The University of California, in accordance with applicable federal and state laws and university policies, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, gender expression, pregnancy (including pregnancy, childbirth, and medical conditions related to pregnancy or childbirth), physical or mental disability, medical condition (cancer related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, service in the uniformed services (including membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services). The university also prohibits harassment on any of these bases, including sexual harassment, as well as sexual assault, domestic violence, dating violence, and stalking. This nondiscrimination policy covers admission, access, and treatment in university programs and activities.

The following office has been designated to handle inquiries relating to non-discrimination policies as well as issues relating to sexual harassment and sexual violence:

**Office for the Prevention of Harassment & Discrimination**
**University of California San Diego**
9500 Gilman Dr. # 0024
La Jolla, CA 92093-0024
**(858) 534-8298**
http://ophd.ucsd.edu

Jennifer Broomfield  
**Director and Title IX Officer**  
jbroomfield@ucsd.edu  
**(858) 534-8297**

Carol Leah Rogers  
**Associate Director and Deputy Title IX Officer**  
crogers@ucsd.edu  
**(858) 822-3702**
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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 raped and murdered 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 statements of 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 Workgroup, which includes representatives from the following departments:

Athletics
Campus Advocacy, Resources, and Education at the Sexual Assault Resource Center (CARE at SARC)
Campus Fire Marshal
Council of Deans
Environment, Health & Safety
Housing, Dining, & Hospitality
Human Resources, Employee Relations
Office of Ethics and Compliance (OEC)
Office for the Prevention of Harassment & Discrimination (OPHD)
Office of Student Conduct (OSC)
Undergraduate Colleges, Residence Life & Student Affairs
UC San Diego Police Department
UC San Diego Health Employee Relations
UC San Diego Health Security Services

The statistics provided in the Annual Security and Fire Safety Report are based upon reports of crimes or fires made to the UC San Diego Police Department, the UC San Diego Campus Fire Marshal, the Office for the Prevention of Harassment & Discrimination (OPHD), Office of Student Conduct, Employee Relations, Campus Security Authorities (“CSAs”), and local law enforcement agencies.

The Annual Security and Fire Safety Report is distributed to all students, faculty and staff by October 1 of each year by email and is available at http://www.police.ucsd.edu/docs/annualclery.pdf. Paper copies of the Annual Security and Fire Safety Report may be obtained by contacting the UC San Diego Police Department at (858) 534-4361 or in person at the UC San Diego Police Department located in Campus Services Complex, Bldg. B.
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; whether a Timely Warning to the UC San Diego community is warranted; and whether the incident qualifies as a Clery reportable statistic for the Annual Security and Fire Safety Report.

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 9-1-1 or (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 submit reports to the UC San Diego Police Department online or via a fillable pdf available at clery.ucsd.edu. 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.

UC San Diego Health staff should report any crimes at the Hillcrest or La Jolla Medical Centers to the UC San Diego Health Security Services personnel who liaison with the San Diego Police Department, UC San Diego Police Department or any other law enforcement agency with jurisdiction, as needed.

Clery Act crimes that are reported to the UC San Diego Police Department, Office for the Prevention of Harassment & Discrimination, Office of Student Conduct, Employee Relations, 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")

Individuals identified as Campus Security Authorities ("CSAs") must report Clery Act crimes, which they directly witness or learn about in the course of their duties, to the UC San Diego Police Department, regardless of whether 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 professional staff in the Office for the Prevention of Harassment & Discrimination, Office of Student Conduct, Residence Life, Associated Students and Center for Student Involvement, as well as athletic coaches and assistant coaches, Deans and Assistant Deans of Student Affairs, Resident Advisors, and other officials on campus who have significant responsibility for student and campus activities.

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. See Appendix C.

C. Professional Counselors and Pastoral Counselors

Although professional counselors and other confidential resources on campus (described in Section III.D) may 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. UC San Diego does not have any procedures which encourage professional counselors, at their discretion, to inform those they counsel of procedures for reporting crimes voluntarily and anonymously for inclusion in the Annual Security and Fire Safety Report.

UC San Diego does not employ pastoral counselors.
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, incidents may be accepted anonymously, by phone or via e-mail or on the UC San Diego Police Department’s website, and will be included in the statistics presented in the Annual Security and Fire Safety Report if they meet Clery Act definitions. In addition, CSAs who are submitting reports of Clery crimes to the UC San Diego Police Department are not required to identify the victim by name if the victim wishes to remain anonymous. Further, the Police Department will advise victims of sexual violence or relationship violence that they may pursue Confidential Victim status pursuant to California Penal Code § 293. 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 campus 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.C.3 regarding confidentiality.

E. Daily Crime and Fire Log

The UC San Diego Police Department maintains a Daily Crime and Fire Log. The log for the most recent 60 day period is open for public inspection during normal business hours at Campus Services Complex, Bldg B and is available at http://www.police.ucsd.edu/docs/reports/CallsandArrests/Calls_and_Arrests.asp. The Daily Crime and Fire Log contains the following information:

- All crimes occurring on Clery Act geography and within the UC San Diego Police Department’s patrol jurisdiction and which are reported to the UC San Diego Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- The fire log entries include any fire that occurred in an on-campus student housing facility, including the nature, date, time, and general location of each fire.

The Daily Crime and Fire Log does not contain any personally identifiable information about a victim.

Information in the log is not required to be disclosed when there is clear and convincing evidence that the release of such information would jeopardize an on-going criminal investigation or the safety of an individual; that may cause a suspect to flee or evade detection; or that could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur following the release of such information.

The Daily Crime and Fire Log for the most recent 60-day period is open to the public for inspection at all times during normal business hours. Subject to applicable federal and state retention periods, any portion of the log that is older than 60 days will be made available within two business days of a request for public inspection.
IV. UC SAN DIEGO POLICE DEPARTMENT

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 § 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 staff, who are also non-sworn personnel, do not detain individuals 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 that 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 Sheriffs Association's 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 they 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. ¹

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 a 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 container, ballistic knife, belt buckle knife, leaded cane, zip gun, lipstick case knife, air gauge knife, writing pen knife, military practice or metal replica hand grenade, billy club, sand club, sap, wooden, metal or composite knuckles, shuriken, nunchaku, or blackjack. ⁷

² Cal. Penal Code §§ 626.9(h), (j).
³ § 626.10(b).
⁴ § 626.30(i).
⁵ § 417.4.
⁶ § 18710.
⁷ §§ 19200, 20310, 20410, 20610, 20910, 21110, 21710, 21910, 22010, 22210, 22410, 24310, 24410, 24710 and 33600.
V. LOCAL LAW ENFORCEMENT MONITORING OF NON-CAMPUS CRIMINAL ACTIVITY

The UC San Diego Police Department does not provide law enforcement services to any off-campus residences of recognized fraternity and sorority organizations. The Center for Student Involvement maintains contact with recognized fraternities and sororities through the office of the Greek Life Advisors. Criminal activity at residences of recognized fraternities and sororities outside of the La Jolla campus would be handled by the local police department, (e.g., 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. If the UC San Diego Police Department learns of criminal activity at the residences of recognized fraternities or sororities outside of the La Jolla campus, it will coordinate the San Diego Police Department's forwarding of information about the situation to the Office of Student Conduct or the Office for the Prevention of Harassment & Discrimination, as appropriate.

UC San Diego expects all recognized student organizations to abide by the UC San Diego Student Conduct Code. The University may extend its jurisdiction to non-campus activities pursuant to 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.

Text-a-Tip:

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](http://blink.ucsd.edu/safety/emergencies/security/personal.html).
A. Security of, and Access to Facilities

1. Campus Facilities

UC San Diego is a public University; therefore, most of the buildings on campus are open to the public, such as Geisel Library and the Price Center. However, UC San Diego has several labs and business areas that are not open to the public. Most facilities have individual operating hours, and the hours vary depending on the time of year — some facilities are open for extended hours to accommodate evening classes, research or other special events and programs. Access to some of these buildings is controlled electronically. As with all technology, the system is not infallible, and all community members are advised to remain vigilant with regard to security matters. Administrative buildings and department-assigned offices and laboratories typically assign responsibility for their maintenance and security to building Management Services Officers, Facilities Management or Security Services. Many campus buildings utilize intrusion alarms, panic buttons, and video cameras to enhance security in their areas.

As a safety matter, doors should not be propped open, especially those in secure areas. It is every employee’s responsibility to report suspicious activity and unauthorized visitors, and to report damaged or malfunctioning doors or windows for immediate repair. Employees should have Employee ID’s with them at all times and should challenge people in secure areas who do not have an ID displayed. Individual offices should be locked when unattended, and University keys should never be given to persons not authorized to possess them. See https://police.ucsd.edu/safety/tips.html for some additional safety tips.

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. Facilities Management has also recently formalized a temporary key check out policy. All temporary key checkout records are kept in an online campus maintenance management system (Maximo), which allows the University to track them digitally and send email notifications when approaching the return date.

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.

In addition to the regular safety escort service, the UC San Diego Police Department now offers Triton Rides – a free, nighttime shuttle service available to UC San Diego students, staff and faculty. Triton Rides will take you from any on-campus location to another on-campus location and within a one-mile radius around the campus. The service is available from 11:30 p.m. to 6 a.m., seven days a week. All drivers are Community Service Officers who must have a valid California driver’s license and complete driver safety training administered by UC San Diego Police personnel.

Request a Triton Ride

- Call extension 4-WALK or (858) 534-9255, or
- Use the Tapride app, available for download on iPhone/iPad and Android

Questions? Email us at ucsdsaferride@ucsd.edu.
The UC San Diego Police Department provides call boxes in many campus parking lots and structures for a direct line to request police assistance or a safety escort. Emergency Callboxes throughout the entire campus have been replaced and are consistent with the mass notification/public address towers, which are blue ten-foot towers with a blue strobe light on the top. Each unit is designed with a HELP and INFO button that route to the UC San Diego Police Department Dispatch Center immediately when pushed. Existing locations for each tower can be found at: http://police.ucsd.edu/services/callbox.html.

2. UC San Diego Health Facilities

The UC San Diego Health access control policy at both Hillcrest & East Campus (La Jolla) restricts and monitors after-hour entry into the medical centers. This policy involves securing the main entrance and all other ground floor and basement doors after normal operational hours. The need for any exceptions should be submitted by the Department Manager to the Director, Security Services. The Emergency Department corridor entrance and Emergency Department waiting room entrance remain unlocked twenty-four (24) hours each day. “Restricted Access” areas are UC San Diego Health spaces designated by the Director, Security Services for stringent access control. Security Services require staff requesting access to these areas to be pre-approved by the Department Manager responsible for the space. Security Services is available to consult with Department Managers to design appropriate alarm and access control systems to restrict access to these areas. Access to offices, laboratories, storage areas and other work spaces is limited to authorized personnel. Employees will challenge unknown persons and, where appropriate, will refer the matter to security for investigation. All spaces not in use will be secured. Staff will only use their access cards to gain entry into areas they are authorized to work. At no time shall staff share or loan their access badge with another employee or unauthorized user to access an area or building for any reason. Key control policies are stringent and must be carefully adhered to. Any compromise must be reported immediately to the Director, Security Services or Security Manager. Staff are required to visibly display a UC San Diego Health identification card while on duty.

