or malt beverages on University property is governed by the UC San Diego Consumption of Alcoholic and/or Malt Beverages Policy, PPM 510-1 Section XIII, (http://adminrecords.ucsd.edu/ppm/docs/510-1.13.HTML), California law and the San Diego Municipal Code. The UC San Diego campus has been designated “drug free” and the consumption of alcohol is only permitted under certain circumstances. Organizations or groups violating alcohol policies or laws may be subject to sanctions by University, local, state, or federal authorities. It is unlawful to sell, furnish, or provide alcohol to a person under the age of twenty-one. The possession or consumption of alcohol by anyone under twenty-one years of age in a public place or a place open to the public or a private place is illegal under California and/or San Diego local laws. Violators are subject to University disciplinary action, criminal prosecution, fine, and imprisonment.

B. Drug Policy

The UC San Diego Police Department enforces violations of state statutes and local ordinances relating to the illegal possession, use, sale, manufacture, or distribution of controlled substances, as defined in California Health and Safety Code §§ 11054, 11055, 11056, 11057 and 11058. Violators are subject to University disciplinary action, criminal prosecution, fine or imprisonment. Violation of federal statutes governing the illegal possession, use, sale, manufacture, or distribution of controlled substances will be forwarded to the appropriate federal authorities for prosecution.
C. Substance Abuse Education

The University makes available to students and employees a wide variety of programs designed to discourage the use of illicit substances and provide information on legal and responsible alcohol consumption. Abuse of alcohol and drugs can have a dramatic impact on academic, professional, and family life. Members of the community who may be experiencing difficulty with drugs or alcohol are encouraged to seek assistance.

Counseling and Psychological Services (CAPS) provides evaluation and short term counseling to currently enrolled students for a variety of life and mental health problems, including substance abuse and other addictive behaviors. If more intensive mental health treatment or substance abuse treatment is required, including detoxification, residential care or an intensive or longer term outpatient program, CAPS will assist with off campus referrals utilizing the student’s required health care insurance. CAPS services are provided without charge. All information regarding any counseling or mental health services is confidential in accord with laws relating to the privacy of medical records. CAPS does not participate in any disciplinary or administrative decisions. Information will not be released to non-health care university departments without the student’s written directive. Please visit http://caps.ucsd.edu.

UC San Diego employees dealing with substance abuse issues are encouraged to seek assistance through the Faculty and Staff Assistance Program (FSAP) where counseling, referrals, and other services are available. Please visit http://blink.ucsd.edu/sponsor/hr/org-chart/fsap.html.

UC Health Systems benefit-eligible employees may contact http://liveandworkwell.com operated by Optum/United Behavioral Health for support and counseling.


Additional resources are available at http://blink.ucsd.edu/HR/services/support/substance/index.html and http://blink.ucsd.edu/sponsor/hr/reaffirm/safety.html.
XI. CAMPUS SAFETY AND CRIME PREVENTION EDUCATION

The UC San Diego Police Department, the Office of Student Conduct (OSC), the Women’s Center, Student Health Services, Residential Life, the college deans, and other key departments on campus all actively participate in the effort to educate the campus community about personal safety and crime awareness and prevention. Safety presentations are provided for parents and all incoming students during Welcome Week, and to students, faculty and staff as requested throughout the year. Workshops and presentations covering a variety of topics are available, including alcohol and drug abuse, bicycle safety, office safety, sexual assault and rape prevention, vehicle and residential security, and self-defense instruction. In Fall 2016, UC San Diego will be launching a pilot program for all incoming Revelle College students known as Triton FYI, which is a 90-minute mandatory interactive workshop facilitated by Health Promotion Services staff and peer health educators to address the following topics: alcohol risk reduction which includes the UC San Diego IDEAS for bystander intervention, stress management, flourishing and positive psychology, and resources.

UC San Diego Police Department staff will meet with interested parties to address topics of interest, such as risk management. These programs are all informal and on an ad hoc basis, as requested by the community. In addition, the Department provides Active Shooter and Rape Aggression Defense (RAD) trainings, which are formal presentations including videos, PowerPoint presentations and role-play. Other services provided by the UC San Diego Police Department include office security surveys, workplace violence training and antitheft presentations.

In addition to classroom sessions, information is also available to the campus through the UC San Diego Police Department website, which posts daily crime and arrest activity as well as security alerts: http://www.police.ucsd.edu/docs/reports/callsandarrests/Calls_and_Arrests.asp. Various campus units produce brochures relating to security practices and crime prevention. On Admit Day, Transfer Admit Day and several other times throughout the year, display tables are set up at key locations on campus to provide information on campus safety.

While the UC San Diego Police Department may offer advice and assistance regarding campus safety, all members of the campus community are encouraged to take responsibility for their own safety and, when possible, assist others. Be aware of your environment, be a responsive bystander and use campus resources. To prevent unauthorized access to campus buildings, do not prop doors open, leave doors unlocked, or open the door for anyone you don’t know. Protect the security of your keys and immediately report the loss or theft of keys to the UC San Diego Lock Shop and/or the UC San Diego Police Department. Report crimes or suspicious circumstances, including door-to-door solicitation, to the UC San Diego Police Department.

Safety Escorts
Campus safety escorts are available every day of the academic school year, excluding the summer quarter. Dial (858) 534-WALK (9255) to request one. Did you know that you can request a Repeating Escort? You can arrange to have a Community Service Officer (CSO) meet you at the same place and time each week without having to request one each night. This makes it convenient to get an escort home after a late class or when practice ends. Community Service Officers (CSOs) are student employees of the UC San Diego Police Department. They receive training in self-defense, first aid, and traffic control. They also assist at special events and act as eyes and ears for the Police Department. Interested in applying? Contact the CSO Coordinator at (858) 822-1130.
XII. PROGRAMMING, POLICIES, AND PROCEDURES RELATING TO DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

A. Violence Against Women Act (VAWA) Definitions and Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking

UC San Diego prohibits the crimes of dating violence, domestic violence, sexual assault and stalking.

1. Federal VAWA Definitions

The crimes of dating violence, domestic violence, sexual assault and stalking are defined in the U.S. Department of Education Code of Federal Regulations (34 CFR § 668.46(a)), National Incident-Based Reporting System (NIBRS) and the FBI's Uniform Crime Reporting (UCR) Program, and are used for purposes of reporting crimes under the Clery Act as amended by VAWA.

**Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition –
  - (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (B) Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** - A felony or misdemeanor crime of violence committed –
- (A) By a current or former spouse or intimate partner of the victim;
- (B) By a person with whom the victim shares a child in common;
- (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Sexual Assault** - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program, a sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.9
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.10
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.11
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.12

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9 Definition from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program.
10 Definition from the NIBRS User Manual.
11 Definition from NIBRS User Manual.
12 Definition from NIBRS User Manual.
Stalking -
• Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
  (A) Fear for the person’s safety or the safety of others; or
  (B) Suffer substantial emotional distress.
• For the purposes of this definition –
  (A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
  (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  (C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

2. State Definitions

The following definitions come from California law and may be different from the federal definitions above, which are used for purposes of reporting crime statistics as mandated by the Clery Act as amended by VAWA.

Dating Violence - Included in the domestic violence definition of California Penal Code § 13700.

Domestic Violence - “Domestic violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship.

Factors that may determine whether persons are cohabiting include, but are not limited to,
1. sexual relations between the parties while sharing the same living quarters,
2. sharing of income or expenses,
3. joint use or ownership of property,
4. whether the parties hold themselves out as husband and wife,
5. the continuity of the relationship, and
6. the length of the relationship.

“Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.13

Sexual Assault (Defined under the Clery Act and VAWA to be an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting Program)

• Rape –
  (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
    1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
    2. Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
    3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:
   (A) Was unconscious or asleep.
   (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
   (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
   (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.14

**Sexual Battery (Fondling)**

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. . . .

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. . . .

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. . . .

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person’s will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. . . .

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery. . . .

(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

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14 § 261.
(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

As used in this section, the following terms have the following meanings:

1. “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
2. “Sexual battery” does not include the crimes defined in Section 261 or 289.
3. “Seriously disabled” means a person with severe physical or sensory disabilities.
4. “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
5. “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
6. “Minor” means a person under 18 years of age.

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**Incest**

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

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**Statutory Rape**

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

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**Stalking**

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.

(e) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

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15 § 243.4.
16 § 285.
17 § 261.5.
(h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

Consent in reference to sexual activity is defined under California law as the following:

In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

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18 § 646.9.
19 § 261.6.
20 § 261.7.
3. University of California Policy Definition of Consent

Consent is defined under University of California policy as the following:

Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence, do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct). The Respondent's belief that the Complainant consented shall not provide a valid excuse where: 1. The Respondent's belief arose from the Respondent's own intoxication or recklessness; 2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or 3. The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was: a. asleep or unconscious; b. due to the influence of drugs, alcohol, or medication, unable to understand the fact, nature, or extent of the sexual activity; or c. unable to communicate due to a mental or physical condition.

See Appendix C and http://policy.ucop.edu/doc/4000385/SVSH.

4. Primary and Ongoing Prevention and Awareness Programs

UC San Diego offers various programs to assist students with a wide range of issues, including primary and ongoing programs to promote the awareness and prevention of dating violence, domestic violence, sexual assault and stalking. These programs are available from CARE at SARC, OPHD, the UC San Diego Police Department and Student Health Services. In addition, other University departments and student organizations may organize campaigns throughout the school year on topics that overlap with dating violence, domestic violence, sexual assault and stalking.

All incoming freshmen and transfer students take a mandatory online program provided by OPHD entitled “We Are Tritons,” which introduces UC San Diego’s non-discrimination policies, and policies prohibiting dating violence, domestic violence, sexual assault and stalking. “We Are Tritons” also includes information about definitions, reporting options, red flag behaviors, bystander intervention strategies, and information about confidential resources. If incoming students do not complete “We Are Tritons” within the time period established by the campus, a registration hold is placed on the student’s record and the student is not able to register for classes until the training is completed.

CARE at SARC also provides mandatory in-person education for all incoming freshmen and transfer students during new student orientation. The program for incoming first year students is titled, “The Real World” and is a peer education theater performance by the student Orientation Leaders. This program includes information about the nature, dynamics and common circumstances associated with dating violence, domestic violence, sexual assault and stalking. The program also includes information about risk reduction and bystander intervention strategies. Incoming transfer students receive an in-person presentation from CARE at SARC staff that covers similar topics to the freshman program. In addition to these programs, each year CARE at SARC provides on-going education through a number of violence prevention programs, lectures, training sessions and workshops to departments, residence halls, student organizations, athletic teams, sororities and fraternities. CARE at SARC also prepares and widely distributes numerous educational brochures and publications.

UC San Diego provides periodic training relating to the prevention and handling of dating violence, domestic violence, sexual assault and stalking to all relevant personnel, including UC San Diego police officers and dispatchers, Office of Student Conduct staff and hearing officers, University investigators and other staff associated with the Title IX program.
OPHD provides education relating to the prevention and response to disclosures of dating violence, domestic violence, sexual assault and stalking at New Employee Orientation in addition to online training for supervisors, non-supervisors and faculty.

Additionally, UC San Diego Health Sciences provides a mandatory online program for all new employees that provides education relating to the prevention and handling of dating violence, domestic violence, sexual assault and stalking.

Finally, CARE at SARC provides on-going education throughout the year for the entire UC San Diego community and with special focus on domestic violence/dating violence in October, stalking in January, and sexual assault in April. Program content is specialized for each group that CARE at SARC works with. Topics include:

- Defining Consent
- Dynamics of Relationship Violence
- Rape Culture to Culture of Consent
- Understanding Healthy Relationships & Identifying Red Flags
- How to Support Survivors
- Intersectionality & Sexual Assault
- Cyber Safety & Stalking Prevention
- Bystander Intervention Techniques
- Community Safety Tips
- Supporting LGBTQIA Survivors

In addition to CARE at SARC’s outreach efforts, the UC San Diego Women’s Center, Health Promotion Services, and OPHD provide various education and training programs to the campus community that often address sexual assault, consent, healthy relationships, and stalking. CARE at SARC has worked closely with these departments to ensure consistency in the educational messages.

A. Student Program Descriptions:

"We Are Tritons" Online Program
All incoming freshman, transfer students and Education Abroad Program (EAP) Reciprocity students are required to complete the “We Are Tritons” online program prior to enrolling in classes. This program covers the following topics:

- Definitions of dating violence, domestic violence, sexual assault and stalking
- University’s statement regarding sex offenses
- Reporting options (Administrative, Criminal, Civil)
- Bystander intervention & risk reduction strategies
- Domestic violence and dating violence red flag warnings
- Information on available resources and services that CARE at SARC provides, including 24/7 crisis care, advocacy, accompaniment and confidential counseling

New Student Orientation
All incoming freshmen and transfer students receive in-person presentations during mandatory orientation. These presentations vary by college and include topics such as healthy relationships, bystander intervention techniques, defining consent, how to help a friend, online safety tips and campus resources.

Cute or Creepy: Understanding Healthy Relationships
This one-hour workshop explores the dynamics of a healthy relationship and gives students practice on identifying behaviors in a relationship that could be considered “cute/healthy” vs. what’s “creepy/unhealthy”. Discussion includes: red flag behaviors, bystander intervention, power and control tactics, and working with campus resources.
Who’s Checking You In/Out?
Twitter. Tumblr. Facebook. Google. This program offers tips about online safety, privacy settings, texting/sexting, social networks and how to protect personal information. Discussion includes: definitions of stalking and cyberstalking, reporting options, and working with campus resources.

Every Little BIT Counts
You ever see something and want to say something? Do you want to know how to successfully intervene when something is wrong? This program teaches the UC San Diego Bystander Intervention Techniques (BIT) model that offers skills and strategies for individuals who want to learn how to step in when something just doesn't feel right. Discussion focuses on definitions of sexual assault, consent, bystander intervention norms, and working with campus resources.

How to Support a Survivor
This program offers some insights on how friends and family members of sexual assault survivors can offer support and resources as well as employ strategies for self-care. Identifying information of victims/survivors will not be discussed.

Yes, No, Maybe? Clarifying Consent
This is an interactive workshop that focuses on communication, consent, and healthy sexuality. Learn what consent is and how to ask, listen, and respect. Discussion focuses on definitions, “yes means yes” education, bystander intervention and working with campus resources.

Safety/Sexual Jeopardy – CARE at SARC & Student Health
Learn important safety and health information in a fun and innovative way. This program discusses sexual health as well as general safety tips. Great for coed groups and works best with at least 10 participants.

CARE at SARC Services
This program is for student organizations interested in learning more about CARE at SARC. This presentation is a comprehensive summary of the educational outreach and support services provided by CARE at SARC advocates to students affected by dating violence, domestic violence, sexual assault and stalking.

Rape Aggression Defense – UC San Diego Police Department
Rape Aggression Defense (R.A.D.) is a national program designed to provide women with the concepts and methods needed for self-defense. The program enables women to take a more active role in protecting themselves and their psychological well-being. Take a R.A.D. class to learn:
• Effective and proven self-defense techniques
• Awareness and prevention
• Risk reduction and avoidance
B. Faculty and Staff Program Descriptions:

OPHD provides Sexual Violence and Sexual Harassment Prevention Training for supervisors, non-supervisors and faculty in person and online through the UC Learning Center. This training provides information on preventing and responding to sexual violence and sexual harassment and what each of us can do to make our UC culture safer for all.

**How to Refer a Student to CARE at SARC**

If your department works closely with UC San Diego students, this workshop provides an overview on how to respond to students in crisis and how to assist them in seeking services from CARE at SARC. It will also address how to respond in a timely fashion and ensure that the students’ rights and privacy are respected. Finally, CARE at SARC will provide information for non-confidential staff and faculty on how to fulfill their reporting obligations in relation to the Clery Act and Title IX.

**Managing Disruptive Behavior – CARE at SARC and UC San Diego Police Department**

Learning how to handle difficult people in a respectful yet assertive way is a valuable skill for anyone to know. This program introduces basic skills that can be applied in most situations when you are dealing with disruptive individuals. CARE at SARC and the UC San Diego Police Department also cover how to be a good witness and when to call the police.

**Rape Aggression Defense - UC San Diego Police Department**

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Take a R.A.D. class to learn:
- Effective and proven self-defense techniques
- Awareness and prevention
- Risk reduction and avoidance

C. Bystander Intervention Techniques:

Bystander intervention is when one person chooses to take a stand, speak up, or step in when witnessing an uncomfortable situation. It encompasses safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Created by UC San Diego students and staff, the UC San Diego Bystander Intervention Techniques (BIT) model can empower you with the skills needed to become a responsive bystander in everyday situations. Check out IDEAS for getting involved:

- **Interrupt** - Ask a question that’s not related to what’s going on. “Excuse me, where’s the bathroom?”
- **Distract** - Draw attention to something else. “Hey, your car is getting towed!”
- **Engage Peers** - Involve a friend or someone else around you. “Let’s do something.”
- **Authorities** - In some situations, authorities may be the best source for help (e.g., Police, Deans, RAs, party hosts, bar staff, and/or designated drivers).
- **Safety** - Keep your safety and the safety of others in mind and let that determine how you respond.

Remember, you’re not limited to just these IDEAS. You can use your own strategy or technique to intervene. Bystander Intervention is included in the programs provided by UC San Diego.
B. Options, Rights and Procedures for Victims/Survivors of Dating Violence, Domestic Violence, Sexual Assault and Stalking

UC San Diego 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. UC San Diego takes all complaints of sexual violence very seriously. The safety and well-being of our students, faculty and staff are among the University's highest priorities. Anyone who has been affected by sexual violence, whether on or off campus, is encouraged to utilize the support services provided by the University and in the community.

Victims/Survivors of dating violence, domestic violence, sexual assault and stalking have the right to choose whether they want to pursue criminal or civil remedies in court and/or administrative remedies through the University. Victims/Survivors also have the right not to pursue a criminal, civil or administrative remedy. Regardless of what course of action the victim/survivor chooses to pursue, UC San Diego strongly encourages all victims/survivors to contact CARE at SARC at (858) 534-5793. Victim advocates can provide confidential support and resources and are available 24 hours a day, 7 days a week.

When a student or employee victim/survivor reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the Office for the Prevention of Harassment & Discrimination (OPHD) will provide the victim/survivor with a written explanation of the victim's/survivor's rights or options as they relate to the following:

1. Reporting Options

A. Reporting to Law Enforcement:
   It is a victim's/survivor's choice to report a crime. Victims/Survivors may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report in the jurisdiction where the assault occurred at any time. Victims/Survivors can reach the UC San Diego Police Department at (858) 534-HELP (4357) or the San Diego Police Department at (619) 531-2000. A confidential victim advocate from CARE at SARC will assist the victim/survivor in filing the report if requested.

B. Reporting to University Administration:
   Victims/Survivors can report an incident of sexual violence or sexual harassment to the University by contacting the Office for the Prevention of Harassment & Discrimination (OPHD) in person, by email, by phone call or online at http://ophd.ucsd.edu/. OPHD is the UC San Diego Title IX Office. Victims/Survivors have the right to have a CARE at SARC advocate present with them while making a complaint to OPHD.

UC San Diego encourages anyone who has experienced dating violence, domestic violence, sexual assault or stalking to report an offense as soon as possible after its occurrence, in order for appropriate and timely action to be taken.
C. Filing a Civil Lawsuit:
Victims/Survivors may choose to file a civil lawsuit against the respondent, whether or not criminal charges have been filed. A civil lawsuit provides victims/survivors with the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress. A CARE at SARC advocate can assist a victim/survivor with identifying the necessary steps and processes for filing a lawsuit if requested.

D. Non-Reporting Options:
Victims/Survivors are strongly encouraged to report any incident of sexual violence to the police and/or OPHD so that steps may be taken to protect them and the rest of the campus community. However, non-reporting is also an option. Victims/Survivors who choose not to report may still contact CARE at SARC for more information, emotional support, individual and group counseling, and/or assistance with obtaining a medical exam. If the victim/survivor would like to seek support off campus, the Center for Community Solutions (CCS) provide services to victims/survivors of dating violence, domestic violence, sexual assault and stalking in San Diego County. Other confidential resources on campus include Counseling and Psychological Services (CAPS), Faculty and Staff Assistance Program (FSAP) and the Office of the Ombuds.

2. Medical Exams and the Importance of Preserving Evidence

A. Medical Exams:
Regardless of whether an incident of sexual violence is reported to the police, it is important to seek immediate medical attention, even if there is no evidence of serious injury. A medical examination is important to check for sexually transmitted diseases or other infections/injuries and for pregnancy. A CARE at SARC advocate can help victims/survivors find an appropriate medical provider.

B. Preserving Evidence:
Victims/Survivors are encouraged to preserve all physical evidence. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. Victims/Survivors have the right under state and federal law to receive a medical evidentiary examination anonymously, at no cost to them, even if they choose not to make a report to law enforcement at the time of the exam. In San Diego County, this exam is known as a Sexual Assault Forensic Exam (SAFE). It is recommended that the examination occurs within a reasonable timeframe after the assault for optimal evidence collection. If a sexual assault victim/survivor chooses to make a police report, the law enforcement official will meet with the victim/survivor, determine whether or not a crime occurred, and then alert the Sexual Assault Response Team (SART) facility where the SAFE will be conducted. Law enforcement will provide transportation to the facility, and the victim/survivor will meet with a victim advocate before the exam begins. A specially trained medical provider, called a Sexual Assault Nurse Examiner (SANE), will conduct the exam.

If a victim/survivor chooses not to report to law enforcement, they still have the right to a forensic exam. In San Diego County, this exam is facilitated through the Non-Investigative Report (NIR). The NIR allows the victim/survivor to remain anonymous and still have forensic evidence collected. The NIR is also free of cost to the victim/survivor. If a victim/survivor chooses an NIR option, they have 18 months from the date of evidence collection to convert the NIR to a reported exam and notify the appropriate law enforcement agency. The NIR option for UC San Diego students, faculty and staff can be requested by contacting CARE at SARC at (858) 534-5793. CARE at SARC advocates can provide transportation to the SART facility for victims who choose NIR.

21 Cal. Penal Code § 13823.95.
Student Health Services and UC San Diego Thornton Hospital DO NOT conduct SAFE/NIR exams by request. If a victim/survivor visits a medical facility solely for the purpose of requesting a forensic exam, law enforcement will be notified. A victim/survivor has the right not to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time.22

Victims/Survivors of dating violence, domestic violence, sexual assault and stalking are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police should the victim/survivor decide to report now or in the future.

3. Court-Ordered Restraining Orders

Victims/Survivors may choose to obtain a restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims/survivors who have experienced or are reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

UC San Diego complies with California law in recognizing restraining orders. Victims/Survivors who obtain a restraining order should provide a copy of the order to the UC San Diego Police Department. In order to comply with the restraining order, CARE at SARC advocates and the UC San Diego Police will assist a victim/survivor with setting up escorts, establishing special parking arrangements, providing a temporary cell phone, changing classroom or employment locations, or additional measures as needed. UC San Diego cannot apply for a restraining order for a victim/survivor in California. However, CARE at SARC advocates can offer assistance with obtaining a restraining order.

4. University-Issued No Contact Orders

UC San Diego may issue an institutional no contact order if deemed appropriate or at the request of the victim/survivor. These orders will be issued by the Office of Student Conduct. CARE at SARC advocates can assist victims/survivors with obtaining no contact orders. If a no contact order is violated, the University will initiate disciplinary proceedings appropriate to the status of the respondent (student, faculty, staff) and will impose sanctions if the respondent is found responsible for violating the no contact order.

5. University-Facilitated Protective Measures

The University will make accommodations and provide protective measures if the victim/survivor requests them, and if they are reasonably available, regardless of whether the victim/survivor chooses to report to the police or to the University. If reasonably available, the victim/survivor may be offered changes to academic, living, working or transportation situations. Examples of options for a potential change include the following:

- Academic – obtaining an extension on a class project, paper or exam; transferring to a different section of a class; or withdrawing and taking a class at another time.
- Living – moving to a different room or residence hall.
- Working – changing work hours or office space; taking an investigative leave.
- Transportation – assigning different parking spots; obtaining safety escorts.

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22 § 13823.95.
The University will work with the victim/survivor to identify the appropriate protective measures after considering a variety of factors, such as the specific need expressed by the victim/survivor; the age of the students involved (if applicable); the severity or pervasiveness of the allegations; any continuing effects on the victim/survivor; whether the victim/survivor and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location; and whether other judicial measures have been taken to protect the victim/survivor (e.g., civil protection orders).

The victim/survivor is encouraged to contact CARE at SARC, where all intervention services are confidential, free and available to UC San Diego students, faculty or staff. A victim advocate can discuss protective measures victims/survivors may want to consider. CARE at SARC advocates can also serve as liaisons to instructors, housing coordinators, supervisors, human resources and other departments as needed to assist with accommodations to academic, living, working and transportation situations with the victim's/survivor's consent. A victim's/survivor's ability to obtain protective measures may be affected by their decision not to report. For victims/survivors who have chosen to report to OPHD, OPHD will determine with them whether any interim protections need to be put into place.

6. Confidentiality and Exceptions

UC San Diego encourages victims/survivors of sexual violence to talk to someone about what happened so they can get the support they need, and so the University can respond appropriately. Whether — and the extent to which — a University employee may maintain confidentiality (and not disclose information to OPHD) depends on the employee’s position and responsibilities at the University. In order to decide whether and to whom victims/survivors want to report, victims/survivors should understand the different levels of confidentiality.

A. Confidential Communications:

Some people are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Physicians, psychotherapists, professional, licensed counselors, clergy who work or volunteer on or off campus, and who provide medical or mental health treatment or counseling (including those who act in that role under their supervision) may not report any information about an incident of sexual violence to anyone else at the University, including OPHD, without the victim’s/survivor’s consent, except in very limited circumstances that are explained below. CARE at SARC advocates acting in their role as CARE at SARC advocates also may talk with victims/survivors without revealing any information to anyone else at the University, including OPHD, without the victim’s/survivor’s consent.

Even these employees must report to local law enforcement agencies under certain circumstances, which are explained below and which any of these people must tell the victim/survivor about if they are applicable. The following explains when the law requires information be disclosed to law enforcement:

• Any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspect is suffering from (1) a wound or physical injury inflicted by a firearm or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including sexual violence, domestic violence and dating violence).23 This does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims/survivors, if applicable.

• All professionals described above (i.e., physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement.24 These professionals will explain this limited exception to victims/survivors, if applicable.

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23 Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including sexual battery, incest, rape, spousal rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. Cal. Penal Code §§ 11160-11163.2.
24 Cal. Penal Code §§ 11164-11174.3.
• Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger or to (2) the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims/survivors.

**Important:** If a victim/survivor speaks only to a physician, therapist, professional counselor, clergy member or CARE at SARC advocate, the University will be unable to conduct an investigation or pursue disciplinary action against the perpetrator, if the victim/survivor chooses to maintain confidentiality.

Even so, these individuals will still assist victims/survivors in receiving other necessary protection and support, such as victim advocacy, disability, medical, health or mental health services or legal services. However, these individuals may have limited ability to assist the victim/survivor with University academic support or accommodations, or changes to University-based living or working schedules, as such accommodations likely require the involvement of other University officials.

Victims/Survivors can change their minds about reporting. A victim/survivor who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police and thus have the incident fully investigated. These counselors and advocates can provide victims/survivors with that assistance if they wish. These counselors and advocates will also explain that Title IX includes protections against retaliation and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

**B. Limited Confidentiality (Responsible Employees under Title IX and University of California Policy):**

Any University employee who is not a confidential resource and who receives, in the course of employment, information that a student has suffered sexual violence, sexual harassment or other prohibited behavior has an obligation to notify OPHD (the Title IX office), even if the person making the report requests that no action be taken. Managers and supervisors, including faculty, deans, department chairs and Directors of Organized Research Units, must notify OPHD of a report of sexual violence, sexual harassment or other prohibited conduct involving any person affiliated with the University.

As detailed above, all University employees except physicians, licensed counselors and sexual assault counselors and advocates must report to OPHD all relevant details about any sexual violence incidents of which they become aware during the course of their employment. The University will need to determine what happened — and will need to know the names of the victim/survivor, the perpetrator(s), any witnesses and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to OPHD or other University employees will be shared only with individuals responsible for handling the University’s response to the incident. The University will protect the privacy of individuals involved in a sexual violence incident except as otherwise required by law or University policy. A sexual violence report may result in the gathering of extremely sensitive information about the victim/survivor and other individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual violence. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim’s/survivor’s identity and privacy and the privacy of other involved individuals.

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If the victim/survivor requests of OPHD or another University employee that their identity remain completely confidential, OPHD will explain that the University cannot always honor that request and guarantee complete confidentiality. If the victim/survivor wishes to maintain confidentiality or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University’s obligation to provide a safe, nondiscriminatory environment for all students, employees and third parties, including the victim/survivor. Under those circumstances, the University will determine whether the victim's/survivor's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about the victim's/survivor's identity, the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited.

The University will not require the victim/survivor to participate in any investigation or disciplinary proceeding if they do not wish to participate.

The University will not generally notify parents or legal guardians of a victim's/survivor's report of sexual violence unless they are under the age of 18 or the victim/survivor provides the University with written permission to do so. 27 Under California law, and pursuant to University policy, all University employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims/survivors under 18 years of age that they are required to report the sexual violence incident to the police.28 However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.29

Because the University is under a continuing legal obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) may also prompt the University to consider broader remedial action — such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and revising its policies and practices.

C. Confidentiality and Reporting to UC San Diego Police or Local Police:
If a victim/survivor reports an incident of sexual violence to the UC San Diego Police Department or another local police department, the police are required to notify the victim/survivor that their name will become a matter of public record unless confidentiality is requested.30 If the victim/survivor requests that their identity be kept confidential, their name will not become a matter of public record.

D. Confidentiality and Obtaining Accommodations and/or Interim Remedies:
The University will protect the privacy of everyone involved in a report of sexual violence to the greatest degree possible under applicable law and University policy. Personally identifiable information about the victim/survivor and other necessary parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services to the victim/survivor, including accommodations and/or interim remedies. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any accommodations or interim remedies provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

E. Privacy and the Annual Security and Fire Safety Report:
UC San Diego does not publish the name of crime victims or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime statistics that are disclosed in the Annual Security and Fire Safety Report. Furthermore, if a Timely Warning is issued on the basis of a report of dating violence, domestic violence, sexual assault or stalking, the name of the victim/survivor and other personally identifiable information about the victim/survivor will be withheld.

27 If there is a health and safety issue (e.g., immediate threat to self or others), the University may notify parents or legal guardians, regardless of the victim’s age, as allowed under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).
29 Cal. Penal Code § 11167(d).
7. Resources for Victims/Survivors

The following on-campus and off-campus resources offer services in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas. CARE at SARC can also serve as an advocate/liaison with any of these resources if requested.

A. On-Campus Resources:

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Types of Services</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>CARE at SARC</td>
<td>Provides victim advocacy for students, faculty and staff</td>
<td>(858) 534-5793 <a href="http://sarc.ucsd.edu">http://sarc.ucsd.edu</a></td>
</tr>
<tr>
<td>Counseling and Psychological Services (CAPS)</td>
<td>Provides counseling and mental health services for currently registered students, including undergrad, graduate, medical, pharmacy, and professional school students</td>
<td>(858) 534-3755 <a href="http://caps.ucsd.edu/">http://caps.ucsd.edu/</a></td>
</tr>
<tr>
<td>Faculty and Staff Assistance Program (FSAP)</td>
<td>Provides counseling and mental health services for University faculty and staff and members of their immediate household</td>
<td>(858) 534-5523 <a href="http://blink.ucsd.edu/sponsor/hr/org-chart/fsap.html">http://blink.ucsd.edu/sponsor/hr/org-chart/fsap.html</a></td>
</tr>
<tr>
<td>Student Legal Services (SLS)</td>
<td>Provides counseling and legal services to registered students — individuals and groups — as well as referrals to private attorneys</td>
<td>(858) 534-4374 <a href="https://students.ucsd.edu/sponsor/student-legal/">https://students.ucsd.edu/sponsor/student-legal/</a></td>
</tr>
<tr>
<td>Student Health Services (SHS)</td>
<td>Provides medical health services to registered students</td>
<td>(858) 534-3300 <a href="https://wellness.ucsd.edu/studenthealth/Pages/default.aspx">https://wellness.ucsd.edu/studenthealth/Pages/default.aspx</a></td>
</tr>
<tr>
<td>Financial Aid Office</td>
<td>Provides financial aid services to current and prospective students</td>
<td>(858) 534-4480 <a href="https://students.ucsd.edu/finances/financial-aid/index.html">https://students.ucsd.edu/finances/financial-aid/index.html</a></td>
</tr>
<tr>
<td>Undocumented Student Services Center</td>
<td>Provides visa and immigration assistance to students, faculty and staff who are undocumented or from mixed immigration status families</td>
<td>(858) 822-6916 <a href="https://students.ucsd.edu/sponsor/undoc/">https://students.ucsd.edu/sponsor/undoc/</a></td>
</tr>
<tr>
<td>International Center</td>
<td>Serves and supports international scholars, international students and all students, faculty and staff wishing to study, work, intern or volunteer abroad</td>
<td>(858) 822-0464 <a href="http://icenter.ucsd.edu/">http://icenter.ucsd.edu/</a></td>
</tr>
<tr>
<td>Office of the Ombuds</td>
<td>Provides confidential, neutral and informal dispute resolution services for faculty, staff, students, non-Senate academics, postdoctoral trainees and employees of the UC San Diego Health System</td>
<td>(858) 534-0777 <a href="https://ombuds.ucsd.edu/">https://ombuds.ucsd.edu/</a></td>
</tr>
<tr>
<td>Office for the Prevention of Harassment &amp; Discrimination (OPHD)</td>
<td>Conducts the administrative investigation of all reports of sex offenses, sexual harassment, discrimination and retaliation filed on campus and regarding students, faculty and staff</td>
<td>(858) 534-8298 <a href="http://ophd.ucsd.edu/">http://ophd.ucsd.edu/</a></td>
</tr>
<tr>
<td>Office of Student Conduct (OSC)</td>
<td>Receives and processes student conduct complaints while offering consulting and advising to faculty and staff regarding potential (and/or actual) student conduct cases and incidents</td>
<td>(858) 534-4934 <a href="https://students.ucsd.edu/sponsor/student-conduct/">https://students.ucsd.edu/sponsor/student-conduct/</a></td>
</tr>
<tr>
<td>Employee Relations, Policy Development and Work/ Life</td>
<td>Provides consulting services, advice, support and referrals in the Human Resources arena to UC San Diego employees, supervisors and administrators</td>
<td>(858) 534-4115 <a href="http://blink.ucsd.edu/sponsor/hr/org-chart/emp-relations-worklife/index.html">http://blink.ucsd.edu/sponsor/hr/org-chart/emp-relations-worklife/index.html</a></td>
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<td>Provides a 24-hour bilingual crisis helpline, emergency domestic violence shelters, hospital and court accompaniment, as well as legal and counseling services for those affected by domestic violence and sexual assault</td>
<td>1-888-DVLINKS (385 4657) <a href="http://www.ccssd.org/">http://www.ccssd.org/</a></td>
</tr>
<tr>
<td>San Diego Stalking Hotline</td>
<td>Provides support and information to victims/survivors of stalking</td>
<td>(619) 515-8900 <a href="http://www.sdcda.org/preventing/stalking/">http://www.sdcda.org/preventing/stalking/</a></td>
</tr>
<tr>
<td>Liveandworkwell, operated by Optum/United Behavioral Health</td>
<td>Provides confidential support services to benefit-eligible employees of the UC San Diego Health System</td>
<td>(866) 808-6205 <a href="https://www.liveandworkwell.com/public">https://www.liveandworkwell.com/public</a> (use company code UCSDMC)</td>
</tr>
<tr>
<td>Casa Cornelia Law Center</td>
<td>Provides quality pro bono legal services to victims of human and civil rights violations (The Center has a primary commitment to the indigent within the immigrant community in southern California)</td>
<td>(619) 231-7788 <a href="http://casacornelia.org/Home.html">http://casacornelia.org/Home.html</a></td>
</tr>
</tbody>
</table>

* Please see discussion on confidentiality in Section XII.B.6, especially the situations where these individuals are required by law to make disclosures.

C. National/Global Resources:

Nonconsensual or unwanted sexual contact is never ok, regardless of the state or country in which it occurs. Below are resources to find information and support nationally and internationally.

RAINN (Rape, Abuse and Incest National Network): https://www.rainn.org/

RAINN is the largest US network supporting victims/survivors of sexual assault and abuse, and offers a free, completely anonymous and confidential 24/7 online chat service that victims/survivors can access from anywhere around the globe. Chat with a trained RAINN support specialist anytime. Learn more at the RAINN resources website: https://www.rainn.org/national-resources-sexual-assault-survivors-and-their-loved-ones

- Hours: 24/7
- Email: info@rainn.org
- Hotline: (not available outside of the US) 1-(800)-656-4673
- Online Chat: https://hotline.rainn.org/online/terms-of-service.jsp

U.S. Department of State - Office of Overseas Citizens Services

The State Department can help victims/survivors contact family or friends, obtain medical care, address emergency needs, understand the local criminal justice process and connect with local and/or US-based resources for victims of crime, including local legal representation. The first step is often connecting with the local US consulate or embassy.