B. Security of, and Access to Campus Residential Facilities

Housing, Dining & Hospitality 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 is supplemented by Residential Security Officers (RSOs) employed by the UC San Diego Police Department who patrol during the evening hours. Apartments or suite entries require either electronic key card access or hard key access. Individual bedrooms have hard key access only. Housing buildings with electronic locks are protected by multilayer access protocols, including a card key and PIN. Over extended breaks, residence halls are closed and buildings are locked.
C. Security Considerations Used in the Maintenance of Facilities

1. Campus Facilities

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. The campus is now transitioning to an automated maintenance and management system, which can document, track, and assess current reports of lighting concerns, failures, and suggestions. We are using this information to better respond to and become proactive in managing lighting concerns.

In an effort to minimize physical security vulnerabilities and enhance overall campus design, the UC San Diego Police Department Physical Security Program Manager performs security assessments for existing buildings upon request, as well as Crime Prevention Through Environmental Design (CPTED) assessments for planned facilities and campus neighborhood programs. The trained and certified Program Manager provides security evaluations for lighting, pedestrian and vehicular movement, facility ingress and egress control, and landscape augmentation to minimize areas of concealment; additionally, the Program Manager is responsible for maintaining and expanding physical security systems, such as public safety cameras, access control, intrusion and duress alarms, and the campus-wide gunshot detection system.

2. UC San Diego Health Facilities

The medical centers conduct an Environment of Care risk assessment program, which is designed to evaluate, reduce and control environmental hazards and risks of safety-related incidents to the buildings, grounds, equipment, occupants, internal physical systems and safe practices of hospital employees. The Environment of Care Committee is responsible for assuring an ongoing program for identifying and assessing hazards, and improving safety practices at the medical centers. Included within this program are periodic risk assessments, which are conducted by the Security Services office and which reviews the external environment and services provided by UC San Diego Health. A plan of correction will be implemented when new risks are identified.
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 Chancellor, Police Chief, Captain, Lieutenant or the Watch Commander 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
- Talkaphone callbox or other public address system
- Patrol Vehicle
- Twitter @UCSDPOLICE
- Low Power Radio—1610 AM

When issuing a Timely Warning, some specific information may be withheld if there is a possible risk of compromising law enforcement efforts to investigate or solve the crime. Timely Warnings do not include names of victims.

Timely Warnings shall be issued in a timely fashion and are used to aid in the prevention of a similar occurrence.

In certain circumstances, an incident may not meet the criteria to issue a Timely Warning—a Clery-reportable crime occurring at a Clery geographic location—but may constitute a threat warranting communication to the UC San Diego community. In such instances, the Chancellor, Police Chief, Captain, Lieutenant or Watch Commander may choose to issue a “Community Alert Bulletin” via email notifying the community of the threat. The content of the Community Alert Bulletin will vary depending on the type of incident.
A. Emergency Notifications

1. Introduction

The University of California, San Diego provides emergency notifications to 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 that involves an immediate threat to the health or safety of students or employees.

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 request 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. Instructions should 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; this decision will be made by the UC San Diego Police Department Watch Commander or the UC San Diego Campus Emergency Manager.

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 evacuation procedures. The Emergency Operations and Incident Management Plan (EOP) and the Emergency Management web page also 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 until the emergency or threat has concluded. Updates and follow-up information will also be added to the UC San Diego homepage or the Campus Emergency Current Status page, as appropriate.

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 whether 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 a significant emergency or dangerous situation which presents an immediate threat to the health or safety of students or employees, the following individuals or offices are authorized to draft and send a TRITON ALERT Emergency Notification:

- UC San Diego Police Department Police Chief;
- UC San Diego Police Department Watch Commander;
- Environment, Health & Safety Director;
- Campus Emergency Manager; or
- Any direct designee of the UC San Diego Police Department Police Chief who is within the UC San Diego Police Department or any direct designee of the Environment, Health & Safety Director who is within the Environment, Health & Safety department.

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 UC San Diego email account.

B. TEXT to Mobile Numbers:
On an annual basis, all UC San Diego students, faculty and staff will be asked to provide 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, individuals must provide accurate and up-to-date contact information. Students, faculty and staff are reminded to update their contact numbers once a year and are advised to update the information sooner if it changes. Contact information may be updated at the Triton Alert Emergency Notifications page. UC San Diego strongly encourages all students, faculty and staff to provide contact information for text messages; however, individuals may opt-out from receiving TRITON ALERT Emergency Notifications sent via text message. Opt-out information may be found at the Triton Alert FAQ page.

Standard text messaging rates apply.
C. Additional Methods of Providing TRITON ALERT Emergency Notifications/Emergency Information:
Telephone, loudspeakers, bullhorns, Talkaphone 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, 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://police.ucsd.edu
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 at least once a year. One of the tests will generally be performed in conjunction with a regional drill or exercise. The University will publicize its emergency response and evacuation procedures in conjunction with the annual 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.

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

Other individuals may sign up to receive TRITON ALERT Emergency Notifications. They may provide and update their contact information by visiting the UC San Diego Affiliate/Guest Portal. Standard text messaging rates apply.

8. Providing Information to Surrounding Community

Individuals in the surrounding communities may go to the main UC San Diego homepage or the Campus Emergency Current Status page for information regarding any significant emergency or dangerous situation which presents an immediate threat to the health or safety of students or employees. The UC San Diego Police Department Watch Commander or the UC San Diego Campus Emergency Manager are responsible for ensuring updates are provided on these websites as appropriate, and for contacting the San Diego County Office of Emergency Services or San Diego Police Department to provide information regarding the emergency or dangerous threat and to coordinate the appropriate response.

9. UC San Diego Health

UC San Diego Health utilizes a mass notification system for emergencies at the medical centers for events involving patients, as well as any incidents that may interrupt hospital functions. Depending on the type, size and location of an emergency, alerts may be sent to a ucsd.edu email address, any additional email addresses provided by the user, work and mobile phones, page or text message. The level of alert is classified from 1 to 4. Level 1 alerts communicate information only, usually to select populations. Level 2 is a minor alert with minor impacts on operations. Level 3 is a moderate alert that communicates that services are being affected and increased management personnel is required to staff the Hospital Command Center. Level 4 is a major alert that goes to the entire UC San Diego Health community and indicates that most operations are impacted or likely to be impacted. Verbal instructions will be given over the public address system, mass notification system, pager, texting and/or by messenger if necessary. If evacuations are required, the alert will indicate which floor(s) are to evacuate and provide further instructions about evacuation areas.
B. Emergency Response and Evacuation Procedures

1. Emergency Preparedness

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.

A. 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 (e.g., fire alarms, extinguishers, AEDs)
• Implement emergency response procedures based on the nature of the emergency (e.g., 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.

B. 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 similar distribution of assets and trained personnel during campus-wide emergency events.

C. 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.
D. 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.

2. Evacuation of University Academic and Administrative Buildings

A. Emergency Action Plans:
Every UC San Diego department must have an Emergency Action Plan. They are an integral part of the campus-wide Emergency Operations Plan and preparedness effort.

Department Emergency Action Plans address the needs of faculty, staff, and students at specific locations during emergency situations. Large departments occupying different locations may need individual plans for each facility they occupy. Each plan should include emergency contact information appropriate for its location.

Each department plan should identify hazards unique to their workplace, along with corresponding response strategies that minimize exposure to hazardous conditions during an emergency.

B. Evacuation Procedures:
In the event of an emergency/fire alarm occupants must evacuate from the building. Departmental Emergency Action Plans provide detailed information about the evacuation procedures for individual buildings. It is helpful to have reviewed and practiced the building evacuation procedures prior to an evacuation. As a general guideline, stop working as soon as it is safe to do so and gather personal belongings, such as glasses, keys and purse or handbag. Avoiding elevators, use the nearest door with an EXIT sign to leave the building. Proceed to your designated assembly area, report for a head count and stay in the area until you receive direction from emergency responders or authorized UC San Diego staff. A summary of the University’s emergency response procedures is available at http://blink.ucsd.edu/safety/emergencies/preparedness/guide.html.

3. Evacuation of On-Campus Housing Facilities

A. Emergency Exit Plans:
• Review the Emergency Plan prior to an emergency.
• In case of fire, use stairs for exit. Do not use the elevator.
• Quickly move to the outside of the building using the nearest door marked with an EXIT sign.
• Be certain all persons in the area are evacuated immediately.
• Help those who need special assistance—disabled, small children, etc.
• Report immediately to the designated assembly area (see map and evacuation location list below) to do a headcount.
• Do not reenter the building, and wait for instructions from emergency response personnel.

Emergency Phone Numbers
Fire, Police, Medical 911
UC San Diego Police 911 or (858) 534-4357
Emergency Services: La Jolla (858) 657-7600
Sulpizio Cardiovascular Center
Emergency Services: Hillcrest (619) 543-6222
UC San Diego Medical Center
Poison Control Center (800) 876-4766
UC San Diego Emergency Status Phone No. (858) 308-6273
EH&S Front Office (858) 534-3660
Calmly state:
• Your name
• Building and room location of emergency
• Nature of the emergency: fire, chemical spill, etc.
• Injuries?
• Hazards present which may affect responding emergency personnel
• A phone number near the scene where you can be reached

Fire Procedures:
• Fire Alarm: Bell/Horn with flashing light
• Pull the fire alarm and call UC San Diego Police at 9-1-1.
• Alert people in the area to evacuate.
• Close door to confine the fire.

In case of small fire
• IF YOU HAVE BEEN TRAINED to use a fire extinguisher, while keeping an exit behind you, position yourself within six feet of the fire.
• Pull the pin located in the extinguisher’s handle, aim the nozzle at the base of the fire, squeeze the handle and sweep from side to side at the base of the fire until it is out.

Have persons knowledgeable about the incident and location assist emergency personnel.

Evacuation maps are included in the following housing locations:
• Eleanor Roosevelt College: Residence Halls
• Mesa Nueva Apartments
• One Miramar Street Apartments
• Revelle College: Argo and Blake Residence Halls and Keeling Apartments
• Rita Atkinson Apartments
• Village East and West Apartments
• Warren College: Apartments and Residence Halls
• Single Graduate Apartments at Warren

Evacuation maps may not be removed or altered. Take time to familiarize yourself with the evacuation plan for your residence. It is each resident’s responsibility to evacuate to designated assembly areas when the fire alarm sounds. Failure to evacuate immediately is dangerous and a violation of the California Fire Code.

Fire alarm testing and evacuation drills are conducted annually.
B. Evacuation Locations: Please note: Evacuees should gather at least 50 feet away from any structure.

<table>
<thead>
<tr>
<th>Housing Unit</th>
<th>Evacuation Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coast Apartments</td>
<td>9350 Redwood Drive</td>
</tr>
<tr>
<td>ERC Apartments - Asante Hall</td>
<td>International Lane, directly east of building</td>
</tr>
<tr>
<td>ERC Apartments - Cuzco Hall</td>
<td>International Lane, directly east of building</td>
</tr>
<tr>
<td>ERC Apartments - Earth Hall North</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Apartments - Earth Hall South</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Apartments - Geneva Hall</td>
<td>Plaza in front of ERC Administration Building</td>
</tr>
<tr>
<td>ERC Apartments - Kathmandu Hall</td>
<td>International Lane, directly east of building</td>
</tr>
<tr>
<td>ERC Apartments - Mesa Verde Hall</td>
<td>Plaza in front of ERC Administration Building</td>
</tr>
<tr>
<td>ERC Apartments - Middle East Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Apartments - Oceania Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - Africa Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - Asia Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - Europe Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - Latin America Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - North America Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>La Jolla del Sol Apartments</td>
<td>8046 Regents Road</td>
</tr>
<tr>
<td>Marshall Lower Apartments</td>
<td>Marshall Field</td>
</tr>
<tr>
<td>Marshall Upper Apartments</td>
<td>Marshall Field</td>
</tr>
<tr>
<td>Marshall Residence Halls</td>
<td>Parking Lot P304 on North Scholars Drive</td>
</tr>
<tr>
<td>Central Mesa Apartments</td>
<td>One Miramar Street, Building 5</td>
</tr>
<tr>
<td>North Mesa Apartments</td>
<td>One Miramar Street, Building 5</td>
</tr>
<tr>
<td>South Mesa Apartments</td>
<td>One Miramar Street, Building 5</td>
</tr>
</tbody>
</table>
4. Evacuation of UC San Diego Health Facilities

The hospital and medical facilities at UC San Diego Health utilize different types of evacuations depending on the incident. Some evacuations involve moving to an adjacent department on the same floor, while others involve evacuating to a floor above or below, or a complete building evacuation.

The criterion for partial or complete evacuation is determined by assessing the risk for damage to health, life and property. The Hospital Emergency Incident Command System (HICS) will be activated in response to an actual or pending risk. Evacuation orders will be issued from the Incident Commander or Fire Department and/or Law Enforcement on site. Spontaneous evacuation may occur when it is apparent that there is an immediate life safety event. Each patient will be tagged to ensure a safe and orderly evacuation. Patient staging areas will be established to manage patients, staff, and visitors. Each of these areas will have identified personnel in charge, along with specific roles and responsibilities during a relocation or evacuation. The Triage Medical Officer for medical transport will oversee the tagging of patients for acuity if movement to another facility is required in a mass evacuation event. Building signage and evacuation routes are posted within the facility. Numbered “Evacuation Assistance Sites” are located on the property surrounding the facility. These sites have been selected for points of access and egress. Actual use of each of these sites will depend on the area of risk during the event and access for purpose of evacuation away from the impacted area. The Security Branch Director, utilizing the Access Control Unit under HICS will: secure the perimeter; coordinate with public safety for determination of inner and outer perimeters for the hospital and for access of support and equipment vehicles needed; secure the evacuated premises; and coordinate with the San Diego Police Department, San Diego Sheriff and other law enforcement branches as available.

UC San Diego Health faculty and staff can view their individual department evacuation plans on the UC San Diego Health intranet website.
5. 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 Housing, Dining & Hospitality 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.

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

A. One Example of an Emergency Response Test/Drill in 2016:
On October 20, 2016, UC San Diego participated in “The Great Shakeout” earthquake exercise. The Great Shakeout was a simulated earthquake exercise that included over 4400 participants across campus. Students, faculty, staff and visitors participated in the exercise. Participants of the day-long exercise conducted earthquake preparedness activities. These activities included a review of emergency action plans, a discussion of emergency preparedness actions to take and a “duck, cover and hold on” manipulative exercise, including building evacuation and accountability in a designated meeting location. Multiple locations across the UC San Diego campus participated in the exercise.

In conjunction with the Great Shakeout Exercise, UC San Diego tested its Triton Alert emergency notification system by sending an email message to our entire campus population and a text message to all participants who had not opted out of receiving texts for Triton Alerts at 10:20 am. The test was concluded at 10:57 am. This test was announced prior to the exercise by a campus wide email and information posted on the UC San Diego website. Recommended actions to take were included in the information sent to campus. An after action review of the performance of Triton Alert was conducted by EH&S personnel. Details of the performance of Triton Alert are on file with the Emergency Management division.

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 (see below);
- The student’s parent or legal guardian, if they are under the age of eighteen and not emancipated; and
- Surrounding law enforcement agencies, including the law enforcement agency with jurisdiction over the missing person.

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.

A. Confidential Contact

All students who live on campus are given the opportunity to register a confidential contact through Housing, Dining & Hospitality. Confidential contact information will only be released to authorized campus or law enforcement officials 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 submitting a confidential contact form to Housing, Dining & Hospitality located in the Housing, Dining & Hospitality Administration Building on the Revelle Campus. 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 to their community Residential Services Office.

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](http://blink.ucsd.edu/safety/emergencies/security/call.html)

\(^8\) 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 relating to the illegal possession, use, sale, manufacture, or distribution of controlled substances, as defined in the California Health and Safety Code. 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. The University of California and UC San Diego policy on substance abuse can be found at http://adminrecords.ucsd.edu/ppm/docs/270-8.html.

1. Marijuana Use

The University of California prohibits the use, possession and sale of marijuana in any form on all University property, including University-owned and leased buildings, housing and parking lots. Marijuana is also not permitted at University events or while conducting University business.

On November 8, 2016, California voters passed Proposition 64 legalizing the use of recreational marijuana among people over the age of 21. Notwithstanding Proposition 64, using, distributing and possessing marijuana remains illegal under federal law. The federal Controlled Substances Act criminalizes possession and distribution of controlled substances, including marijuana, with a limited exception for certain federally approved research. The Drug-Free Schools and Communities Act and the Drug-Free Workplace Act require that the University of California, as a recipient of federal funding, establish policies that prohibit marijuana use, possession and distribution on campus and in the workplace. Thus, it is important to understand that Proposition 64 does not change University of California policy; marijuana remains prohibited on all University property and at all University events, except for approved academic research.

Academic research involving marijuana may be conducted at the University to the extent authorized under both federal and state law; such research must be conducted in compliance with all applicable regulations and policies, including but not limited to federal registration and licensing requirements administered by the U.S. Drug Enforcement Agency and applicable to research use of controlled substances.

Violating the University’s policies may be grounds for discipline or corrective action, which may include required participation in a treatment program, with a maximum penalty of dismissal.
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, unless required or allowed by law to protect the student or others. Please visit http://caps.ucsd.edu.

UC San Diego employees facing 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 San Diego Health benefits-eligible employees may contact http://liveandworkwell.com operated by Optum/United Behavioral Health for support and counseling.

D. Drug-Free Schools and Communities Act Materials

The University's Drug Free Schools and Communities Act materials are available at:

- UC San Diego's 2014-2016 Biennial Review
- http://www-hr.ucsd.edu/~qwl/subabuse.pdf
- http://adminrecords.ucsd.edu/ppm/docs/270-8.html

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, 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. Following is a summary of programs offered by UC San Diego:

• Triton FYI:

In Fall 2016, UC San Diego launched a pilot program for all incoming Revelle College students known as Triton FYI, which is a 90-minute interactive workshop facilitated by Health Promotion Services staff and peer health educators to address alcohol risk reduction, UC San Diego IDEAS for bystander intervention, stress management, flourishing and positive psychology, and resources.

• Active Shooter (Previously referred to as ALICE Training; in 2017 the name was changed to ASSERT Training):

In 2016, the UC San Diego Police Department offered training to prepare individuals to handle the threat of an active shooter. Known as ALICE: Alert, Lockdown, Inform, Counter, Evacuate, the training teaches individuals to participate in their own survival, while leading others to safety. Though no one can guarantee success in this type of situation, learning these skills will greatly increase your odds of survival.

This course covered the following areas:
  • Defining a Critical Incident
  • A Brief History and Examination of Active Shooter Events
  • Comparing Traditional Responses to Trained Responses in a Crisis
  • Survival Mindset
  • Understanding the Human Reaction Phases
  • Precautions and Situational Awareness
  • Defining the ALICE Concept
  • Explaining Law Enforcement Response to an Active Shooter Event
  • Controlled Practical Application of ALICE Concepts and Scenarios

In 2016, ALICE Training was offered on the following dates:

• 1/14/2016 ALICE Part 1 & 2
• 1/20/2016 ALICE Part 1 Only
• 1/25/2016 ALICE PowerPoint Only
• 1/26/2016 ALICE Part 1 & 2
• 2/3/2016 ALICE Part 1 & 2
• 2/9/2016 ALICE Part 1 & 2
• 2/16/2016 ALICE Part 1 & 2
• 2/25/2016 ALICE Part 1 & 2
• 2/29/2016 ALICE Part 1 & 2 (two sessions)
• 3/3/2016 ALICE Part 1 & 2 (two sessions)
• 3/8/2016 ALICE Part 1 & 2 (two sessions)
• 3/15/2016 ALICE Part 1 & 2 (two sessions)
• 3/17/2016   ALICE Part 1
• 3/22/2016   ALICE Part 1 & 2
• 3/23/2016   ALICE Part 1
• 3/23/2016   ALICE Part 1 & 2
• 3/31/2016   ALICE Part 1 (two sessions)
• 4/1/2016    ALICE Part 1 & 2
• 4/5/2016    ALICE Part 1 & 2
• 4/7/2016    ALICE Part 1
• 4/9/2016    ALICE Part 2
• 4/14/2016   ALICE Part 1
• 4/14/2016   ALICE Introduction
• 4/15/2016   ALICE Introduction
• 4/18/2016   ALICE Part 1
• 5/6/2016    ALICE Part 1 & 2 (two sessions)
• 5/11/2016   ALICE Part 1 & 2
• 5/12/2016   ALICE Part 2
• 5/13/2016   ALICE Part 1 & 2
• 5/14/2016   ALICE Part 1 & 2
• 5/28/2016   ALICE Part 1
• 6/8/2016    ALICE Part 1 & 2
• 6/14/2016   ALICE Part 1 & 2
• 6/22/2016   ALICE Part 1 & 2
• 6/28/2016   ALICE Part 1 & 2
• 7/8/2016    ALICE Part 1
• 7/11/2016   ALICE Part 1 & 2
• 7/13/2016   ALICE Part 1 & 2 (two sessions)
• 7/18/2016   ALICE Part 1 & 2
• 7/19/2016   ALICE Part 1 & 2 (two sessions)
• 7/20/2016   ALICE Part 1 & 2 (law enforcement response)
• 7/21/2016   ALICE Part 1 & 2 (two sessions)
• 7/22/2016   ALICE Part 1 & 2
• 7/26/2016   ALICE Part 1
• 7/27/2016   ALICE Part 1 & 2
• 8/2/2016    ALICE Part 1
• 8/3/2016    ALICE Part 1 & 2
• 8/4/2016    ALICE Part 1 & 2
• 8/10/2016   ALICE Part 1 & Site Assessment
• 8/10/2016   ALICE Part 1 & 2
• 8/11/2016   ALICE Part 1 (two sessions)
• 8/12/2016   ALICE Part 1 & 2
• 8/19/2016   ALICE Part 1 & 2
• 8/20/2016   ALICE Part 1
• 8/23/2016   ALICE Part 1 & 2 (two sessions)
• 8/30/2016   ALICE Part 1
• 9/2/2016    ALICE Part 1 & 2
• 9/6/2016    ALICE Part 1 & 2
• 9/7/2016    ALICE Part 1 & 2 (two sessions)
• 9/8/2016    ALICE Part 1 & 2 (two sessions)
• 9/12/2016   ALICE Part 1 & 2
• 9/13/2016   ALICE Part 1 & 2
• 9/14/2016   ALICE Part 1 & 2 (two sessions)
In 2017, ALICE changed to ASSERT Training, which stands for Active Shooter Survival Education and Response Training. ASSERT prepares and empowers individuals to react in the event of an active shooter incident. The training focuses on educating participants on available options, which will allow them to participate in effecting their own and others’ survival. While these events are always unpredictable, the training and concepts taught can better prepare someone to act when a critical incident occurs. This course covers the following areas:

- Defining a Critical Incident
- A Brief History and Examination of Past Active Shooter Events
- Examining Traditional and Trained Responses in a Crisis
- The Importance of a Survival Mindset
- Understanding the Human Reaction Phases, Creating Situational Awareness, and Pre-Planning
- Defining the Run, Hide, Fight Concept
- Understanding Law Enforcement Response

Completion of this course will allow individuals/departments to schedule additional training (e.g., Site Assessment, Scenario Training, or both) directly with training staff.

**Parent Orientation:**

This course covers the UC San Diego Police Department services and discusses the most frequent crime on campus: thefts of bikes and computers. The course describes the services provided by Residential Security Officers and Community Service Officers (CSOs) and encourages locking of doors and possessions, using the buddy system or calling a CSO when walking at night, enrolling in a self-defense class (RAD), and reporting crimes and concerns to the UC San Diego Police Department. The course also covers the services of CARE at SARC and Emergency, Health & Safety.

In 2016, the Parent Orientation course was held on the following dates:

- 6/16/2016
- 6/20/2016
- 6/21/2016
- 6/23/2016
- 6/24/2016
- 9/12/2016
- 9/13/2016
- 9/15/2016
- 9/16/2016
• Physical Security Program:

A physical security program is designed to protect facilities, equipment, people and property from harm or damage. At a campus the size of UC San Diego, this is no small feat. The UC San Diego Police Department is constantly working to enhance physical security systems on campus so that they can respond in the most efficient and effective manner. They offer a variety of services including:

- Alarm Monitoring (Fire/Intrusion/Duress/Video Surveillance)
- Physical Security System Site Assessments
- Access Control 101 and Best Practices
- Crime Prevention Through Environmental Design (CPTED) recommendations
- Integration of existing physical security systems (i.e. Access, Intrusion, Video, Public Address, etc.) to enterprise-level software managed and licensed centrally
- Physical Security System Trouble Report

The Physical Security Program is an on-going program, which provides both proactive and responsive assessments to various campus departments.

• Rape Aggression Defense (RAD):

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. Classes are taught by certified R.A.D. instructors over three evenings and the cost is $10. All women in the UC San Diego community – students, staff, faculty and affiliates – who are at least 16 years old are eligible to attend. R.A.D. classes will teach you:

- Effective and proven self-defense techniques
- Awareness and prevention
- Risk reduction and avoidance

In 2016, R.A.D. was offered on the following dates:

- 2/16/2016 - 2/18/2016
- 4/12/2016 - 4/14/2016
- 4/19/2016 - 4/21/2016
- 9/20/2016 - 9/22/2016
- 11/7/2016 - 11/9/2016
- 12/5/2016 - 12/7/2016

The UC San Diego Police Department staff will also 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 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](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. See http://police.ucsd.edu/safety/tips.html for more safety tips.

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.
A. Definitions

As required by law and policy, UC San Diego prohibits the crimes of dating violence, domestic violence, sexual assault and stalking.

1. Federal VAWA Definitions

The following definitions are used for purposes of reporting dating violence, domestic violence, sexual assault and stalking 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.9

**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. 10

**Sexual Assault** - An offense that meets the definition of rape, fondling, incest, or statutory rape.

- **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.11
- **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. 12
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. 13
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.14

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9 34 C.F.R. § 668.46(a).
10 Id.
11 Definition from the Summary Reporting System (SRS) User Manual from the FBI’s UCR Program.
12 Definition from the NIBRS User Manual.
13 Id.
14 Id.
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. 15

2. State Definitions

The following definitions reflect California state law and may be different from the federal definitions above. The
federal definitions are used for purposes of reporting crime statistics as mandated by the Clery Act as amended by
VAWA. It is important to be aware of state law definitions that govern criminal proceedings.

Dating Violence - Included within the definition of domestic violence as set forth in 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 spouses,
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. 16

Sexual Assault (Defined under the Clery Act to be an offense that meets the definition of rape, fondling, incest, or
statutory rape):

• 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.

15 § 668.46(a).
16 Cal. Penal Code § 13700 (a), (b).
(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. 17

• 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.

17 § 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.

(G) 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. . . .

• **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.

• **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.

• **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.”

  (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. 21

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. 22

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. 23

21 § 646.9.
22 § 261.6.
23 § 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.

B. Primary and On-going 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 prevention and awareness of dating violence, domestic violence, sexual assault and stalking. These programs are primarily available from CARE at SARC and OPHD. 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 in all of the six colleges receive an in-person presentation from CARE at SARC staff that covers similar topics through an interactive lecture by CARE at SARC staff. 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.

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.

1. Student Program Descriptions

“Think About It” Online Program – Everfi Higher Education Corporation
All incoming graduate and professional students are required to complete a mandatory online course entitled “Think About It.” This course covers sexual harassment and sexual violence risk-reduction and response, including information about being a Responsible Employee, for those employed by the University. “Think About It” gives students the tools to identify, prevent, and report sexual assault, dating violence, domestic violence, and stalking, and the education they need to be successful as members of the UC San Diego community.

“We Are Tritons” Online Program – OPHD
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

“The Real World” New Student Orientation – CARE at SARC
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.
Understanding Healthy Relationships – CARE at SARC
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.

Cute or Creepy: Practicing Cybersafety – CARE at SARC
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 – CARE at SARC
You ever see something and want to say something? Do you need IDEAS for 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 – CARE at SARC
This program offers some insights on how friends and family members of sexual assault survivors can offer trauma-informed support, campus and community resources, as well as employ strategies for self-care. Identifying information of victims/survivors is not discussed.

Yes, No, Maybe? Clarifying Consent – CARE at SARC
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.

CARE at SARC Services – CARE at SARC
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.

Sexual Assault Awareness Month (SAAM)
CARE at SARC offers extensive programs and activities during April, which is Sexual Assault Awareness Month. In 2016, these activities included:

• National Day of Action (April 4)
An educational outreach event where the campus community was encouraged to take action against sexual assault and show their support for survivors.

• “The Mask You Live In” Film Screening (April 12)
A film that follows boys and men as they navigate expectations of masculinity. The film also explored how ideas of masculinity contribute to sexual violence. Separate male-identified and co-ed discussions followed the film screening.
• Take Back the Night (April 21)
An evening with speaker Sarah Mirk, music, and open mic testimonials that provide a space for survivors to share their experiences and raise awareness about sexual assault.

• Denim Day (April 26)
CARE at SARC and the Women’s Center tabled on Library Walk to raise awareness against sexual violence and victim blaming. The UC San Diego community was able to learn about the history of Denim Day and decorate their own denim patch to add to the denim wall.

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

2. Faculty and Staff Program Descriptions

Sexual Violence and Sexual Harassment Prevention Training – OPHD
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 Support a Student Survivor – CARE at SARC
CARE at SARC offers a quarterly course through Staff Education and Development. These trainings are specifically designed for staff that regularly interact with students as advisors, mentors, supervisors, etc. These staff may receive disclosures of sexual assault, relationship violence, and stalking. Training content includes an overview of CARE services, definitions of violence, the impact of trauma, and steps to a trauma-informed response.

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
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

Credit: Erik Jepsen/UC San Diego Creative Services and Publications
3. Risk Reduction

Risk reduction strategies include knowledge or behaviors to use in-the-moment should an act of violence take place. Some individuals may feel safer knowing that risk reduction strategies exist. Some also may feel more empowered to address situations after learning different risk reduction strategies. Below are risk reduction strategies that are incorporated throughout all primary and ongoing prevention and awareness programs:

- Understand consent. Consent is a mutual, affirmative, voluntary, and revocable agreement by each participant to engage in sexual activity. An informed verbal “yes” must accompany positive and engaging body language.
- The initiator of sexual activity is responsible for receiving consent from their partner. Obtaining consent is a continuous process, meaning consent to kissing doesn’t mean consent to everything else. Consent is voluntary and can be withdrawn at any time. Consent must be given without coercion, force, threats or intimidation by the initiator.
- Understand the influence of alcohol and other substances. Consent cannot be given when someone is under the influence of drugs and/or alcohol. However, perpetrators may attempt to use alcohol and/or drugs to facilitate a sexual assault. Statistically, the majority of reported sexual assaults occur while one or both parties are under the influence of alcohol or drugs. Alcohol or drugs are never an excuse for choosing to violate another person.
- There are a number of drugs that may be added to beverages with the intent of altering the consciousness or incapacitating a person without their knowledge. Substances are particularly dangerous when combined with alcohol, and often produce amnesia, leaving a victim unclear about what occurred. These drugs can facilitate criminal activity; most often acts of sexual misconduct or sexual assault.
- Know the definition of sexual assault. Sexual assault is any unwanted, non-consensual behavior from kissing and fondling to rape. Ignorance of the law or of University policy concerning sexual assault, sexual misconduct and sexual harassment is never an excuse for non-consensual sexual behavior.
- Identify common behaviors that often precede an assault. Recognizable red flags include seeing someone who is attempting to separate an intoxicated individual from their friends, or continuing to pour drinks for an individual who is clearly beyond their limit.
- Take action as a responsive bystander and remember to use IDEAS if you see those behaviors happening. You can help someone who is intoxicated by reconnecting them with their friends, or calling a CSO to escort that person home.