- If calling from the US or Canada: 1-(888)-407-4747
- If calling from overseas: +1-(202)-501-4444
- Locate the nearest Embassy or Consulate: https://travel.state.gov/content/passports/en/emergencies.html

8. Institutional Investigation and Disciplinary Procedures

Please see Section XII.C below.
C. Administrative Investigations and Disciplinary Procedures for Incidents Involving Dating Violence, Domestic Violence, Sexual Assault and Stalking

1. Investigations

UC San Diego takes all complaints of sexual harassment and sexual violence very seriously. Your safety and well-being are among the University's highest priorities, and you have the right to a learning or work environment that is free from any type of harassment or discrimination. UC San Diego responds to reports of dating violence, domestic violence, sexual assault, and stalking according to the University's sexual violence and sexual harassment policy and procedures. A full copy of the University of California Policy governing the University of California system relating to sexual assault and sexual violence is available at: http://policy.ucop.edu/doc/4000385/SVSH and at Appendix C. This policy contains the definition of “consent” governing the entire University of California system.

If a victim/survivor is interested in information about the administrative reporting option, the University strongly recommends that victims/survivors seek out the support of CARE at SARC to provide confidential advocacy. Students, faculty, and staff who choose to make an administrative report to the University will be referred to the Office for the Prevention of Harassment & Discrimination (OPHD). Students, faculty and staff may file a complaint with OPHD in person, by email, by phone call or online at http://ophd.ucsd.edu/. OPHD will explain the UC San Diego administrative procedures for responding to complaints of sexual violence and sexual harassment. OPHD will also determine with the complainant whether any interim protections need to be put into place. The University may implement measures, such as:

- Creating a plan to limit or prevent contact between the complainant and the respondent. This may include making changes to academic or housing situations for the complainant or the respondent;
- Taking steps to increase the complainant’s sense of safety and security while they continue with classes, work and other activities;
- Referring the complainant to confidential emotional support services through Counseling and Psychological Services, the Faculty and Staff Assistance Program, and/or CARE at SARC.

As soon as practicable after receiving a report, OPHD will make an initial assessment of the report to determine whether (i) the report, on its face, alleges an act of or Prohibited Conduct as defined in the University of California Policy on Sexual Violence and Sexual Harassment (http://policy.ucop.edu/doc/4000385/SVSH); and whether (ii) such conduct has a sufficient nexus with the University for it to intervene. OPHD may consult with appropriate academic officers for faculty and other academic appointees’ complaints, with Student Affairs Offices for student complaints, and with Human Resources, or Employee and Labor Relations Offices for staff complaints.

If an investigation is warranted, OPHD will appoint an investigator. Investigators receive annual training on issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct an investigation that protects the safety of victims and promotes accountability. This training is done online or during in-person meetings conducted with other UC campuses. The entire investigation process from initial investigation to final result shall be prompt, fair and impartial. Both the complainant and the respondent will be notified of the investigation. The investigator will meet separately with the complainant, the respondent and other potential witnesses to gather information. When that process is complete (usually within 60 working days), the investigator will prepare and submit a report addressing whether or not University policy was violated. The standard of evidence in these cases is preponderance of the evidence, with the University bearing the burden of proof. Preponderance of the evidence means that it is “more likely than not” that the respondent is responsible for the charged violation. If there is a finding of a policy violation, the University will refer the matter to the appropriate office for consideration of disciplinary action against the accused. The University will also consider whether any other action should be taken, such as remedies that may be appropriate for the accuser.
2. Student Disciplinary Procedures

Upon completion of the OPHD investigation of cases involving students, the Office of Student Conduct (OSC) and OPHD jointly send to the complainant and respondent a written notice of the investigation findings and will provide a copy of the investigation report, which is redacted by the Office of Student Conduct. The Director of Student Conduct or their designee will determine whether the alleged violations have been substantiated and policies violated using the preponderance of the evidence standard. If so, they will assess disciplinary sanctions. The complainant and/or respondent may schedule a meeting with the Director of Student Conduct or their designee and/or submit a statement in writing about the findings of any policy violations and the discipline prior to the decision and imposition of sanctions. The Director of Student Conduct or their designee will send a written notice to the complainant and respondent setting forth the decision on whether the alleged violations have been substantiated, any policies that have been violated, and assigned sanctions. The Director of Student Conduct and designee receive annual training on issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct a proceeding/hearing that protects the safety of victims and promotes accountability.

The complainant or respondent may appeal the decision and/or the sanctions by submitting an appeal to the Office of Student Conduct. If the appeal is accepted, the matter proceeds to an appeal hearing, where a single Appeal Officer or three person Appeal Body will handle the matter. Appeal Officers and Appeal Body members receive annual training on issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct a hearing that protects the safety of victims and promotes accountability. Specific training includes, but is not limited to, roles and responsibilities of panel members, trauma-informed practices, counter-intuitive victim behavior, policy definitions and fact application, and the preponderance of the evidence standard.

The Appeal Officer or Appeal Body will summarize its decision in a written report detailing its decision and rationale for the decision, including, whether the findings or sanctions are overturned or modified, an explanation of why the findings were not reasonable or the sanctions were disproportionate using the preponderance of the evidence standard. The Hearing Coordinator will send the Appeal Body’s written decision to the complainant and respondent simultaneously. If the findings and sanctions are upheld, the matter is closed with no further right to appeal. If the findings or sanctions are overturned or modified as a result of the appeal hearing, the complainant and respondent have the right to submit a written appeal to the Chancellor’s designee regarding procedural error that materially affected the outcome or sanctions that are disproportionate to the findings. The decision made from this appeal stage is final with no further right to appeal.

Both the complainant and the respondent will have the same opportunities to have others present during any step in the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor and/or support person of their choice. The University does not limit the choice of advisor and/or support person or presence of an advisor/support person in any meeting or disciplinary proceeding for either the complainant or the respondent.

Both parties will be simultaneously informed in writing of the result of any disciplinary proceeding relating from an allegation of dating violence, domestic violence, sexual assault or stalking; the procedures for appealing the results of the disciplinary proceeding; any change to the results that occurs before the results become final; and when such results become final. Please see Appendix D and the attached link for the full description of the hearing procedures and appeals process, including the timing of each step: https://students.ucsd.edu/_files/student-conduct/ucsd-sexual-violence-sexual-harassment-adjudication-implementing-procedures1-4-16.pdf.

The UC San Diego Implementing Procedures – University of California Student Adjudication Model for Sexual Violence & Sexual Harassment Cases contain standards intended to ensure the consistent application of disciplinary sanctions by the University in responding to conduct that violates the University of California Policy on Sexual Violence and Sexual Harassment and the UC San Diego Student Conduct Code.
When a student is found responsible for violating these policies, the University will assign sanctions that are appropriate to the violation, taking into consideration the context and seriousness of the violation. Disciplinary sanctions are designed to hold a student accountable for violating University standards of conduct and to promote personal growth and development. Disciplinary sanctions also serve the purpose of stopping the behavior that violated the policies and preventing its recurrence.

Disciplinary sanctions for sexual violence and sexual harassment violations will be assigned as follows:

Sexual assault, domestic/dating violence, or stalking in which one or more of the following factors are present will result in a minimum sanction of Suspension for at least two years, up to dismissal:

- Force, violence, menace or duress;
- Deliberately causing a person to become incapacitated or deliberately taking advantage of a person's incapacitation; or
- Recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

Sexual assault involving penetration, domestic/dating violence, or stalking will, absent exceptional circumstances, result in a minimum sanction of Suspension for two years, up to dismissal.

Other sexual contact in violation of policy will, absent exceptional circumstances, result in a minimum sanction of Suspension for one year.

In determining the appropriate sanction, the following factors may be taken into account:

1. Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; presence of weapons, use of force, violence, physical injury.
2. Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; use of authority to abuse trust or confidence; planned or predatory conduct; deliberately causing a person to become incapacitated or deliberately taking advantage of a person's incapacitation; recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent; hate or bias based on the complainant's membership or perceived membership in a protected group as defined in UC PACAOS Section 104.90. (Section XV (C) of the Student Conduct Code implements this provision at UC San Diego.)
3. Response following violation: voluntarily acknowledged wrongdoing at early stage of the process; failure to follow no contact order; attempt to influence witnesses; obstructed or disrupted the process.
4. Disciplinary history: prior violations unrelated, prior violations related. A Respondent's disciplinary history is cumulative. Therefore, increased sanctions may be assigned to take into consideration the Respondent's overall record of violations of all types, not just those of a similar type. Violations of University policies during the period of an active sanction may be cause for further action.
5. Impact on others: input from the complainant, protection or safety of the community.

3. Disciplinary Action for UC San Diego Staff or Faculty Members

UC San Diego staff or faculty members who are found in violation of the Sexual Violence and Sexual Harassment policy may be subject to disciplinary action under applicable personnel policies or collective bargaining agreements. Please see Appendix E for corrective actions for professional and support staff (http://policy.ucop.edu/doc/4010411/PPSM-62) and Appendix F for termination and job abandonment (http://policy.ucop.edu/doc/4010413/PPSM-64). For more information about the administrative process the University uses to handle cases of sexual violence, contact the Office for the Prevention of Harassment & Discrimination (OPHD) at (858) 534-8298, or see the OPHD website at http://ophd.ucsd.edu.
XIII. VICTIM NOTIFICATION POLICY

UC San Diego will provide both the complainant and the respondent with simultaneous written notification of any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking.

In addition, UC San Diego will, upon written request, disclose to the alleged victim of a crime of violence (defined in 18 U.S.C. § 16), incest or statutory rape the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, UC San Diego will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

XIV. SEX OFFENDER REGISTRATION INFORMATION

The federal Campus Sex Crimes Prevention Act requires institutions of higher learning to issue a statement in their Annual Security and Fire Safety Report detailing where members of their campus community can obtain information concerning registered sex offenders. It also requires sex offenders who are required to register under state law, to provide notice of their enrollment or employment at any institution of higher learning in the state where they reside. In addition, California law requires sex offenders who reside on campus, and all campus affiliated sex offenders, to register with campus law enforcement.

Members of the public may access sexual offender information at the Megan's Law website maintained by the Department of Justice: www.meganslaw.ca.gov. For information concerning offenders who have registered with the UC San Diego Police Department please contact Investigations at (858) 534-4359.
A. Sources for Crime Statistics

This report contains crime statistics compiled for the 2015, 2014 and 2013 calendar years. The information was compiled from reports received by the UC San Diego Police Department, local law enforcement agencies, Campus Security Authorities, the Student Conduct Office and other key campus areas.

Student Resources:
Campus Advocacy, Resources, and Education at the Sexual Assault Resource Center (CARE at SARC) (858) 534-5793 • http://sarc.ucsd.edu

Counseling and Psychological Services (CAPS) (858) 534-3755 • http://caps.ucsd.edu

Student Health Services (858) 534-3300 • http://studenthealth.ucsd.edu

Student Legal Services (858) 534-4374 • https://students.ucsd.edu/sponsor/student-legal/

Faculty and Staff Resources:
Campus Advocacy, Resources, and Education at the Sexual Assault Resource Center (CARE at SARC) (858) 534-5793 • http://sarc.ucsd.edu

Faculty and Staff Assistance Program (FSAP) (858) 534-5523 • http://blink.ucsd.edu/sponsor/hr/org-chart/fsap.html

UC San Diego Health Sciences benefits-eligible staff, visit Liveandworkwell operated by Optum/United Behavioral Health: https://www.liveandworkwell.com/public and (866) 808-6205 (use company code UCSDMC).
### B. Crime Statistics

#### 1. Criminal Offenses Reporting Table

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON-CAMPUS STUDENT HOUSING FACILITIES</th>
<th>ON-CAMPUS TOTAL</th>
<th>NON-CAMPUS</th>
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</table>

*Prior to 2014, sex offenses were reported in two categories: Sex Offenses - Forcible and Sex Offenses - Non-Forcible. Beginning in 2014, sex offenses are reported in four categories: Rape, Fondling, Incest, and Statutory Rape.

Changes to prior years’ statistics: The 2014 statistics for aggravated assault were corrected to reflect that 1 incident occurred on on-campus property, instead of on public property. The 2014 statistics for motor vehicle theft were corrected to reflect that 2 incidents occurred on on-campus property instead of 1 on non-campus property and 1 on public property. The 2013 statistics for arson were corrected to reflect that 2 incidents occurred on on-campus property.

Statistics were collected based on guidance from the US Department of Education in effect prior to July 2016, with the exception that the statistics reflect the modifications to the hierarchy rule.
2. VAWA Offenses Reporting Table

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON-CAMPUS STUDENT HOUSING FACILITIES</th>
<th>ON-CAMPUS TOTAL</th>
<th>NON-CAMPUS</th>
<th>PUBLIC PROPERTY</th>
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</table>

Changes to Prior Years’ Statistics: The 2014 statistics for stalking were corrected to reflect that 1 incident occurred in an on-campus student housing facility.

3. Arrests and Disciplinary Referrals Reporting Table

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON-CAMPUS STUDENT HOUSING FACILITIES</th>
<th>ON-CAMPUS TOTAL</th>
<th>NON-CAMPUS</th>
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<td>Weapons Laws Arrests</td>
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Changes to prior years’ statistics: The 2014 drug arrest statistics were corrected to reflect 4 additional arrests in on-campus student housing facilities; 1 arrest was incorrectly listed as occurring on public property. The 2014 drug discipline statistics were corrected to reflect an additional 4 disciplinary referrals occurring in on-campus student housing facilities.

HATE CRIMES: There were 0 hate crimes reported in 2015, 2014 or 2013.

UNFOUNDED CRIMES: This category was created in 2014. There were 0 unfounded crimes in 2015 and 2014.
C. Offense Definitions

The following definitions come from the Summary Reporting System (SRS) User Manual from the FBI's Uniform Crime Reporting Program and are used for purposes of reporting crimes under the Clery Act.

**Criminal Homicide** - Murder and Non-negligent Manslaughter - The willful (non-negligent) killing of one human being by another.

**Criminal Homicide** - Manslaughter by Negligence - The killing of another person through gross negligence.

**Robbery** - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary** - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned - including joyriding.)

**Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Weapons Law Violations** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This definition encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations** - The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Liquor Law Violations** - The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Please see Section XII.A.1 for the federal definitions of Dating Violence, Domestic Violence, Sexual Assault and Stalking.

The following definitions come from the U.S. Department of Education Code of Federal Regulations implementing the Clery Act and the Violence Against Women Act (VAWA) as they relate to Hate Crimes and are used for purposes of reporting Hate Crimes under the Clery Act and VAWA.

**Hate Crime** - A crime that is reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability. (34 CFR § 668.46(a))

For purposes of Clery Act and VAWA reporting, Hate Crimes are reported for the following crimes: criminal homicide: murder and non-negligent manslaughter, sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property. See above for definitions of criminal homicide, robbery, aggravated assault, burglary, motor vehicle theft, and arson. See Section XII.A.1 for definitions of sex offenses.

The definitions for larceny-theft, simple assault, intimidation, and the destruction/damage/vandalism of property come from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's Uniform Crime Reporting Program:

**Larceny - Theft (Except Motor Vehicle Theft)** - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Simple Assault** - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation** - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property** - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
D. Geographic Definitions

Crimes are reported according to the following geographic definitions:

On Campus (34 CFR § 668.46(a))

(1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing Facility (subset of On Campus)
(The Handbook for Campus Safety and Security Reporting 2016)

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Non-campus Building or Property (34 CFR § 668.46(a))

(1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property (34 CFR § 668.46(a))

All public property (including thoroughfares, streets, sidewalks, and parking facilities) that is within the campus, or immediately adjacent to and accessible from the campus.
XVI. ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act (Public Law 110-315) became law in August, 2008. It requires all academic institutions with on-campus student housing facilities to produce a fire safety report outlining fire safety practices, standards, and fire statistics for on-campus student housing facilities for the three most recent calendar years.

If you have any questions relating to fire safety policies, procedures or statistics, please contact:

Chuck Strickland, Campus Fire Marshal
(858) 822-5706 – Office
cestrickland@ucsd.edu

Daniel Gough, Director of Environmental Health and Safety
(858) 822-4923 – Office
dbgough@ucsd.edu

A. On-Campus Student Housing Facility Fire Safety Systems

Many of UC San Diego’s on-campus student housing facilities units have built-in fire suppression systems. These fire sprinkler systems are equipped with water flow and valve tamper switches monitored by a Fire Alarm Control Panel (FACP) in the building where they are located, as well as a constantly attended, remote location on campus. There are also built-in fire detection systems in every on-campus student housing facility that include photo electric smoke detectors located in rooms, hallways, as well as smoke/heat detectors in mechanical rooms, custodial closets and lounges. Fire detection systems exist to provide early warning and the opportunity to safely evacuate the building should it be necessary.
Every building designated as an on-campus student housing facility has an early detection and warning system consisting of fire alarm pull stations, audible and visual alarms, and in many cases a fire sprinkler system. All fire alarms in residential housing are tested regularly and per the requirements of the National Fire Protection Association (NFPA), Pamphlet 72.

Please see Appendix A which details the fire protection systems and number of fire drills in 2015 for each UC San Diego on-campus student housing facility.

Residents are encouraged to report mechanical problems that might arise with the equipment to the Resident Advisors who then report the necessary information to the pre-identified Housing, Dining and Hospitality (HDH) representative.

### B. Fire Evacuation Policies and Procedures

If a resident discovers a fire in an on-campus student housing facility, they are directed to activate a pull alarm, which initiates an audible alarm to notify building occupants and/or the fire department; evacuate the building to the designated assembly area; and to contact the UC San Diego Police Department via 9-1-1. Each building has posted evacuation route maps for residents to follow. Fire Safety Emergency Guidelines are posted in the UC San Diego Emergency Guide. Please visit our emergency preparedness webpage at http://blink.ucsd.edu/safety/emergencies/preparedness/guide.html.

#### 1. General Policies and Procedures

**Actions to Take in the Event of a Fire**

- Activate a local alarm station which will cause the alarm to sound. This action will also send an automatic notification alarm to the UC San Diego Police Dispatcher who will respond with an officer to assist.
- If you can control the fire without personal danger, take action with available firefighting equipment. If not, leave the area and report the fire immediately.
- Never allow the fire to come between you and an exit.
- Remove all persons from the area of danger. Close, but do not lock doors behind you to help confine the fire.

**Response to an Audible Fire Alarm**

- If an audible fire alarm sounds, evacuate the building immediately through the nearest door with an exit sign. Wear closed-toe shoes, and take your keys and ID with you.
- Do not use the elevator; however, do utilize the nearest safe stairway.
- If requested, accompany and assist persons with disabilities who appear to need assistance.
- Touch closed doors before opening. If the surface is hot, do not open — use another exit route.
- Close, but do not lock, all doors as you leave.
- Walk, do not run.

**Report to your designated assembly area.**

- Stay in your designated outdoor assembly area for a head count.
- Report any missing individuals and last known locations to emergency responders.
- Notify emergency responders about sensitive research, operating equipment, animals left in buildings, etc.