4. Bystander Intervention Techniques

Bystander intervention is when someone chooses to take action 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. Created by UC San Diego students and staff, the UC San Diego Bystander Intervention Techniques 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.”
- Alert 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 First - Keep your safety and the safety of others in mind and let that determine how you respond.

Primary and ongoing prevention and awareness programs at UC San Diego emphasize that community members are not limited to just these IDEAS. All campus affiliates are encouraged to choose their own strategy or technique to intervene. Bystander Intervention is included in the programs provided by UC San Diego.
C. 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 they have 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 their rights or options relating to the following:

- Resources for victims/survivors (including resources in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas);
- Non-reporting options;
- Understanding confidentiality versus privacy;
- Law enforcement reporting options, including medical exams and the importance of preserving evidence;
- Civil reporting options & protective orders;
- University reporting options, including the investigative and disciplinary process;
- University-issued No Contact Orders; and
- University-facilitated interim measures and remedies.

This information is also summarized below.
1. Resources for Victims/Survivors

The following is a list of on-campus and off-campus resources that offer a variety of 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 serve as an advocate with any of these resources if requested.

### Confidential Resources On-Campus

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Types of Services</th>
<th>Contact</th>
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<tbody>
<tr>
<td>CARE at the Sexual Assault Resource Center</td>
<td>Confidential &amp; free advocacy, accompaniment, and counseling services to UC San Diego students, staff, and faculty who are victims/survivors.</td>
<td>(858) 534-5793</td>
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<td><a href="http://sarc.ucsd.edu">http://sarc.ucsd.edu</a></td>
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<tr>
<td>Counseling and Psychological Services (CAPS)</td>
<td>Counseling and mental health services for currently registered UC San Diego students.</td>
<td>(858) 534-3755</td>
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<td><a href="http://caps.ucsd.edu/">http://caps.ucsd.edu/</a></td>
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<tr>
<td>Student Legal Services (SLS)</td>
<td>Confidential services and advice to registered UC San Diego students and referrals to private attorneys.</td>
<td>(858) 534-5793</td>
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<td><a href="http://sls.ucsd.edu">http://sls.ucsd.edu</a></td>
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<tr>
<td>Student Health Services</td>
<td>Medical services to registered UC San Diego students.</td>
<td>(858) 534-3300</td>
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<td><a href="http://studenthealth.ucsd.edu">http://studenthealth.ucsd.edu</a></td>
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<tr>
<td>Office of the Ombuds</td>
<td>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) 534-5793</td>
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<td><a href="http://ombuds.ucsd.edu">http://ombuds.ucsd.edu</a></td>
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### Non-Confidential Resources On-Campus

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<thead>
<tr>
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<tr>
<td>Office for the Prevention of Harassment &amp; Discrimination (OPHD) (Title IX)</td>
<td>Receives reports of allegations of sexual violence, dating violence, domestic violence, and stalking and conducts the administrative fact-finding investigation.</td>
<td>(858) 534-8298</td>
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<td><a href="http://ophd.ucsd.edu">http://ophd.ucsd.edu</a></td>
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<tr>
<td>Office of Student Conduct</td>
<td>Receives, processes and resolves student conduct complaints.</td>
<td>(858) 534-4934</td>
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<td><a href="http://studentconduct.ucsd.edu">http://studentconduct.ucsd.edu</a></td>
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<tr>
<td>Financial Aid Office</td>
<td>Financial aid services to current UC San Diego students.</td>
<td>(858) 534-4480</td>
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<td><a href="http://fao.ucsd.edu">http://fao.ucsd.edu</a></td>
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<tr>
<td>International Center</td>
<td>Services for international students and scholars or UC San Diego students studying abroad.</td>
<td>(858) 822-0464</td>
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<td><a href="http://icenter.ucsd.edu">http://icenter.ucsd.edu</a></td>
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<tr>
<td>Undocumented Student Services</td>
<td>Services for UC San Diego students who are undocumented or from mixed-status families regarding legal and financial concerns and visa and immigration services.</td>
<td>(858) 822-6916</td>
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<td><a href="http://undoc.ucsd.edu">http://undoc.ucsd.edu</a></td>
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### Law Enforcement Resources

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<tr>
<th>Service Provider</th>
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<tbody>
<tr>
<td>UC San Diego Police Department</td>
<td>Patrol, investigation, crime prevention education and related law enforcement duties for the UC San Diego community.</td>
<td>(858) 534-4357 (non-emergency) 9-1-1 (emergency) <a href="http://police.ucsd.edu">http://police.ucsd.edu</a></td>
</tr>
<tr>
<td>San Diego County Sheriff’s Department</td>
<td>Provides general law enforcement, detention and court services for the people of San Diego County.</td>
<td>(858) 565-5200 9-1-1 (emergency) <a href="http://www.sdsheriff.net/">http://www.sdsheriff.net/</a></td>
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### Community, National, Global Resources

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<tr>
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<th>Contact</th>
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<tr>
<td>Center for Community Solutions (CCS)</td>
<td>Confidential 24-hour crisis hotline, emergency shelter, accompaniment, legal, counseling services for victims of sexual assault and domestic violence in San Diego County.</td>
<td>(888) 385-4657 <a href="http://www.ccssd.org">www.ccssd.org</a></td>
</tr>
<tr>
<td>San Diego Stalking Hotline</td>
<td>Confidential support and information for victims 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>Casa Cornelia Law Center</td>
<td>Free legal services to victims of human and civil rights violations. Assistance with visa and immigration issues for undocumented victims of crime.</td>
<td>(619) 231-7788 <a href="http://casacornelia.org/Home.html">http://casacornelia.org/Home.html</a></td>
</tr>
<tr>
<td>RAINN (Rape, Abuse, and Incest National Network)</td>
<td>National network supporting victims/survivors of sexual assault and abuse. 24/7 free and confidential hotline and chat services.</td>
<td>(800) 656-4673 <a href="https://www.rainn.org/">https://www.rainn.org/</a></td>
</tr>
<tr>
<td>U.S. Department of State – Office of Overseas Citizens Services</td>
<td>Assist victims/survivors who are overseas with local and/or US-based resources for victims of crime, including local legal representation.</td>
<td>From the US or Canada: 1-(888)-407-4747 From overseas: +1-(202)-501-4444 <a href="https://travel.state.gov/content/passports/en/emergencies.html">https://travel.state.gov/content/passports/en/emergencies.html</a></td>
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Credit: Erik Jepsen/UC San Diego Creative Services and Publications
2. Non-Reporting Options

Non-reporting is always an option. Victims/Survivors who choose not to report may still utilize any of the resources listed below. CARE at SARC is always available to victims/survivors to provide 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) provides services to victims/survivors 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.

If a victim/survivor chooses not to report to law enforcement or to the University, they still have the right to receive a medical evidentiary examination, anonymously if they prefer, at no cost to them. 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 Sexual Assault Response Team (SART) facility for victims who choose NIR. Victims/Survivors also have the option of requesting an NIR through the county rape crisis hotline: (888) 385-4657.

3. Understanding Confidentiality vs. Privacy

A. Confidentiality and Exceptions:
UC San Diego encourages victims/survivors to talk to someone about what happened so they can get the support they need. 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. Potential complainants should understand the different levels of confidentiality in order to decide whether and to whom to report an incident.

B. Responsible Employees:
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.
C. 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 those who provide medical or mental health treatment or counseling (including those who act in that role under their supervision), and victim advocates may not report any information about an incident of sexual violence to anyone else at the University, including OPHD, without the complainant’s consent, except in very limited circumstances that are explained below.

All communications with users of CARE at SARC services are privileged and confidential under California Evidence Code §§ 1010-1027, 1035.2 and 1037.2. Accordingly, employees in CARE at SARC are not mandatory reporters under Title IX or the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

However, even these employees must make reports to local law enforcement agencies under certain circumstances explained below. The complainant should be informed if any of these conditions are applicable and require reporting to law enforcement.

- 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. These professionals will explain this limited exception to complainants, if applicable.

- 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/complainant 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 where the injury is the result of assaultive or abusive conduct (including sexual violence, domestic violence and dating violence). Health care practitioners should explain this limited exception to patients, if applicable. This does not apply to sexual assault and domestic violence counselors and advocates.

- 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 (2) to a 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 respondent, if the victim/survivor chooses to maintain confidentiality.

Regardless of whether a victim/survivor decides to maintain confidentiality, these individuals will still assist victims/survivors in receiving other necessary protection and support, such as victim advocacy, medical, mental health services, and/or legal services. However, these individuals may have limited ability to assist the complainant 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. CARE at SARC advocates can provide victims with that assistance if they wish.

The University will not generally notify parents or legal guardians of a complainant’s report of sexual violence unless they are under the age of 18 or the complainant provides the University with written permission to do so.
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 under 18 years of age that they are required to report the sexual violence incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

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. The University would not reveal the name of a complainant if any of these actions were pursued.

D. Confidentiality and Obtaining Interim Measures:
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 complainant 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 complainant, including interim measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any interim measures and remedies provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide interim measures and remedies.

E. Privacy and the Annual Security and Fire Safety Report:
UC San Diego does not publish the name of victims/survivors 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 complainant will be withheld.

4. Law Enforcement Reporting Options

It is a victim’s/survivor’s choice to report a crime. A victim/survivor 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 at any time in the jurisdiction where the assault occurred. 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.

A. Confidential Victim:
A victim/survivor of specific offenses (enumerated in California Government Code § 6254 (f)(2)(A)) has the right to request to be listed as a confidential victim in a law enforcement agency’s report. Being listed as a confidential victim in a law enforcement agency’s report prevents the law enforcement agency from disclosing the confidential victim’s name and address as a matter of public record. However, the confidential victim’s information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code § 293 for more information.
B. 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 infections or other infections/injuries and for pregnancy. A CARE at SARC advocate can help victims find an appropriate medical provider.

C. Preserving Evidence:
Victims/Survivors are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. 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. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination. 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.

Victims/Survivors have the right under state and federal law to receive a medical evidentiary examination anonymously, at no cost to them. 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. Victims/Survivors also have the option of requesting an NIR through the county rape crisis hotline: (888) 385-4657.

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.

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.
5. Civil Reporting Options & Protective Orders

Victims/Survivors are encouraged to connect with CARE at SARC for assistance with Civil Reporting Options and Protective Orders. CARE at SARC has information on when and where to make these requests and can provide support and accompaniment throughout the process.

A. Filing a Civil Lawsuit:
A victim/survivor may choose to file a civil lawsuit against the suspect, whether or not criminal charges have been filed. A civil lawsuit provides an opportunity to recover actual money 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.

B. Court-Ordered Restraining Orders:
A victim/survivor 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 a complainant who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

C. Emergency Protective Order (EPO):
An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and stay away from the victim and their children for up to a week. This provides the victim with time to go to court to request a temporary restraining order.

D. Temporary Domestic Violence Restraining Order (TRO):
A TRO is a type of protective order. In order to obtain one, the petitioner must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

E. Criminal Protective Order (CPO):
When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the victim/accuser. If the defendant is convicted of or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

F. Civil Harassment Restraining Order:
A type of court order available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment.

An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order, but would not qualify for a civil harassment restraining order.

UC San Diego complies with California law in recognizing restraining orders and protective orders. A complainant who obtains 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 complainant with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed. UC San Diego cannot apply for a restraining order for a complainant in California. However, CARE at SARC advocates can offer assistance with obtaining a restraining order.
6. University Reporting Options

Complaints of sexual violence, dating violence, domestic violence, or stalking may be addressed through the University administrative process. A complainant or reporting party can report an incident 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. A complainant has the right to have a CARE at SARC advocate present with them while making a complaint to OPHD. Please note that the University administrative process is separate from any criminal or civil process (see Law Enforcement Reporting Options and/or Civil Reporting Options for more information).

If the complainant requests of OPHD or another University employee that their identity remain completely confidential, OPHD or the employee will explain that the University cannot always honor that request and cannot guarantee complete confidentiality. If the complainant 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 complainant. Under those circumstances, the University will determine whether the complainant’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. The University may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant’s age; whether there have been other harassment complaints about the same individual or about the same location; whether a weapon was used; whether the school possesses other means to obtain relevant evidence; and the alleged harasser’s rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99. Without information about the complainant’s identity, the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be severely limited.

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 except as otherwise required by law or University policy. A report of sexual violence, dating violence, domestic violence, or stalking may result in the gathering of extremely sensitive information about the complainant 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 complainant’s identity and privacy and the privacy of other involved individuals.

The University will not require the complainant to participate in any investigation or disciplinary proceeding if they do not wish to participate. 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 a 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 and the parties are students, the University will refer the matter to the Office of Student Conduct to determine whether the charges have been substantiated. This office will also be responsible for assigning sanctions if the charges have been substantiated. Please see the Student Adjudication Model for more information on the decision making process, hearings, appeal process, discipline, sanctions, and sanction guidelines at https://students.ucsd.edu/_files/student-conduct/ucsd-sexual-violence-sexual-harassment-adjudication-implementing-procedures1-4-16.pdf.

For an overview of the University complaint process as it pertains to sexual violence, dating violence, domestic violence, and stalking, please see the UC Sexual Violence and Sexual Harassment policy attached at Appendix C.
7. University No Contact Orders, Interim Measures and Remedies

A. University-Issued No Contact Orders:
A Complainant, Respondent, and/or Investigator may request the Office of Student Conduct issue a no contact order relating to a sexual violence and sexual harassment incident involving a UC San Diego student Respondent. The request must specify the reasons the requesting party wants the no contact order issued. CARE at SARC advocates can assist complainants and Respondent Support Advisors can assist Respondents with requesting no contact orders.

The Office of Student Conduct (OSC) will evaluate the no contact order request, determine whether it should be issued, and notify the parties of its determination via email. The Complainant, Respondent, and/or Investigator may request OSC to consider modifying the no contact order after its issuance and until the order is removed or expires. Modification requests may be made when the circumstances necessitating the order change and/or new information becomes available to support/not support the order.

If a no contact order is violated, the University may initiate student conduct proceedings appropriate to the status of the party violating the order (student, faculty, staff) and may assign sanctions if the party is found responsible for violating the no contact order.

B. University-Facilitated Interim Measures and Remedies:
The University will provide interim measures and remedies if a complainant requests them, and if they are appropriate, regardless of whether a complainant chooses to report to the police or to the University. If reasonably available, a complainant 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.

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

A complainant is encouraged to contact CARE at SARC, where all services are confidential, free and available to UC San Diego students, faculty or staff. CARE at SARC advocates can assist a victim in requesting interim measures and remedies to the appropriate department. CARE at SARC advocates can also serve as liaisons to instructors, housing coordinators, supervisors, human resources, financial aid and other departments as needed to assist with changes to academic, living, working and transportation situations with a complainant’s consent. If a complainant chooses not to report to OPHD, it may affect their ability to obtain interim measures and remedies. For a complainant who has chosen to report to OPHD, OPHD will determine with them whether any interim measures and/or remedies need to be put into place.
D. 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 dating violence, domestic violence, sexual assault and stalking 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 violence is available at: http://policy.ucop.edu/doc/4000385/SVSH and at Appendix C. See also http://policy.ucop.edu/doc/2710641/PACAO5-Appendix-E. The University of California Sexual Violence Sexual Harassment policy contains the definition of “consent” governing the entire University of California system.

If a complainant is interested in receiving information about the administrative reporting option, the University strongly recommends that a complainant seek out the support of CARE at SARC which provides confidential services throughout the entire process. 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 dating violence, domestic violence, sexual assault and stalking. OPHD will also determine with the complainant whether any interim measures 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; and
- 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 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 is trauma-informed, protects the safety of complainants, and promotes accountability. This training is done online, during in-person meetings conducted with other UC campuses, and via external agencies/organizations. 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 respondent. The University will also consider whether any other action should be taken, such as remedies that may be appropriate for the complainant. See Section XII.C.7.
OPHD:
University Center, Building 201
Enter from the northwest corner of Gilman Dr. and Myers Dr.
(858) 534-8298 and ophd@ucsd.edu
Monday through Friday, 8 a.m. to 4:30 p.m.
2. Student Adjudication Procedures

A. University of California Student Adjudication Model for Sexual Violence & Sexual Harassment Cases:
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. 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.

B. Decision on Responsibility:
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, as well as 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, and will assess disciplinary sanctions as appropriate. 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.

C. Appeals:
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.
D. Advisors:
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.

E. Results:
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.

F. Sanctions:
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. **Faculty/Staff Investigation and Adjudication Procedures**

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 (including non-forcible sex offenses, which are classified as statutory rape or incest for Clery reporting purposes) or stalking pursuant to federal law and the University of California Sexual Violence and Sexual Harassment policy.

UC San Diego will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in 18 U.S.C. § 16), the results of any disciplinary proceeding against a student who is an alleged perpetrator of such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim will be treated as the alleged victim.

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 2016, 2015, and 2014 calendar years. The information was compiled from reports received by the UC San Diego Police Department, the Office for the Prevention of Harassment & Discrimination, the Office of Student Conduct, Employee Relations, Campus Security Authorities, and local law enforcement agencies.

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

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

Office of the Ombuds
(858) 534-0777 • [https://ombuds.ucsd.edu/index.html](https://ombuds.ucsd.edu/index.html)

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

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

Faculty and Staff Assistance Program (FSAP) (for campus faculty and staff)
(858) 534-5523 • [http://blink.ucsd.edu/sponsor/hr/org-chart/fsap.html](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](https://www.liveandworkwell.com/public) and (866) 808-6205 (use company code UCSDMC).

Office of the Ombuds
(858) 534-0777 • [https://ombuds.ucsd.edu/index.html](https://ombuds.ucsd.edu/index.html)
B. Crime Statistics

1. Criminal Offenses Reporting Table

<table>
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<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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Changes to prior year's statistics: The 2014 statistics for burglary were corrected to reflect that 2 incidents occurring in on-campus student housing facilities were larcenies, instead of burglaries. In addition, the 2014 statistics for burglary were also changed to reflect that one incident occurred in non-campus property instead of in an on-campus student housing facility.

2. VAWA Offenses Reporting Table

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<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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<td></td>
<td>2015</td>
<td>0</td>
<td>31</td>
<td>2</td>
<td>5</td>
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<tr>
<td></td>
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<td>7</td>
<td>47</td>
<td>5</td>
<td>14</td>
<td>66</td>
</tr>
<tr>
<td>Drug Abuse Disciplinary Referrals</td>
<td>2016</td>
<td>161</td>
<td>197</td>
<td>2</td>
<td>0</td>
<td>199</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>262</td>
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<td>0</td>
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<td>500</td>
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</tr>
<tr>
<td>Liquor Law Arrests</td>
<td>2016</td>
<td>23</td>
<td>52</td>
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<td></td>
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<td>2016</td>
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<td>0</td>
<td>4</td>
<td>908</td>
</tr>
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<td></td>
<td>2015</td>
<td>1230</td>
<td>1348</td>
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<td>0</td>
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<td>2014</td>
<td>1889</td>
<td>1879</td>
<td>0</td>
<td>0</td>
<td>1879</td>
</tr>
</tbody>
</table>

Changes to prior year’s statistics: The 2015 statistics for Weapons Law Disciplinary Referrals were increased to include one additional incident that occurred on on-campus property.

* UC San Diego previously classified La Jolla del Sol as non-campus property. Beginning in 2016, La Jolla del Sol is considered an on-campus student housing facility per guidance from the US Department of Education. Any incidents occurring at La Jolla del Sol in 2016 will be reflected in the on-campus student housing facility statistics. Any incidents occurring at La Jolla del Sol in 2015 or 2014 will be reflected in the non-campus property statistics.

4. Hate Crimes

2016: Three hate crimes were reported in 2016:
- One on-campus Destruction/Damage/Vandalism of Property incident characterized by racial bias.
- One on-campus Destruction/Damage/Vandalism of Property incident characterized by ethnicity bias.
- One on-campus Intimidation incident characterized by gender identity bias.

2015: No hate crimes reported.

2014: No hate crimes reported.

5. Unfounded Crimes

There were 0 unfounded crimes in 2016, 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 classification 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](#) 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 as they relate to hate crimes and are used for purposes of reporting hate crimes under the Clery Act.

**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 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 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.

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

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

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.

UC San Diego’s Campus Clery map is available at: http://go.ucsd.edu/2hsOHyr.
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

The UC San Diego Police Department maintains a Daily Crime and Fire Log. The log for the most recent 60 day period is open for public inspection during normal business hours at Campus Services Complex, Bldg B and is available at http://www.police.ucsd.edu/docs/reports/CallsandArrests/Calls_and_Arrests.asp. Subject to applicable federal and state retention periods, any portion of the log that is older than 60 days will be made available within two business days of a request for public inspection. See also Section III.E.