**Wait for instructions from emergency responders.**

- Remain outside at your designated assembly area.
- Do not block the access of police, fire fighters, or University staff to the building.
- Do not re-enter the building until authorized to do so by an appropriate authority (police, fire department, etc.).
Learn about your emergency exit routes now.
- Check the emergency evacuation plan posted in your building.
- Find the outside assembly area for your unit.

It is mandatory that all residents evacuate if a fire alarm is activated. Other policies, procedures and guidelines as listed below are available at: http://blink.ucsd.edu/go/firesafety:
- Fire Extinguisher Training
- Frequently asked Questions about Fire Sprinklers
- Corridor Safety Requirements
- Electrical Safety Requirements

2. Site Specific Policies and Procedures

Associated Residential Community Housing (ARCH) (includes Coast, Mesa Residential, One Miramar Street, Rita Atkinson Residences and the Single Graduate Apartments)

Each apartment is equipped with a smoke detector(s). When activated, the smoke detector alarm will sound in the apartment and at the UC San Diego Police station. If your smoke detector is activated, please notify the UC San Diego Police Department of the reason. It is a criminal offense to disconnect or otherwise impair the function of this device. Inform the office immediately of any defect, malfunction, or failure of such detector(s). Hand-operated alarms (fire alarm pull stations) are located outside in the entryway or stairwell. If one of these alarms goes off, it sets an entire building into alarm, and all residents must vacate the building immediately.

Coast residents should report to Building 9350. Rita Atkinson residents should report to Parking Lot P604. Single Graduate Apartment residents should report to Parking Lot P506. Mesa and One Miramar Street residents should report to Building 9156.

The fire department and/or the UC San Diego Police Department will respond, evaluate the situation, and reset the central alarm system. Do not return to your apartment until it is declared “safe” by the fire department or the UC San Diego Police Department.

Marshall College Housing
During an evacuation, move at least 25 feet from the building. Fire extinguishers are located outside each residence hall’s suite door and in the apartment quads. You should familiarize yourself with the locations of the fire extinguishers for use in the event of an emergency. Residence Hall students should evacuate to P304 and Apartment residents should evacuate to Marshall Field.

Sixth College Housing
During an evacuation, move at least 25 feet from the building. Fire extinguishers are located outside each residence hall’s suite door and in the apartment quads. You should familiarize yourself with the locations of the fire extinguishers for use in the event of an emergency.

Muir College Housing
If a fire alarm sounds, exit the building and assemble on the lawn in the quad, or if instructed, proceed to Muir Field. Do not attempt to re-enter the building until the alarm is turned off and a residential life staff member gives you the signal to re-enter the building. If you find yourself locked out, the Muir Residential Life Office or the Housing Assistant on duty will do lockouts for fifteen minutes after the alarm is turned off. There is no charge for these lockouts. For your safety, it is a violation of regulations to remain in a building while a fire alarm is sounding. You must always evacuate the building on your own as soon as you hear the alarm. The alarm will not be turned off until the San Diego Fire Department is satisfied that the problem has been resolved.

Fire extinguishers are located in the main hallways of all floors in Tenaya and Tioga Halls, and on the exterior corridors in the apartments. You should familiarize yourself with the locations of the fire extinguishers in the event of an emergency.
For the fire protection of all residents, the University Fire Marshal has mandated that all suite doors, stairwell doors, and laundry room doors in the residence halls are fire doors. Suite doors must remain locked at all times. The other doors must remain closed, though not necessarily locked, at all times.

Careless or improper use of appliances or other materials which present a direct threat of fire, or which may ignite a fire, is prohibited. Also prohibited are open flames, the use of incense, fireworks, and such acts as torching bulletin boards, setting fires in trashcans, and pranks with flammable chemicals.

**Revelle College Housing**

If a fire alarm sounds, exit the building and assemble at Revelle Plaza.

Fire extinguishers are located outside each residence hall's suite door and in the apartment quads. You should familiarize yourself with the locations of the fire extinguishers for use in the event of an emergency.

**The Village Housing**

- Village East: If a fire alarm sounds, exit the building and assemble at Parking Lot P357, east of the Village East Driveway.

- Village West: If a fire alarm sounds, exit the building and assemble at the area south of Village West Building 3 by The Wedge.

Fire extinguishers are located in the hallways of the Towers, two at each floor, and at the exterior walkways of the Lowers, two at each level.

**Warren College Housing**

If a fire alarm sounds, immediately proceed to the nearest and safest stairwell, exit the building and assemble at Parking Lot 502. Do not use the elevator. If you need assistance or are unable to evacuate during a fire alarm, call 911 to alert emergency personnel. Fire extinguishers are located in fire hose cabinets in every building on every floor. Please familiarize yourself with the locations of the extinguishers.

Do not attempt to re-enter the building until the alarm is turned off and a UC San Diego staff member gives clearance to re-enter the building. If you find yourself locked out, the Warren Residential Life Office, RA on duty, or UC San Diego Police Department will do gratis lockouts for 15 minutes after the alarm is turned off. There is no charge for these lockouts. For your safety, it is a violation of regulations to remain in a building while a fire alarm is sounding.

**Eleanor Roosevelt College Housing**

**IN CASE OF EMERGENCY**

1. When you hear the fire alarm in your apartment or building, immediately evacuate in a calm and orderly manner to the following designated assembly area closest to your residence: ERC Green (West Side Residence Halls and Apartments); International Lane (I-House); ERC Administration Building Plaza (Mesa Verde and Geneva), at least 50 feet away from any structure.

2. Fire extinguishers are located in all main lounges and stairwells (refer to your Neighborhood Notes or your RA for the location of the extinguisher closest to your residence). To use them, aim nozzle, squeeze handle and spray at the base of the flames. Always leave an escape route behind you. Please note that tampering with fire safety equipment is cause for severe penalties, including disciplinary action and eviction. Do not hang anything from the fire sprinklers, as it may set them off and cause major damage. Notify your RA if something is amiss.

3. In case of an earthquake, get under a desk, table, or bed in a corner away from windows, or stay underneath the door jamb of an inner doorway until the shaking stops. Do not run outside or evacuate a building until the shaking stops. If you are outdoors, stay in an open area away from outside walls, buildings or trees. Watch for overhead hazards such as electrical lines. After the shaking stops, carefully make your way to the designated evacuation assembly area indicated above. It is recommended that you keep a flashlight and shoes by your bed.
C. Policies Related to Smoking, Portable Electrical Devices and Open Flames in On-Campus Student Housing Facilities

**Smoking:** As a matter of policy, UC San Diego endeavors to maintain a safe and healthful environment. As an institution committed to providing a safe and healthful environment and in compliance with California law, smoking is prohibited in all UC San Diego facilities and property.

**Appliances and Portable Electronic Devices:** Every electrical appliance must be UL-listed and may only be used within the limitations of that listing. Any appliance not specifically listed for use “where exposed to the outside elements” is prohibited on an outdoor balcony or patio. In addition, flexible wiring (i.e., wiring not in a conduit) shall not be extended through walls, ceilings, floors, under doors or floor coverings, or be subject to environmental or physical damage. Wiring, including but not limited to telephone, cable, or computer wiring, from apartment to apartment or from room to room is prohibited. All appliances (e.g., cooking, portable heaters) with exposed heating elements are prohibited. Microwaves must be 750 watts or less and refrigerators must be 5.0 cubic feet or less. Heat producing cooking appliances (e.g., toasters, electric grills, water boilers, coffee makers, rice cookers, etc.) must be used in kitchen areas only. Burned food may activate the building fire alarm and the resident responsible may be financially responsible for the costs of the response to the alarm, including fire suppression.

**Open Flames:** Use of candles, charcoal grills, incense, tiki torches, or any other open flames are prohibited in or around the residential facilities. Propane gas and charcoal for BBQs may not be stored in or around any residential facility. Gas BBQs may be used 25 feet away from all residential buildings.

D. Fire Safety Education and Training

All students who occupy an on-campus student housing facility receive instruction on how to evacuate a building when a fire alarm is activated and participate in an exercise assuring their understanding of this process. Residents are familiarized with the maps when they move into the housing unit and each year thereafter while they continue to reside in on-campus student housing. All Resident Assistants (R.A.’s) receive annual training on how to use fire extinguishers on small fires in addition to conducting an orderly evacuation.

If a fire occurs, residents are instructed to evacuate the building immediately through the nearest door with an exit sign and to proceed to their designated assembly area. They are to remain at the designated assembly area until emergency responders give authorization to return.

Emergency First Responder Training: The first responders and public safety agency that is responsible for responding to emergency incidents on the UC San Diego campus, is the City of San Diego Fire-Rescue Department. As a result, they frequently train and familiarize their personnel with the physical layout of the University. This effort allows them to become familiar with the buildings’ construction and design, chemical inventory of labs, and the campus personnel who work in these facilities.

Buildings and facilities scheduled for demolition have been provided to the San Diego Fire-Rescue Department for training and exercises. In addition, the University personnel who respond to hazardous material incidents work carefully with other regional hazardous material response teams to better prepare them for a unified approach on larger emergency incidents which require both teams to work collaboratively.

See Section XVI.B for a description of the procedures students and employees should follow in the event of a fire.
E. Plans for Future Improvements in Fire Safety

Future plans for improving fire safety will be concentrated in two areas: Plans for future improvements in fire safety include improvements in record-keeping of routinely required testing, service, and maintenance of fire hydrants, fire sprinkler systems, and fire alarm systems. A contract has been awarded for the annual testing and maintenance of fire sprinkler systems, standpipes and fire pumps. Contracts have also been awarded for testing and maintenance of fire alarms and fire hydrants. The campus alarm system and how alarms are received is currently in the process of being upgraded and modernized. Wireless transceivers are part of an active network radio system, which provide a two-way alarm transmission from monitored locations to a central receiving station at UC San Diego Police Department dispatch. Replacing expensive and unreliable telephone lines, active network radio is a self-routing and self-healing solution that ensures instant life safety event monitoring over a wide geographic area. Each transceiver serves as both a transceiver and a repeater to improve the strength and range of the entire network. The two-way transceiver provides high integrity communications that ensure every signal is authenticated and acknowledged. When and where possible, improvements in the area of fire prevention education will be provided, including ongoing training of students, faculty, and staff in the safe use of fire extinguishers. Goals for 2016 include fire safe cooking practices education for students living in campus housing.

The second area of concentration will be the continuation of a multi-year plan for installing fire protection (fire sprinkler) systems in all residential housing facilities currently not so protected. The goal within the near future will be to have 100% of on-campus residential housing protected by updated fire alarm and full-coverage fire sprinkler systems. This is an ongoing multi-year plan to improve overall fire safety on campus. As of 2015, all residence halls (dormitories) on campus are now protected by fire sprinklers. Sprinklers continue to be added to on-campus apartments.

F. Reporting Fires for Annual Statistics

Per federal law, UC San Diego is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. In the event of an emergency/active fire, call 9-1-1. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. These are fires for which you are unsure whether the UC San Diego Fire Department may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact the Campus Fire Marshal at (858) 822-5706.

When calling, please provide as much information as possible about the location, date, time and cause of the fire.

Please see Appendix B for fire statistics for UC San Diego's on-campus student housing facilities for the three most recent calendar years.
Appendix A

UC San Diego On-Campus Student Housing Facilities: Fire Protection Systems and 2015 Fire Drills
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<th>Fire Alarm Monitoring Done On Site (by UC Police Dept)</th>
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<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
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<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.
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<th>Location</th>
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¹ Full sprinkler system means all portions of the building are protected by fire sprinklers.
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<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
<th>Number of Fire Evacuation Drills Held in 2015</th>
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<th>Number of Fire Evacuation Drills Held in 2015</th>
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### Central Mesa Apartments

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</table>

1 Full sprinkler system means all portions of the building are protected by fire sprinklers.
<table>
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<tr>
<th>Location</th>
<th>Address</th>
<th>Fire Alarm Monitoring Done On Site (by UC Police Dept)</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
<th>Number of Fire Evacuation Drills Held in 2015</th>
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<td>x</td>
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1 Full sprinkler system means all portions of the building are protected by fire sprinklers.
<table>
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<th>Location</th>
<th>Address</th>
<th>Fire Alarm Monitoring Done On Site (by UC Police Dept)</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
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1 Full sprinkler system means all portions of the building are protected by fire sprinklers.
### Table: Fire Protection System and Evacuation Plans

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<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
<th>Number of Fire Evacuation Drills Held in 2015</th>
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</table>

1 Full sprinkler system means all portions of the building are protected by fire sprinklers.
<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>Fire Alarm Monitoring Done On Site (by UC Police Dept)</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
<th>Number of Fire Evacuation Drills Held in 2015</th>
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**Matthews Apartments**

<table>
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<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
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</thead>
<tbody>
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<tr>
<td>B</td>
<td>9500 Gilman Dr., La Jolla, CA</td>
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<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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</tr>
<tr>
<td>C</td>
<td>9500 Gilman Dr., La Jolla, CA</td>
<td>x</td>
<td>x</td>
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<td>x</td>
<td>x</td>
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</tr>
<tr>
<td>D</td>
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</table>

1 Full sprinkler system means all portions of the building are protected by fire sprinklers.
<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>Fire Alarm Monitoring Done On Site (by UC Police Dept)</th>
<th>Full Sprinkler System¹</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
<th>Number of Fire Evacuation Drills Held in 2015</th>
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<td>H</td>
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</tbody>
</table>

¹ Full sprinkler system means all portions of the building are protected by fire sprinklers.
<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>Fire Alarm Monitoring Done On Site (by UC Police Dept)</th>
<th>Full Sprinkler System¹</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
<th>Number of Fire Evacuation Drills Held in 2015</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Village East Apartments</td>
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</tbody>
</table>

¹ Full sprinkler system means all portions of the building are protected by fire sprinklers.
### Appendix A – September 30, 2016

<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>Fire Alarm Monitoring Done On Site (by UC Police Dept)</th>
<th>Full Sprinkler System(^1)</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
<th>Number of Fire Evacuation Drills Held in 2015</th>
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</table>

\(^1\) Full sprinkler system means all portions of the building are protected by fire sprinklers.
<table>
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<th>Location</th>
<th>Address</th>
<th>Fire Alarm Monitoring Done On Site (by UC Police Dept)</th>
<th>Full Sprinkler System ¹</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
<th>Number of Fire Evacuation Drills Held in 2015</th>
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</tr>
</tbody>
</table>

¹ Full sprinkler system means all portions of the building are protected by fire sprinklers.
Appendix B

UC San Diego On-Campus Student Housing Facilities: 2015, 2014 and 2013 Fire Statistics
## 2015

<table>
<thead>
<tr>
<th>Name of facility</th>
<th>Street address</th>
<th>Total fires in each building</th>
<th>Fire #</th>
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## 2013

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Appendix C

University of California Policy: Sexual Violence and Sexual Harassment
For assistance with incidents of sexual violence, sexual harassment, dating violence, domestic violence, and stalking, please contact your Title IX Officer. If you are a student and desire confidential assistance contact your local CARE Advocate. Local resource information can be found at http://sexualviolence.universityofcalifornia.edu/get-help/index.html.

I. POLICY SUMMARY

The University of California is committed to creating and maintaining a community dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, 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 violence and sexual harassment, retaliation, and other prohibited behavior (“Prohibited Conduct”) that violates law and/or University policy. The University will respond promptly and effectively to
reports of Prohibited Conduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Violence and Sexual Harassment (hereafter referred to as Policy).

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

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FOR QUESTIONS ABOUT THIS POLICY, PLEASE CONTACT:

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<tr>
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<th>Staff</th>
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<tr>
<td>Contact</td>
<td>Janet Lockwood</td>
<td>Eric Heng</td>
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<tr>
<td>Email:</td>
<td><a href="mailto:Janet.Lockwood@ucop.edu">Janet.Lockwood@ucop.edu</a></td>
<td><a href="mailto:Eric.Heng@ucop.edu">Eric.Heng@ucop.edu</a></td>
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<tr>
<td>Phone:</td>
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<td>(510) 987-0239</td>
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II. DEFINITIONS

A. Consent

Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence, do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).
The Respondent’s belief that the Complainant consented shall not provide a valid excuse where:

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

2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or

3. The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
   a. asleep or unconscious;
   b. due to the influence of drugs, alcohol, or medication, unable to understand the fact, nature, or extent of the sexual activity; or
   c. unable to communicate due to a mental or physical condition.

B. Prohibited Conduct

1. Sexual Violence:
   a. Sexual Assault - Penetration: Without the consent of the Complainant, penetration, no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.
   b. Sexual Assault - Contact: Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed.

   Note: As this definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. The Title IX Officer will determine whether the allegation should be treated as sexual violence or sexual harassment. (See FAQ #4 for more information)

   Note: Sexual Assault--Penetration and Sexual Assault - Contact are aggravated when it includes the following:
   - Overcoming the will of Complainant by:
     o force (the use of physical force or inducing reasonable fear of immediate or future bodily injury);
     o violence (the use of physical force to cause harm or injury);
     o menace (a threat, statement, or act showing intent to injure);
     o duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit to something that they would not otherwise do).
     o deliberately causing a person to be incapacitated (through drugs or alcohol);
   - Intentionally taking advantage of the other person’s incapacitation (including voluntary intoxication).
   - Recording, photographing, transmitting, or distributing intimate or sexual images without the prior knowledge and consent of the parties involved.
c. **Relationship Violence:**
   i. **Dating Violence:** Conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the Complainant in reasonable fear of serious bodily injury. The nature of the relationship between the Complainant and Respondent is determined by the length, type, and frequency of interaction between them.

   ii. **Domestic Violence:**
       Conduct by a current or former spouse or intimate partner of the Complainant; or a person with whom the Complainant shares a child in common, that intentionally, or recklessly, causes bodily injury to the Complainant or another, or places the Complainant or another in reasonable fear of serious bodily injury.

d. **Stalking:** Repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress. Stalking of a non-sexual nature is addressed by other University policies including but not limited to the **Policy on Student Conduct and Discipline Section 102.10**.

2. **Sexual Harassment:**
   a. Sexual Harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:
      i. **Quid Pro Quo:** a person’s submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program; or
      ii. **Hostile Environment:** such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from the education, employment or other programs and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.

   b. Consideration is given to the totality of the circumstances in which the conduct occurred. Sexual harassment may include incidents:
      i. between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients);
      ii. in hierarchical relationships and between peers; and
      iii. between individuals of any gender or gender identity.
c. This Policy shall be implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and shall not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles discussed in Section III.F.

3. **Other Prohibited Behavior**
   a. Invasions of Sexual Privacy
      i. Without a person’s consent, watching or enabling others to watch that person’s nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
      ii. Without a person’s consent, making photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material depicting that person’s nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or
      iii. Using depictions of nudity or sexual activity to extort something of value from a person.
   b. Sexual intercourse with a person under the age of 18.
   c. Exposing one’s genitals in a public place for the purpose of sexual gratification.
   d. Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under this Policy.