The fire log entries include any fire that occurred in an on-campus student housing facility, including the nature, date, time, and general location of each fire.

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 per the requirements of the National Fire Protection Association (NFPA), Standard 72.

Please see Appendix A which details the fire protection systems and number of fire drills in 2016 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. 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 and will notify the Fire Department.
- 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 exit for your unit.
• 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. Evacuation of On-Campus Housing Facilities

A. Emergency Exit Plan:

• Review the Emergency Plan prior to an emergency.
• In case of fire, use stairs for exit. Do not use the elevator.
• Quickly move to the outside of the building using the nearest door marked with an EXIT sign.
• Be certain all persons in the area are evacuated immediately.
• Help those who need special assistance—disabled, small children, etc.
• Report immediately to the designated assembly area (see map and evacuation location list below) to do a headcount.
• Do not reenter the building, and wait for instructions from emergency response personnel.

Emergency Phone Numbers
Fire, Police, Medical 911
UC San Diego Police 911 or (858) 534-4357
Emergency Services: La Jolla (858) 657-7600
Sulpizio Cardiovascular Center
Emergency Services: Hillcrest (619) 543-6222
UC San Diego Medical Center
Poison Control Center (800) 876-4766
UC San Diego Emergency Status Phone No. (858) 308-6273
EH&S Front Office (858) 534-3660

Calmly state:
• Your name
• Building and room location of emergency
• Nature of the emergency: fire, chemical spill, etc.
• Injuries?
• Hazards present which may affect responding emergency personnel
• A phone number near the scene where you can be reached
Fire Procedures:

- Fire Alarm: Bell/Horn with flashing light
- Pull the fire alarm and call UC San Diego Police at 9-1-1.
- Alert people in the area to evacuate.
- Close door to confine the fire.

In case of small fire:

- IF YOU HAVE BEEN TRAINED to use a fire extinguisher, while keeping an exit behind you, position yourself within six feet of the fire.
- Pull the pin located in the extinguisher’s handle, aim the nozzle at the base of the fire, squeeze the handle and sweep from side to side at the base of the fire until it is out.

Have persons knowledgeable about the incident and location assist emergency personnel.

Evacuation maps are included in the following housing locations:
- Eleanor Roosevelt College: Residence Halls
- Mesa Nueva Apartments
- One Miramar Street Apartments
- Revelle College: Argo and Blake Residence Halls and Keeling Apartments
- Rita Atkinson Apartments
- Village East and West Apartments
- Warren College: Apartments and Residence Halls
- Single Graduate Apartments at Warren

Evacuation maps may not be removed or altered. Take time to familiarize yourself with the evacuation plan for your residence. It is each resident’s responsibility to evacuate to designated assembly areas when the fire alarm sounds. Failure to evacuate immediately is dangerous and a violation of the California Fire Code.

Fire alarm testing and evacuation drills are conducted annually.
B. Evacuation Locations:

Please note: Evacuees should gather at least 50 feet away from any structure.

<table>
<thead>
<tr>
<th>Housing Unit</th>
<th>Evacuation Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coast Apartments</td>
<td>9350 Redwood Drive</td>
</tr>
<tr>
<td>ERC Apartments - Asante Hall</td>
<td>International Lane, directly east of building</td>
</tr>
<tr>
<td>ERC Apartments - Cuzco Hall</td>
<td>International Lane, directly east of building</td>
</tr>
<tr>
<td>ERC Apartments - Earth Hall North</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Apartments - Earth Hall South</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Apartments - Geneva Hall</td>
<td>Plaza in front of ERC Administration Building</td>
</tr>
<tr>
<td>ERC Apartments - Kathmandu Hall</td>
<td>International Lane, directly east of building</td>
</tr>
<tr>
<td>ERC Apartments - Mesa Verde Hall</td>
<td>Plaza in front of ERC Administration Building</td>
</tr>
<tr>
<td>ERC Apartments - Middle East Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Apartments - Oceania Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - Africa Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - Asia Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - Europe Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - Latin America Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>ERC Residence Halls - North America Hall</td>
<td>ERC Green, adjacent to building</td>
</tr>
<tr>
<td>La Jolla del Sol Apartments</td>
<td>8046 Regents Road</td>
</tr>
<tr>
<td>Marshall Lower Apartments</td>
<td>Marshall Field</td>
</tr>
<tr>
<td>Marshall Upper Apartments</td>
<td>Marshall Field</td>
</tr>
<tr>
<td>Marshall Residence Halls</td>
<td>Parking Lot P304 on North Scholars Drive</td>
</tr>
<tr>
<td>Central Mesa Apartments</td>
<td>One Miramar Street, Building 5</td>
</tr>
<tr>
<td>North Mesa Apartments</td>
<td>One Miramar Street, Building 5</td>
</tr>
<tr>
<td>South Mesa Apartments</td>
<td>One Miramar Street, Building 5</td>
</tr>
<tr>
<td>Location</td>
<td>Address</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>West Mesa Apartments</td>
<td>One Miramar Street, Building 5</td>
</tr>
<tr>
<td>Mesa Nueva Apartments</td>
<td>Residential Services Office (north side of Calla, 3869 Miramar St.)</td>
</tr>
<tr>
<td>Muir Apartments - Tamarack</td>
<td>Muir Field</td>
</tr>
<tr>
<td>Apartment - Tuolumne Apartments</td>
<td>Muir Field</td>
</tr>
<tr>
<td>Muir Residence Halls - Tenaya</td>
<td>Muir Field</td>
</tr>
<tr>
<td>Hall</td>
<td>Muir Field</td>
</tr>
<tr>
<td>Muir Residence Halls - Tioga</td>
<td>Muir Field</td>
</tr>
<tr>
<td>Hall</td>
<td>Muir Field</td>
</tr>
<tr>
<td>One Miramar Street Apartments</td>
<td>One Miramar Street, Building 5</td>
</tr>
<tr>
<td>Revelle Residence Hall - Argo</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Hall</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Revelle Residence Hall - Atlantis Hall</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Revelle Residence Hall - Beagle Hall</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Revelle Residence Hall - Blake</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Hall</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Revelle Residence Hall - Challenger Hall</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Revelle Residence Hall - Discovery Hall</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Revelle Residence Hall - Galathea Hall</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Revelle Residence Hall - Meteor Hall</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Revelle Keeling Apartments</td>
<td>Revelle Plaza</td>
</tr>
<tr>
<td>Rita Atkinson Apartments</td>
<td>100 Osler Lane, Parking Lot P603</td>
</tr>
<tr>
<td>Sixth College Apartments</td>
<td>Lawn south of the Structural and Materials Engineering Building at the intersection of Lyman Lane and Sixth Lane</td>
</tr>
<tr>
<td>Matthews Apartments</td>
<td>Lawn south of the Structural and Materials Engineering Building at the intersection of Lyman Lane and Sixth Lane</td>
</tr>
<tr>
<td>Sixth College Residence Halls</td>
<td>Sixth College Residence Hall Quad (lawn at the center of the residence halls)</td>
</tr>
<tr>
<td>Village East Apartments</td>
<td>Parking Lot P357 (east of building)</td>
</tr>
<tr>
<td>Village West Apartments</td>
<td>South of Village West Building # 3 (along the Wedge; rocky landscape)</td>
</tr>
<tr>
<td>Warren Apartments - Black Hall</td>
<td>Parking Lot P502</td>
</tr>
<tr>
<td>Warren Apartments - Brennan Hall</td>
<td>Parking Lot P502</td>
</tr>
<tr>
<td>Warren Apartments - Douglas Hall</td>
<td>Parking Lot P502</td>
</tr>
<tr>
<td>Warren Apartments - Goldberg Hall</td>
<td>Parking Lot P502</td>
</tr>
<tr>
<td>Warren Residence Halls - Frankfurter Hall</td>
<td>Parking Lot P502</td>
</tr>
<tr>
<td>Warren Residence Halls - Harlan Hall</td>
<td>Parking Lot P502</td>
</tr>
<tr>
<td>Warren Residence Halls - Stewart Hall</td>
<td>Parking Lot P502</td>
</tr>
<tr>
<td>Single Graduate Apartments at Warren - Bates Hall</td>
<td>3320 Voigt Drive, Parking Lot P506</td>
</tr>
<tr>
<td>Single Graduate Apartments at Warren - Brown Hall</td>
<td>3321 Voigt Drive, Parking Lot P506</td>
</tr>
</tbody>
</table>
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 the building when a fire alarm is activated, the evacuation location, and they participate in an exercise assuring their understanding of this process. 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 inventories of laboratories, 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 materials incidents work carefully with other regional hazardous materials response teams to better prepare them for a unified approach on larger emergency incidents which require all 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 continue to be concentrated in two areas. The first area includes 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. There is a five year plan in place to transition to the wireless system. 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. A new electronic fire extinguisher training has been acquired to provide for training in any setting. Goals in 2017 included fire safe cooking practices education for students living in campus housing. Building on the 2017 goals, we continue to work on fire safe cooking, and are also developing a web-based interactive Fire and Life Safety Training for Residence halls.

The second area of concentration is 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 on-going multi-year plan to improve overall fire safety on campus. 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 of which you are unsure whether the UC San Diego Police Department may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact the UC San Diego Police Department at 9-1-1 or 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.

You may also report a non-emergency fire by visiting https://blink.ucsd.edu/sponsor/EHS/forms-ehs/fire-incident-form.html.

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 2016 Fire Drills
**Appendix A**

<table>
<thead>
<tr>
<th>Facility</th>
<th>Fire Alarm Monitoring done on site by UC Police Department</th>
<th>Full Sprinkler System(^1)</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.
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<table>
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<tr>
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<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
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**Eleanor Roosevelt College (ERC) Apartments**

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**Marshall Residence Halls**

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<th>Evacuation Plans &amp; Placards</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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### Appendix A

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## Appendix A

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**Sixth College - Matthews Apartments**

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<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.
<table>
<thead>
<tr>
<th>Facility</th>
<th>Fire Alarm Monitoring done on site by UC Police Department</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 2016</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>Evacuation Plans &amp; Placards</th>
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\(^1\) Full sprinkler system means all portions of the building are protected by fire sprinklers.
Appendix B

UC San Diego On-Campus Student Housing Facilities:
2016, 2015 and 2014 Fire Statistics
### 2016

<table>
<thead>
<tr>
<th>Name of facility</th>
<th>Street address</th>
<th>Total fires in each building</th>
<th>Fire #</th>
<th>Cause of fire</th>
<th>Number of injuries related to fire that required treatment at a medical facility</th>
<th>Number of deaths related to fire</th>
<th>Value of property damage caused by the fire</th>
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<td>Sixth College Apts.</td>
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<td>1</td>
<td>Unintentional - Oven Fire</td>
<td>0</td>
<td>0</td>
<td>$0 - $99</td>
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<tr>
<td>Sixth College Residence Halls</td>
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<td>Village East Apts.</td>
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Appendix C

University of California Policy: Sexual Violence and Sexual Harassment
Sexual Violence and Sexual Harassment

Para la traducción en Español, oprima aquí
中文版本，請按這裡
Sekswal na Kaharasan at Sekswal na Panliligalig

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 Sexual Violence Prevention and Response

FOR QUESTIONS ABOUT THIS POLICY, PLEASE CONTACT:

Contact: Kathleen Salvaty
Email: kathleen.salvaty@ucop.edu
Phone: (510) 987-9161

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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.