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

D. **Other Definitions**

1. **Confidential Resources:**
   The following employees who receive reports in their confidential capacity include:
   a. CARE Advocates,
   b. Ombuds,
   c. Licensed counselors in student counseling centers and in employee assistance programs,
   d. Any persons with a professional license requiring confidentiality (including health center employees but excluding campus legal counsel), or someone who is supervised by such a person.

   Designation as a “Confidential Resource” for purposes of this Policy only exempts a person from reporting to the Title IX office but not from other mandatory reporting obligations under UC CANRA (Child Abuse and Neglect Reporting Act) Policy, the Clery Act as a Campus Security Authority (CSA), and other policies or laws that require reporting to campus or local law enforcement, or Child Protective Services.
2. **Complainant:** Any person who files a report of sexual violence or sexual harassment or other prohibited behavior or retaliation or any person who has been the alleged subject of such Prohibited Conduct or retaliation.

3. **Location:** “Location” is any University of California campus, the Lawrence Berkeley National Laboratory, Medical Centers, the Office of the President, and Agriculture and Natural Resources.

4. **Preponderance of Evidence:** A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.

5. **Respondent:** A person alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behavior, or retaliation is made.

6. **Responsible Employee:** Any University employee who is not a Confidential Resource and who receives, in the course of employment, information that a student (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment or other prohibited behavior shall promptly notify the Title IX Officer or designee. This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees.

   In addition, the following who, in the course of employment, receive a report of Prohibited Conduct from any other person affiliated with the University shall notify the Title IX Officer or designee:
   - Campus Police
   - Human Resource Administrators, Academic Personnel, and Title IX Professionals
   - Managers and Supervisors including Deans, Department Chairs, and Directors of Organized Research Units (ORU)
   - Faculty members

### III. POLICY STATEMENT

#### A. General

The University of California is committed to creating and maintaining a community free of sexual violence and sexual harassment. Sexual violence and sexual harassment violate both law and University policy. Any member of the University community may report conduct that may constitute sexual violence, sexual harassment, retaliation, and other prohibited behavior (“Prohibited Conduct”). The University will respond promptly and equitably to such reports, and will take appropriate action to stop, prevent, and remedy the Prohibited Conduct, and when necessary, to discipline the Respondent.

In addition to sexual harassment, discrimination based on sex, gender, gender identity, gender expression, sex- or gender-stereotyping, and sexual orientation violates law and other University policies. Such discrimination may also contribute to the creation of a hostile work or academic environment based on sex and thus constitute or contribute to sexual harassment. Harassment that may not be sexual, but still contributes to a hostile work or academic environment, may also violate the University’s other non-discrimination policies.
B. **Prohibited Conduct**

This Sexual Violence and Sexual Harassment Policy ("Policy") prohibits sexual violence, sexual harassment, retaliation and other prohibited behavior as defined in Section II.

C. **Consensual Relationships**

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

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

D. **Protection of Complainants, Respondents, and Witnesses**

1. **Immunity:** To encourage reporting, neither a Complainant nor witness in an investigation of sexual violence will be subject to disciplinary sanctions for a violation of the relevant University conduct policy at or near the time of the incident, unless the violation placed the health or safety of another at risk; involved plagiarism, cheating, or academic dishonesty; or was otherwise egregious.

   Because alcohol, drugs, and other intoxicants are often involved, Complainants may be afraid to report Prohibited Conduct where they have also engaged in an activity that violated University policy or State law, such as a person under age 21 drinking alcohol. UC encourages the reporting of Prohibited Conduct and therefore generally does not hold Complainants and/or witnesses accountable for alcohol or drug-related student violations that may have occurred at the time of the Prohibited Conduct.

2. **Retaliation:** Retaliation against someone for reporting or participating in an investigation and related processes is prohibited. (See Section II.B. Prohibited Conduct in this Policy.)

3. **Privacy:** The University will protect the privacy of individuals involved in a report of Prohibited Conduct to the extent permitted by law and by University policy and procedures. However, it should be recognized that an investigation may involve interviews with a number of persons to inquire if they have relevant evidence, and extremely sensitive information may be gathered. While such information is considered confidential, University policy may also require the disclosure of certain information during or following an investigation.

E. **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.
University of California – Policy
Sexual Violence and Sexual Harassment

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

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

IV. COMPLIANCE / RESPONSIBILITIES

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

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

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

C. Approval of Actions
Actions within the Policy must be approved according to local procedures.

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

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

**F. Noncompliance with the Policy**

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

**V. REQUIRED PROCEDURES**

**A. Procedures for Reporting and Responding to Reports of Prohibited Conduct**

This section provides an overview of the procedures the University uses to respond to reports of Prohibited Conduct. While the Title IX Officer has general responsibility for oversight of the reporting process and investigation of a report, other offices at each location will be involved and consulted as necessary.

1. **Reporting**

   Any person may make a report, including anonymously, of Prohibited Conduct to the Title IX Officer, or to any Responsible Employee, or to another appropriate office such as the Academic Personnel Office, Student Affairs, Office of the Provost, or to the Human Resources Office. The report shall be sent forward to the Title IX Officer. If the person to whom a report normally would be made is the Respondent, reports may be made to another Responsible Employee.

   **Timelines for Making Reports**

   While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible; all incidents should be reported even if significant time has elapsed but prompt reporting will better enable the University to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate.

2. **Initial Assessment of a Report**

   As soon as practicable after receiving a report, the Title IX Officer will make an initial assessment of the report to determine whether (i) the report, on its face, alleges an act of Prohibited Conduct as defined in Section II; and (ii) such conduct has a sufficient nexus with the University for it to intervene. The Title IX Officer may consult with appropriate academic officers for faculty and other academic appointees’ complaints, with Student Affairs Offices for student complaints, and with Human Resources, or Employee and Labor Relations Offices for staff complaints.
a. **Immediate Health and Safety**: The Title IX Officer, in coordination with the Case Management Team (see Section V.B.5.), shall make an immediate assessment concerning the health and safety of the individual and the campus community, implement temporary remedies immediately necessary (including no contact orders), and provide to the Complainant a written explanation of rights and reporting options (including the right to make reports to the police), and available campus and community resources. Also see Location Responsibilities in Section V and Appendix III.

b. **Jurisdiction over Reports of Prohibited Conduct**

The University has jurisdiction over alleged violations of this Policy that occur on University property (such as offices and residence halls) or in connection with University activities, programs, or events. In addition, the University may exercise jurisdiction over conduct that occurs off-campus (i) but affects the learning or working environment; or (ii) that would violate other University Policies had it occurred on campus, (see Section 101.00 of the Policy on Student Conduct and Discipline).

3. **Required Notifications**
   
a. Individuals making reports shall be informed about:
      • confidentiality of reports, including when reports cannot be kept confidential.
      • the range of possible outcomes of the report, including Health and Safety measures, remedies, and disciplinary actions that may be taken against the Respondent, and information about the procedures leading to such outcomes.

   b. If the report results in a Formal Investigation see Section V.4.b., after the conclusion of the investigation, the Complainant and Respondent will be simultaneously informed in writing of:
      • the outcome of the investigation and its rationale;
      • any available appeal rights and procedures; and
      • how to obtain a copy of the Investigation Report, which may be redacted as necessary to protect privacy rights. (See APM-160 and other University policies governing privacy.)

   c. If the matter results in a disciplinary proceeding, at the conclusion of that proceeding the Complainant and the Respondent will be simultaneously informed in writing of:
      • the outcome of the disciplinary proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed, and the rationale for the results;
      • any available appeal rights and procedures; and
      • any subsequent change to the results and when results will become final.

The Complainant will be sent a notice documenting any individual remedies offered to the Complainant, and other steps taken to eliminate the effects of the violation. The Respondent will be informed of no contact orders affecting them, but should not be notified of other individual remedies offered or provided to the Complainant.
4. **Overview of Resolution Processes**
   Reports of Prohibited Conduct may be addressed through Alternative Resolution, Formal Investigation or, a separate employee grievance or complaint process.

   a. **Alternative Resolution**
   After a preliminary assessment of the facts, and, if useful, in consultation with other offices depending on whether the Complainant and Respondent are faculty, other academic appointees, staff, student employees, or students, the Title IX Officer may initiate an Alternative Resolution process, which may include:
   - mediation (except in cases of sexual violence);
   - separating the parties;
   - providing for safety;
   - referring the parties to counseling;
   - referral for disciplinary action;
   - a settlement agreement;
   - conducting targeted preventive educational and training programs; and
   - conducting a follow-up review to ensure that the resolution has been implemented effectively.

   Alternative Resolution may be especially useful when: a report is made by a third party or anonymously; a Formal Investigation is not likely to lead to a resolution; both parties prefer an informal process; or a case involves less serious violations. The Complainant has the right to request a Formal Investigation at any time, but the Title IX Officer has final authority for determining whether to initiate a Formal Investigation. Both the Complainant and Respondent may be accompanied by an advisor throughout the process.

   b. **Formal Investigation**
   If Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may initiate a Formal Investigation (“investigation”) in coordination with other offices, depending on whether the Complainant and Respondent are faculty, other academic appointees, staff, or students. A Complainant’s request for an investigation will be considered but is not determinative.

   If the Complainant requests that no investigation occur, the Title IX Officer shall determine whether the allegations nonetheless require an investigation to mitigate a potential risk to the campus community. If proceeding with an investigation without the participation of a Complainant, the Title IX Officer shall attempt to maintain the identity of the Complainant confidential from the Respondent or inform the Complainant that such confidentiality cannot be maintained. If determining not to proceed with an investigation, the Title IX Officer shall inform the Complainant that the ability to provide remedies may be limited, but the Title IX Officer shall nonetheless afford such remedies as are consistent with maintaining confidentiality and the absence of an administrative finding.

   When the Title IX Officer determines to conduct a Formal Investigation, the Complainant and Respondent will be provided with a written summary of the allegations, the procedures that will be followed, resources available to them, and a copy of the *Policy*. 
The investigation shall be completed promptly, typically within 60 business days of its initiation, unless extended by the Title IX Officer for good cause followed by written notice to the Complainant and Respondent of the reason for the extension and the projected new timeline. If the alleged conduct is also the subject of a criminal investigation, the Title IX Office will coordinate its investigation with the police but must nonetheless act promptly without delaying its investigation until the conclusion of the criminal investigation.

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

The Complainant or Respondent may have an advisor present when personally interviewed and at any related meeting. Other support persons may be allowed under other policies. Other witnesses may have an advisor present at the discretion of the investigator or as required by University policy or collective bargaining agreement.

In cases where the investigation contemplates issues of academic merit or academic freedom, the investigator shall consult with the appropriate academic officer for relevant academic judgment.

c. **Grievance/Complaint Procedures for Employees**

   Instead of, or in addition to, reporting to the Title IX Officer or other Responsible Employee, a University employee who believes they have been subjected to Prohibited Conduct may file a grievance or complaint. That grievance or complaint must meet all of the requirements, including time limits for filing, under the applicable complaint resolution or grievance procedure listed in Appendix I: University Complaint Resolution and Grievance Procedures. Any such grievance or complaint will be forwarded to the Title IX Officer for processing under this Policy, and the grievance or complaint procedure will be held in abeyance pending resolution under this Policy. After completion of the process under this Policy, the grievance or complaint may be reactivated but only as a means of appeal.

5. **The Investigation Report**

   In the event that a Formal Investigation is conducted, the investigator will prepare a written report that includes a statement of the allegations and issues, the positions of the Complainant and Respondent, a summary of the evidence, an explanation why any proffered evidence was not investigated, and findings of fact and an analysis of whether a violation has occurred. When both parties are students, the report will include a recommendation to the Student Conduct Officer regarding whether there are any policy violations. (See Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework.) For all other matters the report will include an analysis and determination by the investigator of whether this Policy has been violated. The investigator will apply the preponderance of evidence standard.

6. **Remedy**
a. If the Report finds Prohibited Conduct in violation of this Policy, the University shall take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects. For a list of available remedies, see Appendix III.

b. To the extent that the remedy has not already been provided, the Title IX Officer, in consultation with appropriate administrators, will oversee the implementation of this remedy.

7. Discipline
   a. The Title IX Officer shall forward the Investigation Report (with attachments and any necessary redactions) to the appropriate administrator responsible for discipline. The specific procedures for imposing discipline depend upon the nature of the Respondent’s relationship to the University (student, faculty, other academic appointee, staff, or third party). If there is a question about the Respondent’s relationship to the University, the Title IX Officer should indicate which role predominated when the Respondent engaged in the Prohibited Conduct. When a Respondent is both a student and an employee (such as a Teaching Assistant or Graduate Student Researcher), the Respondent may be subject to both the sanctions applicable to students and to employees.

b. Any member of the University community who is found to have engaged in Prohibited Conduct (Section II) may be subject to disciplinary action, up to and including dismissal in accordance with the applicable University disciplinary procedure (Appendix II: University Disciplinary Procedures) or other policy.

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

2. Designate persons who can offer confidential consultations, without reporting the incident to the Title IX Officer, to any member of the University community seeking information, or advice about making a report of Prohibited Conduct. Each location will post information about how and where to contact confidential resources on its website.

Individuals who consult with such confidential resources will be advised that their discussions in these settings are not considered actual reports of Prohibited Conduct and that without additional action by the individual, these discussions will not result in any formal action by the University to resolve their concerns.

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

4. Provide a “Respondent Services Coordinator” that facilitates fair and equitable services for the Respondent.

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

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

6. Provide mandatory annual training and education, about Prohibited Conduct and how such conduct can be reported, to all students, faculty, other academic appointees, and staff in accordance with applicable State and federal law, and University policies.

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

7. Follow University established and approved processes for investigation, adjudication,
and sanctioning.

8. Provide comprehensive, regular training with a trauma-informed perspective for
individuals responsible for responding to reports of Prohibited Conduct, including
Advocacy and Respondent services, Alternative Resolution and Formal Investigation
processes, and the hearing, remedy, discipline and appeal processes.


10. Provide written explanation of rights and available options as outlined in this Policy
including:
   a. How and to whom to report alleged violations.
   b. Options for reporting to and/or notifying law enforcement and campus
      authorities; the right to be assisted by campus authorities in notifying law
      enforcement authorities, if the Complainant so chooses; and the right to
decline to notify such authorities.
   c. The rights of Complainants regarding orders of protection, no contact orders,
      restraining orders, or similar orders issued by criminal or civil courts, as well
      as the University’s responsibilities to comply with such orders.
   d. The importance of preserving evidence that may assist in proving that a
      criminal offense occurred or in obtaining a protection order.
   e. Counseling, health assistance, mental health assistance, victim advocacy,
      legal assistance, visa and immigration assistance, and other services
      available within both the University and the community.
   f. Options for, and available assistance to change academic, living,
      transportation, and working situations, if the Complainant requests and if
      such options are reasonably available—regardless of whether the
      Complainant chooses to report the crime to campus police or local law
      enforcement.
   g. Applicable procedures for institutional disciplinary action.

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

VI. RELATED INFORMATION

A. University of California Standards of Ethical Conduct
B. University of California Statement of Ethical Values
Academic Personnel Manual

A. Academic Personnel Manual (APM) Section 015, The Faculty Code of Conduct
B. Academic Personnel Manual (APM) Section 016, University Policy on Faculty Conduct and the Administration of Discipline
C. Academic Personnel Manual (APM) Section 035, Affirmative Action and Nondiscrimination in Employment
D. Academic Personnel Manual (APM) Section 140, Non-Senate Academic Appointees/Grievances
E. Academic Personnel Manual (APM) Section 150, Non-Senate Academic Appointees/Corrective Action and Dismissal
F. Academic Personnel Manual (APM) Section 160, Academic Personnel Records/Maintenance of, Access to, and Opportunity to Request Amendment of

Presidential Policies and Guidelines

A. Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters
B. Personnel Policies for Staff Members 12 (Nondiscrimination in Employment)
D. Policy on Student Conduct and Discipline
E. Student-Related Policy Applying to Nondiscrimination on the Basis of Sex
F. University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment
G. UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information
H. University of California Policies Applying to Campus Activities, Organizations, and Students
I. University of California Non-Discrimination Policy

Federal and State Regulations

A. Government Code 12950.1
B. Violence Against Women Reauthorization Act (VAWA) of 2013
VII. FREQUENTLY ASKED QUESTIONS

1. Who can be considered an advisor as described in this Policy?
   An advisor includes any individual except a potential witness who provides the Complainant or Respondent with support, guidance, or advice (including attorneys). The institution cannot limit the choice of an advisor, but may restrict the extent to which the advisor can participate in the proceedings as long as the restrictions apply equally to Complainants and Respondents.

2. What is a “result” or “outcome” of a disciplinary proceeding?
   A result or outcome includes a written description of any initial, temporary, and final decision made by any authorized person, which aims to resolve a disciplinary matter. The result must disclose any sanctions imposed and the rationale for the result and the sanctions.

3. How is “nudity” defined for the purposes of this Policy?
   “Nudity” means the absence of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person or any portion of the breast at or below the areola thereof of any female person.

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

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

6. If an incident of sexual harassment or sexual violence is reported to the Title IX Officer by a third party who was not the subject of the alleged conduct, must that party be notified of the outcome of an investigation or disciplinary proceeding?
   No. The disclosure of the outcome should be given to the Respondent and the individual who was the subject of the alleged conduct.
7. **Once the outcome of an investigation or disciplinary proceeding under this Policy is disclosed to the Complainant, can the Complainant be asked to keep this information confidential?**

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

8. **Does the University need to conduct a Title IX investigation if a criminal investigation is taking place?**

   A criminal investigation is intended to determine whether an individual violated criminal law; and, if at the conclusion of the investigation, the individual is tried and found guilty, the individual may be imprisoned or subject to criminal penalties. The University has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence. Because the purposes and the standards for pursuing and completing criminal investigations are different from those used for Title IX investigations, the termination of a criminal investigation without an arrest or conviction does not affect the location’s Title IX obligations. Even if a criminal investigation is ongoing, the University must still conduct its own Title IX investigation. The University should notify Complainants of the right to file a criminal complaint and should not dissuade a Complainant from doing so either during or after the location’s internal Title IX investigation. Title IX does not require a location to report alleged incidents of sexual violence to law enforcement, but the University has reporting obligations under federal, State, or local laws, such as the Clery Act and the California Child Abuse and Neglect Reporting Act (CANRA), and may report alleged incidents of sexual violence to law enforcement pursuant to memoranda of understandings between the University and the police.

9. **How should the University proceed when campus or local law enforcement agencies (“police”) are conducting a criminal investigation while the University is conducting a parallel Title IX investigation?**

   If the alleged conduct by the Respondent is also the subject of a criminal investigation, the Title IX Office will coordinate its investigation with the police. The fact-finding portion of a Title IX investigation may be delayed temporarily while the police are gathering evidence. During this delay in the Title IX investigation, appropriate interim measures may be put in place to protect the Complainant. The length of time for evidence gathering by criminal investigators will vary depending on the specific circumstances of each case.

10. **Is the University required to investigate information regarding sexual violence incidents shared by survivors during public awareness events, such as “Take Back the Night”?**

    Responsible employees are not required to report incidents that they become aware of while attending a public awareness event, such as “Take Back the Night” and statements made about incidents during such events will not require an investigation unless the survivor initiates a complaint.
11. *Why is the University mandating annual training and education in the areas of sexual violence and sexual harassment?*

One of the seven recommendations from the President’s Task Force on Preventing and Responding to Sexual Violence and Sexual Assault was to develop a comprehensive training and education plan for students, faculty, other academic appointees, and staff in order to encourage behavioral change to help reduce violence, build a culture of trust, and increase the safety of all populations on campus. In addition, there have been changes to this Policy, as well as local procedures, for responding to complaints of Prohibited Conduct that all members of our community need to be aware of. Based on the advice and experience of prevention education staff on each campus, the Task Force recommended training at regular intervals. The University intends to implement annual training and education for a five-year period, then evaluate its effectiveness and whether the training interval should be adjusted.

VIII. **REVISION HISTORY**

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

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

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

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

- University of California Policy on Sexual Harassment, dated February 10, 2006
- University of California Procedures for Responding to Reports of Sexual Harassment, dated December 14, 2004
- University of California Policy on Sexual Harassment and Complaint Resolution Procedures, dated April 23, 1992
- University of California Policy on Sexual Harassment and complaint Resolution Procedures, dated March 10, 1986
APPENDIX I: Applicable Complaint Resolution and Grievance Policies

Academic Personnel:
Members of the Academic Senate
Non-Senate Academic Appointees
Exclusively Represented Academic Appointees

Students:
Policies Applying to Campus Activities, Organizations and Students, Section 110.00

Staff Personnel:
Senior Managers
Managers and Senior Professionals, Salary Grades VIII and IX
Managers and Senior Professionals, Salary Grades I – VII
Professional and Support Staff
Exclusively Represented Staff Personnel
Lawrence Berkeley National Laboratory Employees

All members of the University community:
The University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy) governs the reporting and investigation of violations of state or federal laws or regulations, including sexual harassment.

All University employees and applicants for employment:
The University’s Whistleblower Protection Policy provides a complaint resolution process for employees and applicants for employment who have been subjected to retaliation as a result of having made a protected disclosure under the Whistleblower Policy or refused to obey an illegal order.
APPENDIX II: University Disciplinary Procedures

The following are the University's disciplinary procedures:

A. *The Faculty Code of Conduct (APM - 015)* (as approved by the Assembly of the Academic Senate and by The Regents) Establishes the ethical and professional standards which University faculty are expected to observe. Because the forms of unacceptable behavior listed in *The Faculty Code of Conduct* also apply to sexual violence or sexual harassment, a violation of the University’s *Policy on Sexual Harassment and Sexual Violence* may constitute a violation of the *Faculty Code of Conduct*. The *University Policy on Faculty Conduct and the Administration of Discipline (APM - 016)*, as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.

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

C. *Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework* of the *Policies Applying to Campus Activities, Organizations, and Students* sets forth the University’s procedures for resolving complaints of sexual violence and sexual harassment where the parties are both students, including the discipline of students found in violation of University Policy. See also, the *Policy on Student Conduct and Discipline*.

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

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

i. **Campus Services Generally:** academic support including tutoring, counseling, disability services, health and mental health services, family planning services, survivor advocacy, housing assistance, legal assistance, information about the right to report a crime to campus or local law enforcement, and written materials prepared by the Title IX Officer pursuant to V.B of the Policy.

ii. **Campus Services Modified For Students:**
   - If a campus service is not generally available or a fee is imposed, access may be arranged or fees waived when appropriate.
   - Comprehensive, holistic survivor services including additional medical, counseling and academic support services.
   - Any other accommodations or interim measures that are reasonably available once a Complainant has requested them.

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

iv. **Remedies Available to Employees, Including Student Employees:**
   - Change to a different workstation, schedule, work location, unit, department, or position for which the employee is qualified provided that, in the case of a Complainant the change is voluntary and equitable.

v. **Training and Education of the Respondent:** The Respondent may be required to undergo training, including sexual harassment prevention training, anger management training, and periodic refresher classes.

vi. **No Contact Remedies:**
   - Complainant and Respondent Options:
     a) The Title IX Officer will ensure the Complainant and Respondent have been notified of options to avoid contact and assist the Complainant and Respondent to change academic and extracurricular activities or living, transportation, dining, and working situations as appropriate,
     b) Assist the Complainant and Respondent to apply for no contact orders; and,
c) When appropriate, arrange for effective escort services to ensure that the Complainant and Respondent can move safely between classes and activities.

- Respondent’s Restrictions (some of which may be recommended by Title IX Officer, all of which may be implemented by agreement, and the more serious of which may be imposed only pursuant to Discipline):
  
a) Allow the Complainant to take the regular sections of courses while arranging for the Respondent to take the same courses online or through independent study;

b) Moving the Respondent to a different residence hall;

c) Forbidding the Respondent to participate in specific athletic or extracurricular events or social clubs (including fraternities or sororities);

d) Requiring that the Respondent observe no contact orders from the Complainant for a period of time (up to the Complainant’s graduation or other departure from the campus) via scheduling or class changes;

e) Prohibiting the Respondent from attending classes for a period of time, or transferring the Respondent to another campus; and

f) If a Respondent presents an ongoing safety risk, excluding the Respondent from campus.

vii. Other Remedies devised by the Title IX Officer or Other Administrator.
Appendix D

UC San Diego Implementing Procedures - University of California Student Adjudication Model for Sexual Violence & Sexual Harassment Cases
I. PREFACE

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 sexual violence and sexual harassment. Consistent with its legal obligations under Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013, and California Education Code section 67386, the University responds promptly and effectively to reports of sexual violence and sexual harassment, and takes appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates the University’s policy on Sexual Violence and Sexual Harassment.

The UC San Diego Policy for Reporting and Responding to Sex Offenses (Policies and Procedures Manual 200-19) implements the sexual violence portion of the University’s policy. The UC San Diego Procedures for Sexual Harassment Complaint Resolution (Policies and Procedures Manual PPM 200-10) implements the sexual harassment portion of the University’s policy.

The University’s student disciplinary procedures emphasize education, personal growth, accountability, and ethical behavior -- upholding standards of responsible conduct to protect the welfare of the University community. When formal fact-finding procedures are used, the procedures are designed to provide a prompt, fair, and impartial resolution of the matter.

The following describes the University’s procedures for resolving complaints of sexual violence and sexual harassment where the parties are students, including the discipline of students found in violation of University policy.

II. RESOURCES RELATING TO SEXUAL VIOLENCE AND SEXUAL HARASSMENT

The University has a Title IX Office at each campus that is responsible for receiving and responding to reports of sexual violence and sexual harassment. Confidential resources also are available both before and after a person communicates with the Title IX Office about potential violations of the Sexual Violence and Sexual Harassment policy. Confidential resources include CARE advocates, Ombuds, and licensed counselors in student counseling centers. These resources can provide confidential advice and counseling without that information being disclosed to the Title IX Office or law enforcement without the student’s consent, unless there is a threat of serious harm to the individual or others or a legal obligation that requires disclosure (such as suspected abuse of a minor).
The Office for the Prevention of Harassment and Discrimination (OPHD) serves as UC San Diego's Title IX Office. The Director of OPHD serves as UC San Diego's Title IX Officer.

III. REPORT OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT

A. For purposes of this model, the University will consider any alleged victim of sexual violence or sexual harassment a "complainant," whether or not he or she makes a report or participates in the investigation and resolution process.

1. Students accused of sexual violence or sexual harassment will be considered a "Respondent".

B. The University will strive to honor the stated wishes of the complainant concerning whether to move forward with an investigation. There may be circumstances, however, in which the University may need to move forward against the complainant's wishes, or in which the University may determine that an investigation will not occur despite the complainant's wish to pursue an investigation.

C. Throughout the resolution process, the University will offer and provide support services for complainants through the CARE office, and for respondents through the Respondent Services Coordinator.

D. The University will also consider and take interim measures as appropriate to ensure the safety, well-being, and equal access to University programs and activities of its students. Interim measures include, but are not limited to, the following: no contact orders; housing assistance; academic support and accommodations; and counseling. The University may place the respondent on an Interim Suspension as appropriate and consistent with the Policies Applying to Campus Activities, Organizations and Students (PACAOs) - 105.08.

1. Interim actions, including interim suspensions, will be handled in accordance with Section XVI of the UC San Diego Student Conduct Code.

E. At all stages of the process, the complainant and respondent have the right to an advisor and a support person of their choosing.

1. Advisors and support persons are allowed to be present at all stages of the process but may not interrupt, disrupt, or directly participate in any meetings or hearings. Their role is limited to conferring with their advisee.
2. Complainants and Respondents electing to be accompanied by an Advisor or Support Person must notify the person or group conducting the meeting prior to any meetings or hearings.

F. Neither the complainant nor the respondent is required to participate in the resolution process. The University will not draw any adverse inferences from a complainant or respondent’s decision not to participate or to remain silent during the process. An investigator, decision-maker, or appeal body will reach findings and conclusions based on the information available. An investigator, decision-maker, or appeal body may draw adverse inferences when a student selectively participates in the process, such as choosing to answer some but not all questions posed.

G. The campus Case Management Team (CMT) will track all stages of the resolution process – from receipt of the report through the investigation and, if applicable, the University student discipline process.

H. All University officials involved in the resolution process will be trained to carry out their roles in an impartial manner in keeping with trauma-informed practices

   1. University officials involved in the resolution process will also be trained to carry out their roles with appropriate understanding of the preponderance of the evidence standard and applicable due process principles.

I. The standard of proof at all stages of the process is preponderance of the evidence.

   1. Preponderance of the evidence means that is “more likely than not”.

J. The University will complete the process, including all appeals, within 120 business days from the date of Title IX’s receipt of a report. This deadline and all deadlines contained herein may be extended for good cause shown and documented. The complainant and respondent will be notified in writing of any extension.

   1. The Director of OPHD may review and consider all requests to extend deadlines relating to the investigation phase.
   2. The Director of Student Conduct may review and consider all requests to extend deadlines relating to the adjudication phase.
   3. The Hearing Coordinator may review and consider all requests to extend deadlines relating to the appeals processes.
   4. Additionally, the Vice Chancellor – Student Affairs may extend any deadlines relating to the process.
IV. INVESTIGATION OF ALLEGATION OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT

A. Upon receipt of a report of or information about alleged sexual violence and/or sexual harassment, the Title IX Officer for the campus will determine, consistent with the University’s policy on Sexual Violence and Sexual Harassment, whether an investigation should be initiated.

1. If a reported incident occurs off-campus, the Director of Student Conduct or their designee must request that the Vice Chancellor – Student Affairs exercise off-campus jurisdiction for the incident prior to OPHD beginning its investigation. Whether to exercise off-campus jurisdiction will be determined in accordance with Section IV of the UC San Diego Student Conduct Code.

B. If an investigation will not be conducted, the Title IX Officer will notify the complainant in writing and explain the rationale for the determination.

1. Absent a separate agreement, all written notices required by these Procedures will be sent to the Complainant’s and Respondent’s UC San Diego e-mail address.

C. If an investigation will be conducted, the Title IX Officer and Student Conduct office will jointly send written notice of the charges to the complainant and respondent. The written notice will include:

1. A summary of the allegations and potential policy violations;
2. The purpose of the investigation;
3. A statement that the investigative report, when issued, will make factual findings and a recommendation regarding whether there has been a violation of University policy;
4. A statement that the findings and recommendation will be based on a preponderance of the evidence standard;
5. A summary of the process, including the expected timeline; and
6. A summary of the rights of the complainant and respondent.

   a. This summary will include information about resources, including the Associated Students (A.S.) Office of Student Advocacy, the Office of Student Legal Services, the Office of the Ombuds, and CARE Advocates at the Sexual Assault Resource Center or Respondent Support Services.

D. The Title IX Officer will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation.

E. During the investigation, the complainant and respondent will be provided an equal opportunity to meet with the investigator, submit information, and identify witnesses who may have relevant information.
F. The investigator will meet separately with the complainant, respondent, and third party witnesses who may have relevant information, and will gather other available and relevant evidence and information. The investigator may follow up with the complainant or the respondent as needed to clarify any inconsistencies or new information gathered during the course of the investigation.

G. The investigator may determine the relevance of any witness or other evidence to the findings and may exclude certain types of evidence or information that is irrelevant or immaterial.

H. When a law enforcement agency is conducting its own investigation, the investigator should coordinate his or her fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed as needed to meet any specific needs of the criminal investigation. Such a delay may be cause for extending the timelines to complete the process and delay will be communicated and documented.

I. The investigator will prepare a written report that includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a recommendation regarding whether there are any policy violations. If the complainant or respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation why it was not considered.

J. The investigation file must be retained and made available to the parties on request, and may be redacted as necessary to protect student privacy rights.

1. Per the requirements of the Jeanne Clery Act, investigation files will be retained for seven years from the date of the incident or, in cases of a significant delay in reporting, the date the incident was reported to OPHD.

V. DECISION ON RESPONSIBILITY AND DISCIPLINARY SANCTIONS

A. Upon completion of the Title IX Investigation, the Title IX Officer and Student Conduct office will jointly send to the complainant and the respondent (a) written notice of the investigation findings and the investigator’s recommended determinations, and (b) will provide a copy of the investigation report. The investigation report may be redacted if necessary to protect student privacy rights.

1. The Director of Student Conduct (or their designee under extraordinary circumstances) will review OPHD’s findings and recommendations and determine whether the charges have been substantiated. They will also be responsible for assigning sanctions if the charges have been substantiated.

B. The written notice of the findings and recommended determinations will include the following:

1. A statement of the factual findings and recommendations regarding whether the charge(s) have been substantiated, including whether policies have been violated;
2. An admonition against intimidation or retaliation;
3. An explanation of any interim measures that will remain in place;
4. A statement of the right to appeal that will be explained further in the notice of decision;
5. A statement that the Student Conduct office will determine whether the charges have been substantiated and policies have been violated and, if so, assess the disciplinary sanctions and inform the complainant and respondent of the sanctions within ten (10) business days of the notice of findings; and
6. A statement that the complainant and/or respondent may schedule a meeting with the Student Conduct office and/or submit a statement in writing to be heard on the question of the findings of any policy violations and the discipline prior to the decision and the imposition of sanctions.
   a. Individual meetings with the Director of Student Conduct/or submission of written statements, if any, will occur/be received within five (5) business days of the notice of findings.

C. If the Student Conduct office determines that disciplinary sanctions are appropriate, the sanctions will be determined in accordance with the sanctioning guidelines that are included as an Appendix to these procedures.

1. Disciplinary sanctions for sexual assault, domestic/dating violence, or stalking in which one or more of the following factors are present will result in a minimum sanction of Suspension for at least two years, up to dismissal:
   a. force, violence, menace, or duress;
   b. deliberately causing a person to become incapacitated or deliberately taking advantage of a person’s incapacitation; or
   c. recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

2. Disciplinary sanctions for sexual assault involving penetration, domestic/dating violence, or stalking will, absent exceptional circumstances, result in a minimum sanction of Suspension for two years, up to dismissal.

3. Disciplinary sanctions for other sexual contact in violation of policy will, absent exceptional circumstances, result in a minimum sanction of Suspension for one year.

4. In cases involving undergraduate Respondents, the Director of Student Conduct will consult with the Council of Deans of Student Affairs prior to notifying the parties of the sanctions.
5. In cases involving Graduate Students, Medical or Pharmacy Students, or Extension Students, the Director of Student Conduct will consult with the appropriate Dean of that school prior to notifying the parties of the sanctions.

D. The Student Conduct office may consult with the Title IX office at any point in the decision-making process.

E. Within ten (10) business days of the notice of findings and recommended determinations, the Student Conduct office will send written notice to the complainant and respondent setting forth the decision on whether the charges have been substantiated and any policies have been violated, and any sanctions to be imposed. The written notice will include the following:
   1. A description of the determinations on whether the charges have been substantiated and any policies have been violated, and if so, a description of the sanctions;
   2. The rationale for the determinations\(^1\) and the sanctions;
   3. A statement of the right to appeal, the procedure that will be followed in hearing the appeal, the grounds upon which the appeal may be based, and the office to which the appeal may be submitted; and
   4. An explanation that both the complainant and respondent will receive a copy of any appeal prior to a hearing. The Title IX investigation and the Student Conduct office’s determination of responsibility and sanctions will be completed within 60 business days from Title IX’s receipt of a report absent an extension for good cause.

VI. APPEAL PROCESS

A. The complainant and respondent may contest the decision and/or the sanctions by submitting an appeal. The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the following grounds:
   1. There was procedural error in the process that materially affected the outcome, such as the investigation was not fair, thorough or impartial;
   2. The decision was unreasonable based on the evidence;
   3. There is new, material information that was unknown and/or unavailable at the time the decision was made that should affect the outcome;
   4. The disciplinary sanctions were disproportionate to the findings;

B. An appeal must be submitted in writing to the designated campus office within ten (10) business days following written notice of the decision and disciplinary sanctions, if imposed. The appeal must

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\(^1\) If the Student Conduct office adopts the investigator’s recommended determinations, the notice may incorporate the investigation report by reference as the rationale for the decision. If the determinations differ from the investigator’s recommendations, then the notice will explain the rationale for that decision.
identify the grounds for appealing and contain a brief statement of the reasons supporting each ground for appeal.

1. Appeals must be delivered to the Office of Student Conduct.

2. If the Director of Student Conduct made the decision on which the appeal is based, they will not be involved with the processing of the appeal.

C. If an appeal is submitted, any disciplinary sanctions ordinarily will not be imposed until the appeal process is completed. Interim measures, such as no contact orders, academic accommodations, etc. will remain in effect during the appeal process.

D. The appeal will be decided at a hearing by an Appeal Body composed of one to three individuals who may be University staff or academic appointees, or non-University officials, such as administrative law judges or experienced investigators. The Appeal Body will be appropriately trained. A Hearing Coordinator may assist the Appeal Body with the administration of the process.

1. Prior to participating in appeal hearings, Appeal Body members must have completed training regarding issues specific to sexual assault, sexual harassment, dating violence, domestic violence, and stalking cases. Specifically, Appeal Body members will be trained how to apply the Preponderance of the Evidence standard for cases handled under this model.

2. The Hearing Coordinator will be a staff member from the Office of Student Conduct. The Hearing Coordinator is not a voting member of the Appeal Body.

3. The Complainant and/or Respondent may request in writing that an Appeal Body member be disqualified from participating in a hearing. The request must be made to the Hearing Coordinator at least five business days before the scheduled hearing and must include an explanation as to why the person is unable to make an impartial and unbiased decision.
   a. In reviewing requests, the Hearing Coordinator will disqualify any Review Panel member or Review Officer who is unable, in their judgment, to make an impartial and unbiased decision.
   b. If the Hearing Coordinator grants a disqualification request, they will select another Appeal Body member to replace the disqualified member and notify the Complainant and Respondent at least one business day prior to the Review.
E. The Appeal Body will review the information and decide whether it contains sufficient information concerning the grounds for appeal and the reasons related to those grounds. The purpose of this review is not to decide the merits of the appeal, but to identify the nature and scope of the issues to be addressed in the hearing. If the written appeal is defective or incomplete, the appealing party should be given an opportunity to correct and resubmit the appeal.

1. If the appeal is defective or incomplete, the Hearing Coordinator will notify the appealing party of their right to resubmit an updated appeal. The party will have three business days from the date of the request to resubmit their appeal.

2. If an updated appeal is not submitted within the required time period or it does not correct the defective or incomplete aspects necessitating resubmission, the appeal request will be considered void and will not be considered by the Appeal Body at a hearing.

F. Conducting the Appeal Hearing

1. Pre-Hearing Procedures
   a. Not less than ten (10) business days before the appeal hearing, the Hearing Coordinator will send written notice to the complainant and respondent of the hearing date, time, location and procedures. The notice will include a copy of the appeal(s) to be considered at the hearing.
      i. Requests to change the date, time, or place of the Review must be made in writing by the Complainant and/or the Respondent to the Hearing Coordinator at least five business days prior to the date of the hearing.
      ii. It is at the discretion of the Appeal Body if the hearing will be rescheduled. Absent exceptional circumstances, the Complainant and Respondent may each only request one change to the date, time, or place of the hearing.
      iii. If the hearing is rescheduled, the Hearing Coordinator will notify the Complainant and Respondent of the new date, time, and/or place as soon as is practicable.
   b. Prior to the hearing, the complainant and respondent will submit to the Appeal Body the information they intend to present at the appeal, including all documents to be presented, the names of all witnesses, and a brief summary of all witnesses’ expected testimony.
      i. This information must be submitted to the Hearing Coordinator at least three business days prior to the appeal hearing.
c. At least two business days prior to the appeal hearing, the complainant and respondent will receive copies of all the information that will be considered at the appeal hearing, including the names of potential witnesses and a summary of the information they are expected to provide.

d. Prior to the appeal hearing and/or during the hearing, the Appeal Body may:
   i. Exclude information and/or witness testimony that is irrelevant in light of the grounds for appeal, not in dispute, or unduly repetitive.
   ii. Decide any procedural issues for the appeal hearing.
   iii. Make any other determinations necessary to ensure an orderly, productive, and procedurally proper appeal hearing.

f. The Complainant and Respondent will both have the opportunity to meet with the Hearing Coordinator individually prior to scheduling the hearing.
   i. The purpose of the meeting is for the Hearing Coordinator to explain the hearing process, key deadlines, and answer any general hearing process-related questions. The Hearing Coordinator will also request scheduling information from the Complainant and Respondent to facilitate scheduling the hearing.
   ii. If the Complainant and/or Respondent do not schedule and/or attend their meetings after proper notice, the hearing will be scheduled without their input.

g. The Complainant and/or Respondent may withdraw their appeal at any time prior to the start of the actual appeal hearing. If this occurs and the other party is not appealing, the case will be considered closed and there will be no further proceedings.

2. Appeal Hearing Procedures:
   a. The Title IX investigator will be present at the appeal hearing. The Appeal Body may question the investigator, the complainant, and/or the respondent. The investigation report and any supporting documents or materials will be entered as evidence at the appeal hearing.
      i. The Appeal Body may also question any witness who is permitted to participate in the appeal hearing.
b. The Appeal Body may allow the complainant, respondent, and/or witnesses to be visually or physically separated during the appeal hearing. This may include, but is not limited to, the use of a physical partition, a separate physical location, videoconference and/or any other appropriate technology. The Appeal Body must be able to see the complainant, respondent and any witnesses when they are presenting information.

i. Requests for visual or physical separation should be made to the Hearing Coordinator prior to scheduling the hearing. The Appeal Body will review requests based on the totality of the circumstances.

ii. If such requests are granted, the Hearing Coordinator will notify the Complainant, Respondent, and applicable witnesses of the visual or physical separation.

c. The complainant and respondent will have the opportunity to present the information they submitted pursuant to Section VI.F.1.b (unless excluded by the Appeal Body pursuant to Section VI.F.1.d.).

d. The complainant and respondent have the right to hear all individuals who testify at the hearing and to propose questions to be asked of all individuals.

i. Both the Complainant and Respondent may propose follow-up questions for the Appeal Body to ask witnesses during the hearing.

e. The Appeal Body will determine the order of questioning. Whenever possible, the Appeal Body will ask the questions as they are submitted by the complainant and respondent and will not rephrase or change them. The Appeal Body may, however, exclude questions that are unduly repetitive, clearly not relevant, or unduly time consuming.

f. The appeal hearing will be audio recorded.

i. The Appeal Body will facilitate an audio recording of the hearing. Recording devices of any kind are not permitted for use by anyone except the Appeal Body. The recording will become part of the Respondent’s student conduct record. Copies will be provided to the Complainant and Respondent upon request to the Hearing Coordinator.

ii. The failure to record all or part of a hearing, such as a malfunctioning recorder, will not be grounds for invalidating the hearing or grounds for appeal to the Chancellor’s designee.
g. Formal rules of evidence will not apply. The Appeal Body may consider the form in which information is presented, as well as the credibility of any party or witness, in weighing the information and reaching findings.

h. All hearings will be closed to the public. Only Appeal Body members, the Complainant (and their Advisor and/or support person if any), the Respondent (and their Advisor and/or support person, if any), witnesses, and the Hearing Coordinator will typically be permitted to be present at the hearing.

G. Appeal Decision:

1. The Appeal Body will deliberate in private and reach a decision based on a preponderance of the evidence standard. The Appeal Body shall attempt to reach consensus on a decision, but the majority shall make the decision if consensus cannot be reached.

2. The Appeal Body shall take into account the record developed by the investigator and the evidence presented at the hearing, and may make its own findings and credibility determinations based on all of the evidence before it.

3. The Appeal Body may:
   a. Uphold the findings and disciplinary sanctions;
   b. Overturn the findings or sanctions; or
   c. Modify the findings or sanctions.

4. The Appeal Body will summarize its decision in a written report that includes the following:
   a. A statement of the grounds for the appeal;
   b. A summary of the process undertaken by the Appeal Body;
   c. A summary of the information considered by the Appeal Body; and
   d. The decision of the Appeal Body and the rationale for the decision including, where the findings or sanctions are overturned or modified, an explanation of why the findings were not reasonable or the sanctions were disproportionate, either at the time they were made or in light of the evidence considered by the Appeal Body.

5. The Hearing Coordinator will send the Appeal Body’s written decision to complainant and respondent.
   a. If the findings and the sanctions are upheld, the Hearing Coordinator will inform the respondent and complainant that the matter is closed with no further right to appeal.
b. If the findings or sanctions are overturned or modified, the Hearing Coordinator will inform the respondent and complainant of the right to submit a written appeal to the Chancellor's designee within five (5) business days based on:
   i. Procedural error that materially affected the outcome, or
   ii. A sanction that is disproportionate to the findings.

   A. The written appeal is expressly limited to findings and/or sanctions overturned or modified as a result of the Appeals hearing.

c. If an appeal is submitted, the other party will receive a copy of the written appeal and may submit a written statement as well.
   i. The Hearing Coordinator will provide the other party with the copy of the written appeal.

d. All statements to be reviewed for the appeal must be submitted directly to the Hearing Coordinator, who will provide the information to the Chancellor's designee.

6. The Chancellor's designee will issue a written decision to the complainant and respondent, normally within ten (10) business days. There is no further right to appeal.

   The appeal process described above, including the appeal hearing and any appeal to the Chancellor’s designee, will normally be completed within 60 business days of the date of the notice of decision and sanctions (where imposed).

VII. STUDENT CONDUCT RECORDS
The referral of an OPHD Investigative Report to the Office of Student Conduct will result in the development of a student conduct record for the Respondent.

The Office of Student Conduct will notify OPHD of the final results of cases handled under these Procedures once the process has concluded. The information provided to OPHD will include the names of the Complainant and Respondent, the determination(s) of responsibility, imposed sanctions (if any), and appeal decision(s) (if applicable).

UC San Diego's student conduct recordkeeping procedures are described in Section XVIII of the Student Conduct Code.
I. INTRODUCTION
These standards are intended to ensure the consistent application of disciplinary sanctions by the University of California in responding to conduct that violates the University's Policy on Sexual Violence and Sexual Harassment and the University's Policies Applying to Campus Activities, Organizations, and Students (PACAOS) Section 100 (Policy on Student Conduct and Discipline). The following describes the University's procedures for assigning disciplinary sanctions when the respondent is a student.

The UC San Diego Policy for Reporting and Responding to Sex Offenses (Policies and Procedures Manual 200-19) implements the sexual violence portion of the University's policy. The UC San Diego Procedures for Sexual Harassment Complaint Resolution (Policies and Procedures Manual PPM 200-10) implements the sexual harassment portion of the University's policy.

The UC San Diego Student Conduct Code implements the policies and procedures set forth in the Policy on Student Conduct and Discipline (Section 100.00) of the PACAOS.

II. PRINCIPLES
A. The administration of student discipline will be consistent with the UC PACAOS Policy on Student Conduct and Discipline.

B. When a student is found responsible for violating the University's Policy on Sexual Violence and Sexual Harassment and the UC PACAOS Policy on Student Conduct and Discipline, the University will assign disciplinary sanctions that are appropriate to the violation, taking into consideration the context and seriousness of the violation.

C. When a student is found not responsible for violating the University's Policy on Sexual Violence and Sexual Harassment and the UC PACAOS Policy on Student Conduct, the University is committed to taking reasonable efforts to assist any student who has been disadvantaged with respect to employment or academic status as a result of the unsubstantiated allegations.

D. Disciplinary sanctions are designed to hold a student accountable for violating University standards of conduct and to promote personal growth and development. Disciplinary sanctions also serve the purpose of stopping the behavior that violated this policy and preventing its recurrence.

2 This supplements the Policies Applying to Campus Activities, Organizations and Students (PACAOS, 5/10/2012). In the event of any conflict this document shall take precedence.
E. The University of California recognizes that acts of sexual violence and sexual harassment are contrary to its goals of providing an educational environment that is safe and equal for all students.

F. University of California campuses are permitted to inform other UC campuses of a student's disciplinary record for violating the University's Sexual Violence and Sexual Harassment Policy and the UC PACAOS Policy on Student Conduct and Discipline.

III. DISCIPLINARY SANCTIONS

A. University disciplinary sanctions include, but are not limited to:
   1. Dismissal from the University of California,
   2. Suspension from the campus,
   3. Exclusion from Areas of the Campus or from Official University Functions,
   4. Loss of Privileges and Exclusion from Activities,
   5. Restitution,
   6. Probation
   7. Censure/Warning, and/or
   8. Other actions as set forth in University policy and campus regulations.

   a. Section XV (D) (8) and (9) of the UC San Diego Student Conduct Code describes other actions that may be imposed as a disciplinary sanction.

B. The definitions of disciplinary sanctions are found in University of California PACAOS Section 105.00 (Types of Student Disciplinary Action) and local campus regulations.

   1. UC San Diego's definitions can be found in Section XV (D) of the UC San Diego Student Conduct Code.

C. The posting of disciplinary sanctions on academic transcripts will follow University policy as defined in University of California PACAOS, Section 106.00.

   1. This is also implemented in Section XV (D) (1) and (2) of the UC San Diego Student Conduct Code.

IV. PROCESS

A. When a respondent has been found in violation, the University will provide written notice of the assigned disciplinary sanctions and a brief rationale for the sanctions.
B. Disciplinary sanctions will be assigned as follows:

1. Sexual assault, domestic/dating violence, or stalking in which one or more of the following factors are present will result in a minimum sanction of Suspension for at least two years, up to dismissal:
   a. force, violence, menace, or duress;
   b. deliberately causing a person to become incapacitated or deliberately taking advantage of a person’s incapacitation; or
   c. recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

2. Sexual assault involving penetration, domestic/dating violence, or stalking will, absent exceptional circumstances, result in a minimum sanction of Suspension for two years, up to dismissal.

3. Other sexual contact in violation of policy will, absent exceptional circumstances, result in a minimum sanction of Suspension for one year.

C. Assigned disciplinary sanctions and the factors considered for each case will be documented and reported to the University of California Office of the President on a quarterly basis. The report is to ensure a reasonable level of consistency from campus to campus.

   1. The Office of Student Conduct will be responsible for compiling the summary of disciplinary sanctions and factors considered for each case and reporting this information to the Office of the President.

V. FACTORS CONSIDERED IN DETERMINING DISCIPLINARY SANCTIONS

A. In determining the appropriate sanction, the following factors may be taken into account:

1. Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; presence of weapons, use of force, violence, physical injury.

2. Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; use of authority to abuse trust or confidence; planned or predatory conduct; deliberately causing a person to become incapacitated or deliberately taking advantage of a person's incapacitation; recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent; hate or bias based on the complainant’s membership or perceived membership in a protected group as defined in UC PACAOS Section 104.90.
a. Section XV (C) of the Student Conduct Code implements this provision at UC San Diego.

3. Response following violation: voluntarily acknowledged wrongdoing at early stage of the process; failure to follow no contact order; attempt to influence witnesses; obstructed or disrupted the process.

   a. A Respondent's disciplinary history is cumulative. Therefore, increased sanctions may be assigned to take into consideration the Respondent's overall record of violations of all types, not just those of a similar type. Violations of University Policies during the period of an active sanction may be cause for further action.

5. Impact on others: input from the complainant, protection or safety of the community.

4844-2828-7016, v. 8
Appendix E

University of California Policy:
Corrective Action - Professional and Support Staff
# Corrective Action

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<thead>
<tr>
<th><strong>Responsible Officer:</strong></th>
<th>Vice President – Human Resources</th>
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<tr>
<td><strong>Responsible Office:</strong></td>
<td>HR - Human Resources</td>
</tr>
<tr>
<td><strong>Issuance Date:</strong></td>
<td>September 23, 2014</td>
</tr>
<tr>
<td><strong>Effective Date:</strong></td>
<td>September 23, 2014</td>
</tr>
<tr>
<td><strong>Scope:</strong></td>
<td>Employees in the Professional &amp; Support Staff personnel group.</td>
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## I. POLICY SUMMARY

This policy describes the types of corrective action – written warning, corrective salary decrease, suspension and demotion – the University may take to address concerns regarding the conduct or work performance of regular status Professional and Support Staff (PSS) employees.

## II. DEFINITIONS

**Career Appointment:** An appointment established at a fixed or variable percentage of time at 50 percent or more of full-time that is expected to continue for one year or longer.

**Corrective Action:** The use of increasingly serious actions the University may take to address concerns regarding the conduct or work performance of regular status Professional and Support Staff employees. The four types of corrective action that can be used are written warning, corrective salary decrease, suspension and demotion.

**Counseling Memo:** A written memo to an employee to identify and address a conduct or performance issue. The memo should reinforce the supervisor’s expectations and clarify the course of action for improvement. A counseling memo is not a type of corrective action.
Exception to Policy: An action that exceeds what is allowable under current policy or that is not expressly provided for under policy. Any such action must be treated as an exception.

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

Exempt Employee: An employee who, based on duties performed and manner of compensation, is exempt from the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions.

Regular Status Employee: An employee in a career appointment who is not required to serve a probationary period or an employee in a career appointment who has successfully completed a required probationary period and any extension thereof.

Top Business Officer: Executive Vice President–Business Operations for the Office of the President, Vice Chancellor for Administration, or the position responsible for the location’s financial reporting and payroll as designated by the Executive Officer.

Verbal Counseling: A discussion between an employee and supervisor regarding a conduct or performance issue. The discussion should reinforce the supervisor’s expectations and clarify the course of action for improvement. A verbal counseling is not a type of corrective action.

III. POLICY TEXT

A. General
The University may take corrective action when an employee fails to meet acceptable conduct or work performance standards. The types of corrective action that can be used to provide an opportunity for an employee to correct conduct or work performance standards are written warning, corrective salary decrease, suspension and demotion. Supervisors are responsible for informing employees of conduct and performance expectations before problems arise. As appropriate any corrective action taken due to conduct or unsatisfactory work performance may be noted in the employee’s performance appraisal.

The types of conduct that may result in corrective action include, but are not limited to:
- failure to meet acceptable work performance standards;
- unexcused absenteeism or tardiness;
- insubordination;
- unethical behavior;
- violation of federal or state law;
- theft or misappropriation of University property;
- fighting on the job;
- discrimination, harassment, exploitation or intimidation, including sexual;
- acts endangering employees, students, visitors, or other University constituents; or
- any other serious violation of University policies.
Corrective action should generally follow a course of progressive discipline that will use increasingly serious actions if there is no sufficient improvement or if there is repeated failure to correct unacceptable conduct or work performance.

When determining the appropriate corrective action to use, supervisors should take into account the severity and circumstances of the situation and the employee’s work history. Immediate termination may be warranted in situations of serious misconduct or failure to maintain acceptable work performance standards. The process for terminating a career PSS employee is described in Personnel Policies for Staff Members 64 (Termination of Career Employees – Professional and Support Staff). In some cases, an employee may be placed on a leave with or without notice to investigate a conduct or work performance issue. The process for placing an employee on an investigatory leave is described in Personnel Policies for Staff Members 63 (Investigatory Leave).

Although not required, before implementing any of the corrective actions described in this policy, supervisors are encouraged to first use a verbal counseling and/or a counseling memo to communicate with an employee about conduct or work performance concerns. Verbal counseling and counseling memos are not corrective action; however, they are useful tools that can be used to clarify expectations and provide an employee with the opportunity to address concerns before corrective action is taken. As appropriate, supervisors are encouraged to document the verbal counseling discussion.

**B. Notice of Intent to Take Corrective Action**
Pursuant to this policy, the University will provide the employee with a written notice of intent to take corrective action when issuing a corrective salary decrease, a suspension (except for a suspension pursuant to PPSM 64.D) or a demotion. The notice of intent will state the intended corrective action, the reason for the action, and the proposed effective date(s) of the action. The notice of intent will also include a copy of the documents on which the corrective action is based (if any), and it will state that the employee has the right to respond orally or in writing within 10 calendar days from the issuance date of the notice. After consideration of the employee’s response, if any, corrective action may or may not be taken. If any action is taken, the employee will be notified in writing of the corrective action to be taken, the effective date(s) of the action and the employee's right to file a complaint under Personnel Policies for Staff Members 70 (Complaint Resolution).

**C. Types of Corrective Action**
There are four types of corrective action that can be used in the progressive discipline process; however, corrective action does not need to follow a specific order. As appropriate, the corrective action taken should correspond to the severity and circumstances of the situation.
1. Written Warning
Generally, at least one written warning will be given to an employee prior to proceeding with any other corrective action; however, no written warning will be needed if the corrective action is a result of misconduct or work performance that an employee knows or reasonably should have known was unacceptable. The written warning must describe how the employee failed to meet acceptable conduct or work performance standards.

2. Corrective Salary Decrease
An employee may be subject to a temporary or permanent corrective salary decrease when removal from the workplace is not appropriate; yet discipline is warranted.

3. Suspension
An employee may be subject to removal from the workplace and suspended for a defined period of time without pay. For exempt employees, suspension without pay must be imposed in a minimum increment of one workday.

4. Demotion
An employee may be subject to a temporary or permanent demotion for disciplinary reasons.

D. Records of Corrective Actions
Records of corrective actions will be maintained in accordance with the University’s Records Retention Schedule. Records of corrective actions taken in response to complaints filed by members of the public against employees in police titles will be retained for five years and filed as required by California Penal Code Section 832.5.

IV. COMPLIANCE / RESPONSIBILITIES
A. Implementation of the Policy
The Vice President–Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require the approval of the President. The Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources is authorized to establish and is responsible for local procedures necessary to implement the policy.

B. Revisions to the Policy
The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Vice President–Human Resources.

The Vice President–Human Resources has the authority to initiate revisions to the policy, consistent with approval authorities and applicable Bylaws and Standing Orders of the Regents.
The Executive Vice President–Business Operations has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

C. Approval of Actions
Actions within this policy must be approved in accordance with local procedures. Chancellors and the Vice President–Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

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

D. Compliance with the Policy
The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

The Vice President–Human Resources is accountable for reviewing the administration of this policy. The Director–HR Compliance may periodically monitor compliance to this policy.

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

V. PROCEDURES
Not applicable.

VI. RELATED INFORMATION
- Personnel Policies for Staff Members 64 (Termination of Career Employees – Professional & Support Staff) (referenced in Sections III.A. and III.B. of this policy)
- Personnel Policies for Staff Members 70 (Complaint Resolution) (referenced in Section III.B. of this policy)
- University of California, Records Retention Schedule (referenced in Section III.E. of this policy)
- Peace Officer Misconduct or Abuse (Penal Code Section 832.5) (referenced in Section III.E. of this policy)
VII. FREQUENTLY ASKED QUESTIONS

General (Section III.A)

1. What are some examples of unethical behavior?

Some examples of unethical behavior include, but are not limited to, the following:
- disclosure or misappropriation of confidential information;
- falsification of work hours;
- misappropriation of University property, possessions or resources; or
- unlawful possession, use or sale of alcohol or of controlled substances in the workplace.

2. What are some examples of harassment that are not sexual in nature?

Some examples of harassment that are not sexual in nature include, but are not limited to, the following:
- threatening, intimidating or hostile acts;
- bullying;
- negative stereotyping; or
- demeaning comments.

3. Can I file a complaint under PPSM 70 (Complaint Resolution) if I get a verbal counseling or counseling memo?

Generally, no. Verbal counseling and counseling memos are not considered to be corrective action, but rather an informal way to communicate with you about issues that need to be addressed. They typically do not affect your existing terms and conditions of employment in a material way and therefore are not eligible for the complaint resolution process.

4. Are verbal counseling documentation and counseling memos required to be noted in the employee performance appraisal?

No, it is not required to include verbal counseling documentation or counseling memos in the employee's performance appraisal. However, it is a best practice that can be used as appropriate, to document the communication between the employee and supervisor regarding the employee's conduct or work performance.
5. **Does this policy apply to limited, casual/restricted, floater or probationary employees?**

   No, this policy does not apply to limited, casual/restricted, floater or probationary employees. These employees can be released at any time at the discretion of the University per [PPSM 61 (Release During the Probationary Period or From Limited, Casual/Restricted, and Floater Appointments)](https://example.com) so they are not subject to the corrective action process.

6. **Does this policy apply to contract employees?**

   Contract employees are covered only by the PPSM policies outlined within their employment contract.

7. **Can an employee be terminated if a supervisor has gone through the corrective action process and an employee has not corrected the conduct or unsatisfactory work performance problem?**

   Yes, an employee can be terminated pursuant to [PPSM 64 (Termination of Career Employees – Professional & Support Staff)](https://example.com) if corrective action has not corrected the conduct or work performance problem.

**Types of Corrective Action (Section III.B)**

8. **Does corrective action need to be implemented in a certain order?**

   No. While corrective action is generally meant to be progressive, each situation is different and there is no single appropriate course of action. Supervisors have the discretion to skip or repeat corrective action as necessary; however corrective action should be applied in a fair and consistent manner.

   Appropriate corrective action taken should take into account the severity and circumstances of the situation. For example, one situation may begin with a written warning and end with a corrective salary decrease, whereas another situation may begin with written warning, progress to a suspension without pay and end with a demotion.

9. **What types of conduct would not require that a written warning be provided to an employee before corrective action is taken?**

   A written warning would not be required when the employee engages in conduct or work performance that he/she knows or reasonably should have known was unacceptable. Such conduct would include, but is not limited to:
   - insubordination;
   - unethical behavior;
   - violation of federal or state law;
   - theft or misappropriation of University property;
   - fighting on the job;
   - harassment, exploitation or intimidation, including sexual;
   - acts endangering employees, students, visitors, or other University constituents; and
• any other serious violation of University policies

10. What should be included in a written warning for unsatisfactory work performance?

As a best practice and when appropriate, the written warning should articulate the problem needing correction and include an action plan with expectations and consequences for failing to meet and sustain improvement.

Notice to Take Corrective Action (Section III.C)

11. Will I be able to respond to a notice to take corrective action if the 10th calendar day falls on a Saturday, Sunday or University holiday?

Yes, you will be able to respond if the deadline falls on a Saturday, Sunday or University holiday, as the response will be due by 5:00 pm on the following business day.

Records of Corrective Action (Section III.D)

12. How long will a record of corrective action be retained in an employee’s personnel file?

A record of corrective action must be retained in an employee’s personnel file for five years after the end of the fiscal year in which the claim is resolved and no further similar or related corrective action has been taken. The record of corrective action should be deleted or destroyed after the retention period has lapsed.

13. How long will a counseling memo be retained in an employee’s personnel file?

A counseling memo must be retained in an employee’s personnel file for five years after the end of the fiscal year in which the employee separates from the University. The counseling memo should be deleted or destroyed after the retention period has lapsed.

VIII. REVISION HISTORY

Policy changes effective as of September 23, 2014:

• “Professional & Support Staff” removed from policy’s title.

• General:
  o University may take corrective action when an employee fails to meet acceptable conduct or work performance standards.

  o Types of corrective action that can be used to correct conduct or work performance standards are written warning, corrective salary decrease, suspension and demotion.

  o Any corrective action taken may be noted in the employee’s performance appraisal.
Clarify and update the types of conduct that may result in corrective action.

Corrective action should generally follow a course of progressive discipline.

Corrective action taken should take into account the severity and circumstances of the situation and the employer’s work history.

Use of verbal counseling and counseling memos prior to implementing corrective action.

• Notice of Intent to Take Corrective Action.
  - Employee’s right to respond to a Notice of Intent increased to 10 calendar days from 8 calendar days.

• Types of Corrective Action
  - Section includes language on the four types of corrective action that can be used.
  - Clarify language on written warning and suspension.
  - Include language on corrective salary decrease and demotion.

• Records of Corrective Action
  - Records will be maintained in accordance with the University’s Records Retention Schedule rather than local procedures.

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:

- Personnel Policies for Staff Members 62 (Corrective Action – Professional & Support Staff), dated March 1, 2002
- Personnel Policies for Staff Members 62 (Corrective Action – Professional & Support Staff), dated July 1, 1996
- Staff Personnel Policy 270 (Corrective Action), Sections 270.1 – 270.7, 270.11 and 270.12, dated May 1, 1994
- Administrative and Professional Staff Program 170 (Corrective Action), dated July 1, 1987

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

University of California Policy:
Termination and Job Abandonment
I. POLICY SUMMARY

This policy describes separation from employment due to job abandonment and the process for terminating career employees in the Professional & Support Staff (PSS) and Managers & Senior Professionals (MSP) personnel groups who are not Officers of the University.
II. DEFINITIONS

Detailed information about common terms used within Personnel Policies for Staff Members can be found in Personnel Policies for Staff Members 2 (Definition of Terms) and Personnel Policies for Staff Members 3 (Types of Appointment).
Career Tracks: A classification structure that groups jobs into broad categories (defined as Operational and Technical, Professional, and Supervisory and Management) based on primary functions and scope and level of responsibilities.

Job Abandonment: The failure to report to work as scheduled for five consecutive workdays without notice or approval.

III. POLICY STATEMENT

A. Job Abandonment
An employee who fails to report to work as scheduled for five consecutive workdays without notice or without approval may be considered to have voluntarily resigned from his/her position due to job abandonment. The University will provide the employee with a written notice of intent to separate due to job abandonment. The notice must include the reason(s) for the separation and a statement that the employee has the right to respond either orally or in writing within 8 calendar days. After the employee has responded or after 8 calendar days, whichever comes first, management will review the response, if any, and issue a final decision. This decision is not eligible for review under the complaint resolution policies.

B. Termination: Professional & Support Staff
1. General
Regular status professional and support staff may be terminated from employment because of misconduct or failure to maintain appropriate work performance standards. Normally, termination is preceded by corrective action (see Personnel Policies for Staff Members 62 (Corrective Action)) unless immediate dismissal is warranted.

2. Written Warning
When termination is for failure to maintain appropriate work performance standards, the employee must receive at least one written warning prior to termination unless the unsatisfactory performance warrants immediate dismissal. Termination for misconduct does not require a written warning.

3. Notice and Decision
The employee must receive written notice of the intent to terminate. This notice must include a statement of the reason(s) for the intended action, a copy of any materials upon which the termination is based, and a statement that the employee has the right to respond either orally or in writing within 8 calendar days of the date of the notice of intent to terminate. After the employee has responded or after 8 calendar days, whichever comes first, management must review the response, if any, and inform the employee of the action to be taken.

4. Pay in Lieu of Notice
The employee must receive at least 15 calendar days' notice prior to termination or pay in lieu of notice. The 15 calendar days must be counted from the date of the notice of intent to terminate.
However, if the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate. If the employee provides a timely response to the notice of intent as described in Section III.B.3 of this policy, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth day following the date of the notice of intent to terminate.

C. Termination: Managers & Senior Professionals – Manager 3 and Below and Equivalent Positions

1. Applicability
   Section III.C of this policy applies as follows:
   
   a. Career Tracks
      For positions that have transitioned to the Career Tracks structure, Section III.C of this policy applies to employees in MSP positions classified at Manager 3 and below.
   
   b. Non-Career Tracks
      For positions that have not yet transitioned to the Career Tracks structure, Section III.C of this policy applies to employees in the MSP positions listed below until these positions transition to Career Tracks:
      
      - MSP positions in salary grades 1-7;
      - MSP positions at UC Irvine Medical Center and UC Santa Barbara;
      - MSP positions at UC San Diego in salary grades A-D.

2. General
   Managers and senior professionals as listed in Section C.1 above who hold career appointments may be terminated when, in management’s judgment, the needs or resources of the department or the performance or conduct of the employee do not justify the continuation of the employee’s appointment.

3. Notice and Decision
   When an appointment is to be terminated, the employee must receive written notice of the intent to terminate. This notice must include a statement of the reason(s) for the intended action, a copy of any materials upon which the termination is based, and a statement that the employee has the right to respond either orally or in writing within 8 calendar days of the date of the notice of intent to terminate. After the employee has responded or after 8 calendar days, whichever comes first, management must review the response, if any, and inform the employee of the action to be taken.

4. Pay in Lieu of Notice
   An employee terminated for reasons other than misconduct must receive 60 calendar days’ notice prior to termination or pay in lieu of notice. The 60 calendar days must be counted from the date of the notice of intent to terminate.
However, if the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate. If the employee provides a timely response to the notice of intent as described in Section III.C.3 of this policy, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth day after the date of the notice of intent to terminate.

**D. Termination: Managers & Senior Professionals – Above Manager 3 and Equivalent Positions**

1. **Applicability**
   
   Section III.D of this policy applies as follows:

   a. **Career Tracks**
      
      For positions that have transitioned to the Career Tracks structure, Section III.D of this policy applies to employees in MSP positions classified above Manager 3.

   b. **Non-Career Tracks**
      
      For positions that have not yet transitioned to the Career Tracks structure, Section III.D of this policy applies to employees in the MSP positions listed below until these positions transition to Career Tracks:

      - MSP positions in salary grades 8 and above, except those MSP positions at UC Irvine Medical Center (covered under Section III.C above); and
      - MSP positions at UC San Diego in salary grades E-F.

2. **General**
   
   Managers and senior professionals as listed in Section D.1 above who hold career appointments serve at the discretion of the Chancellor and may be terminated at will and at any time with or without cause. The at-will status of these employees cannot be altered except by amendment of this Policy.

3. **Notice**
   
   Managers and senior professionals may receive, at the sole discretion of the Chancellor, up to sixty calendar days' written notice prior to termination or pay in lieu of notice.

**E. Termination Assistance: Managers & Senior Professionals**

Managers and senior professional employees may be assisted, at the discretion of the Chancellor, as follows:

1. Assignment of the employee to another position, if a position is available, that the employee is qualified to perform and when the assignment is in the University's interest.

2. Career counseling or outplacement services.

3. Reasonable time off with pay to interview for other positions both within and outside the University.
4. Severance
   a. A location may grant severance pay in the amount of one month of pay, or less, for each completed year of continuous University service up to a maximum of six months of pay. In order to receive severance, the employee must enter into a written separation agreement that is approved by the University in accordance with the Policy on Settlement of Litigation, Claims, and Separation Agreements (Regents Policy 4105).
   b. No severance pay will be provided when termination is a result of misconduct, as determined by the Chancellor.
   c. An employee who is reemployed at any University location in any capacity during the paid severance period is required to repay to the University an amount equal to the severance pay received for the time period beginning with the date of hire in the new position to the end of the paid severance period.

      In the event the monthly salary in the new position is less than the monthly salary used to calculate the severance pay amount, the employee is required to repay to the University an amount based on the monthly salary of the new position for the time period beginning with the date of hire in the new position to the end of the paid severance period.

      A written repayment plan is to be agreed upon between the employee and the University before the employee begins work.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy
The Vice President–Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require approval by the President. The Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chancellor is authorized to establish and is responsible for local procedures necessary to implement the policy.

In accordance with Personnel Policies for Staff Members 1 (General Provisions), the authorities and responsibilities delegated to the Chancellor in this policy are also delegated to the Executive Vice President–Chief Operating Officer, Vice President–Agriculture and Natural Resources, Principal Officers of the Regents, and the Lawrence Berkeley National Laboratory Director. Also in accordance with PPSM 1, the authorities granted in this policy may be redelegated except as otherwise indicated.

B. Revisions to the Policy
The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Vice President–Human Resources.
The Vice President–Human Resources has the authority to initiate revisions to the policy, consistent with approval authorities and applicable Bylaws and Standing Orders of the Regents.

The Executive Vice President–Chief Operating Officer has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

C. Approval of Actions
Actions within this policy must be approved in accordance with local procedures. Chancellors and the Vice President–Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

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

D. Compliance with the Policy
The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

The Vice President–Human Resources is accountable for reviewing the administration of this policy. The Director–HR Compliance may periodically monitor compliance to this policy.

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

V. REQUIRED PROCEDURES
Not applicable.

VI. RELATED INFORMATION
- Personnel Policies for Staff Members II-64 (Termination of Appointment) (referenced in the Scope section of this policy)
- Personnel Policies for Staff Members 2 (Definition of Terms) (referenced in Section II of this policy)
• **Personnel Policies for Staff Members 3 (Types of Appointment)** (referenced in Section II of this policy)

• **Personnel Policies for Staff Members 62 (Corrective Action)** (referenced in Sections III.B.1 and IV.E of this policy)

• **Policy on Settlement of Litigation, Claims, and Separation Agreements (Regents Policy 4105)** (referenced in Section III.E.4.a of this policy)

• **Personnel Policies for Staff Members 1 (General Provisions)** (referenced in Section IV.A of this policy)

• **Personnel Policies for Staff Members 61 (Release During the Probationary Period and From Limited, Casual/Restricted, and Floater Appointments)** (referenced in Section IV.E of this policy)

• **Personnel Policies for Staff Members 63 (Investigatory Leave)** (referenced in Section IV.E of this policy)

• **Personnel Policies for Staff Members 64 (Termination and Job Abandonment)** (referenced in Section IV.E of this policy)

VII. FREQUENTLY ASKED QUESTIONS

1. **Are MSP employees required to receive corrective action before they are terminated?**
   No, there is no requirement to provide MSP employees with corrective action before they are terminated.

2. **Are MSP employees at all levels eligible to receive termination assistance as described in Section III.E?**
   Yes, MSP employees at all levels are eligible to receive termination assistance as described in Section III.E, except that MSP employees who are terminated for misconduct are not eligible to receive severance. Whether an MSP employee receives any termination assistance, and what any such termination assistance would be, is decided by the Chancellor or the Chancellor’s designee.

3. **Are PSS employees eligible to receive termination assistance?**
   No, PSS employees are not eligible to receive termination assistance. Refer to **Personnel Policies for Staff Members 60** for assistance that may be available for separations due to indefinite layoff or reduction in time.

4. **The policy refers to misconduct. What are some examples of misconduct?**
   Misconduct covers a wide array of behaviors and actions. It can range from offenses that have a minor impact on the workplace to those of an extremely serious nature. Below are some examples of actions or behaviors that could constitute misconduct; however, because it is not possible to list every example, this list is meant to be illustrative rather than exhaustive. Whether an employee's
specific behavior or action could be considered to be misconduct is determined at
the discretion of management.

- Insubordination
- Unethical behavior
- Violation of federal or state law, or University policy or procedures
- Acts or threats of violence
- Acts that endanger others in the workplace
- Conduct that warrants removing an employee from the workplace
- Falsification of credentials
- Supplying false information for purposes of obtaining University employment, transfer, or promotion
- Falsification or improper alteration of records, including timekeeping records
- Inappropriate disruption of the workplace

VIII. REVISION HISTORY
Policy changes effective as of July 15, 2016:

- Incorporation into this policy of Personnel Policies for Staff Members (PPSM) 65 (Termination of Career Employees - Managers & Senior Professionals, Salary Grades I through VII) and PPSM 67 (Termination of Career Employees - Managers and Senior Professionals, Salary Grades VIII and IX).
- Added job abandonment (Section III.A).
- Added references to non-Roman numeral salary grades and classifications in use for MSP employees.

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

- Personnel Policies for Staff Members 64 (Termination of Career Employees – Professional and Support Staff), dated January 1, 2001
- Personnel Policies for Staff Members 65 (Termination of Career Employees – Managers and Senior Professionals, Salary Grades I through VII), dated November 6, 2009
- Personnel Policies for Staff Members 67 (Termination of Career Employees – Managers and Senior Professionals, Salary Grades VIII and IX), dated November 1, 2009

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