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:
  - force (the use of physical force or inducing reasonable fear of immediate or future bodily injury);
  - violence (the use of physical force to cause harm or injury);
  - menace (a threat, statement, or act showing intent to injure);
  - duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit to something that they would not otherwise do).
  - 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 TEXT

#### 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.

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 on Student Conduct and Discipline; Personnel Policies for Staff Members 61, 62, 63, & 64 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. 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.

gh. 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.

12. I am covered by a collective bargaining agreement. Does this Policy apply to me?

Yes. However, please note that consequences of non-compliance with this Policy, and relevant complaint resolution, investigation, grievance and disciplinary procedures, for employees who are covered by a Memorandum of Understanding with an exclusive bargaining agent are governed by the appropriate collective bargaining agreement.

VIII. REVISION HISTORY

September 1, 2017: Technical revisions:
- updated the Policy responsible office and contact information
- added links of the Staff and Faculty Adjudication Frameworks to Appendix II: University Disciplinary Procedures.

This Policy was also remediated to meet Web Accessibility Content Guidelines (WCAG) 2.0.

November 7, 2016:
Deleted the rescinded PPSMs #65, #67 and #71 from the Policy document and updated the FAQs and the links on Appendix I under Academic and Staff Personnel.

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 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
IX. APPENDICES

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
Complaint Resolution
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.

The Sexual Violence and Sexual Harassment Faculty Adjudication Framework sets forth the University’s procedures for resolving complaints of sexual violence and sexual harassment where the respondent is a member of the University 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. The Sexual Violence and Sexual Harassment Staff and Non-Faculty Academic Personnel Adjudication Framework sets forth the University’s procedures for resolving complaints against non-Senate academic appointees subject to APM-150.

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 and Job Abandonment
- PPSM II-64: Termination of Appointment

The Sexual Violence and Sexual Harassment Staff and Non-Faculty Academic Personnel Adjudication Framework sets forth the University’s procedures for
resolving complaints where the respondent is University personnel other than faculty.

Appendix III: Interim Measures and Remedies

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 (PACOS) - 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.
Appendix E

University of California Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Senate and Non-Senate Faculty
INTRODUCTION

Consistent with the UC Policy on Sexual Violence and Sexual Harassment ("SVSH Policy"), the following describes the University’s process for investigating and adjudicating alleged violations of the SVSH Policy in instances where the respondent is a University faculty member whose conduct is governed by Section 015 of the Academic Personnel Manual (APM-015), The Faculty Code of Conduct ("Code of Conduct"). A flow chart illustrating the process for complaints against Academic Senate faculty can be found in Attachment 1. A flow chart illustrating the process for complaints against non-Senate faculty can be found in Attachment 2.

These documents should be read in conjunction with the SVSH Policy, as well as applicable APM provisions, including APM-015, APM-016 (University Policy on Faculty Conduct and the Administration of Discipline), and APM-150 (Non-Senate Appointees/Corrective Action and Dismissal), and applicable Senate Bylaws, including Senate Bylaw 336 (procedures for disciplinary hearings) and Senate Bylaw 335 (procedures for considering grievances). The documents also incorporate recommendations issued by the Joint Committee of the Administration and the Senate, as accepted by President Napolitano.

Applicable definitions can be found in the SVSH Policy and are incorporated herein. Other definitions can be found in applicable APMs and Senate Bylaws and are incorporated herein.


I. REPORTING OPTIONS AND RESOURCES (Stage 0)

A. Reporting Options

Any person may make a report, including anonymously, of conduct prohibited under the SVSH Policy ("Prohibited Conduct") to the Title IX Office. The Title IX Office is responsible for receiving and responding to reports of Prohibited Conduct.

A person may also make a report to a Responsible Employee as defined by the SVSH Policy. The SVSH Policy requires a Responsible Employee who becomes aware of an incident of Prohibited Conduct to report it to the University by contacting their location’s Title IX Officer or designee.

While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible.
A complainant may choose to make a report to the University and may also choose to make a report to law enforcement. A complainant may pursue either or both of these options at the same time. Anyone who wishes to report to law enforcement can contact the UC Police Department.

B. Confidential Resources
The University offers access to confidential resources for individuals who have experienced Prohibited Conduct and are seeking counseling, emotional support or confidential information about how to make a report to the University. Confidential Resources are defined pursuant to the SVSH Policy and include individuals who receive reports in their confidential capacity such as advocates in the CARE Office for Sexual and Gender-Based Violence and Sexual Misconduct, as well as licensed counselors (e.g., Employee Assistance Program (EAP) and Counseling and Psychological Services (CAPS)), and Ombuds.

These employees can provide confidential advice and counseling without that information being disclosed to the Title IX Office or law enforcement, 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).

II. INITIAL ASSESSMENT (Stage 1)

Upon receipt of a report of or information about alleged Prohibited Conduct, the Title IX Officer will make an initial assessment in accordance with the SVSH Policy, which shall include making an immediate assessment concerning the health and safety of the complainant and the campus community.

A. Interim Measures
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 and employees. Interim measures include, but are not limited to, the following: no contact orders; housing assistance; academic support; and counseling.

Involuntary leave of a Senate faculty respondent may be imposed in accordance with APM-016. Investigatory leave of a non-Senate faculty respondent may be imposed in accordance with APM-150.

B. Written Rights & Options
The Title IX Officer will ensure that the complainant, if his or her identity is known, is provided a written explanation of rights and available options as outlined in the SVSH Policy, including:

1. How and to whom to report alleged violations;
2. Options for reporting to and/or notifying law enforcement and campus authorities;
3. Information regarding confidential resources;
4. The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts;
5. The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order;
6. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community; and
7. Options for, and available assistance to, a change to 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 law enforcement.

III. INVESTIGATING AND RESOLVING REPORTS OF PROHIBITED CONDUCT (Stage 1)

Provided the University has sufficient information to respond, and in accordance with the SVSH Policy, the University may resolve reports of Prohibited Conduct by Alternative Resolution or Formal Investigation. Throughout the resolution process, the complainant and the respondent may be accompanied by an advisor. In addition, the University will offer to provide support services for the complainants and for the respondents.

A. Alternative Resolution
After a preliminary inquiry into the facts, the Title IX Officer may initiate an Alternative Resolution in accordance with the SVSH Policy.

B. Formal Investigation
In cases where Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may conduct a Formal Investigation, as contemplated in the SVSH Policy.

1. Notification to Chancellor
The Title IX Officer will notify the Chancellor and the Chancellor’s designee when a Formal Investigation is commenced against a faculty respondent. The Title IX Officer will be sensitive in their communication to protect the neutrality of the Chancellor and the Chancellor’s designee, as well as the privacy of the complainant and the respondent.

Thereafter, the Title IX Officer will regularly communicate with the Chancellor and the Chancellor’s designee regarding the status of the Formal Investigation.

2. Notice of Charges
When a Formal Investigation will be conducted, the Title IX Office will send written notice of the charges to the complainant and respondent.

The written notice will include:
   a. A summary of the allegations and potential violations of the SVSH Policy;
   b. The purpose of the investigation;
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c. A statement that the investigatory report, when issued, will make factual findings and a determination whether there has been a violation of the SVSH Policy;
d. A statement that the findings under the SVSH Policy will be based on the preponderance of the evidence standard and that a finding of a violation of the SVSH Policy will establish probable cause under APM-015;
e. A summary of the Title IX and faculty discipline process, including the expected timeline;
f. A summary of the rights of the complainant and respondent, including the right to an advisor;
g. A description of the resources available to complainant and respondent; and
h. An admonition against intimidation or retaliation.

3. Investigative Process
The Title IX Officer will designate an investigator to conduct a fair, thorough, and impartial investigation.

a. Overview:
During the investigation, the complainant and the respondent will be provided an equal opportunity to meet with the investigator, submit information, and identify witnesses who may have relevant information.

The investigator will meet separately with the complainant, the respondent, and the third party witnesses who may have relevant information, and will gather other available and relevant 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.

Disclosure of facts to persons interviewed will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be asked to maintain confidentiality when essential to protect the integrity of the investigation.

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

b. Coordination with Law Enforcement:
When a law enforcement agency is conducting its own investigation into the alleged conduct, the Title IX investigator will make every effort to coordinate his or her fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed temporarily to meet specific needs of the criminal investigation.
4. **Investigation Report and Finding**
   Following conclusion of the investigation, the Title IX investigator will prepare a written report. The written investigation report will include a statement of the allegations and issues, the positions of the parties, and a summary of the evidence.

   If the complainant or the respondent offered witnesses or other evidence that was not relied upon by the investigator, the investigation report will explain why it was not relied upon.

   The investigation report will include findings of fact and a determination regarding whether, applying the preponderance of the evidence standard, there is sufficient evidence to conclude that respondent violated the SVSH Policy.

   A finding that the respondent violated the SVSH Policy will establish probable cause as defined in the Code of Conduct. ([APM-015 at III.A.4.](#))

5. **Notice of Investigation Outcome**
   Upon completion of the Title IX investigation report, the Title IX Officer or designee will send to the complainant and the respondent a written notice of investigation outcome regarding whether a violation of the SVSH Policy was found. The notice of investigation outcome will generally be accompanied by a copy of the investigation report, which may be redacted as necessary to protect privacy rights.

   The Title IX Officer or designee will also send the notice of investigation outcome and accompanying investigation report to the Chancellor or Chancellor’s designee.

   The notice of investigation outcome will include:
   a. A statement of whether a preponderance of the evidence demonstrated that respondent violated the SVSH Policy;
   b. An admonition against intimidation or retaliation;
   c. An explanation of any interim measures that will remain in place;
   d. A statement that the complainant and respondent have an opportunity to respond in writing and/or in person to the Chancellor or Chancellor’s designee; and
   e. A statement indicating whether it appears that further investigation by the Chancellor or Chancellor’s designee or other appropriate body may be necessary to determine whether other violations of the Code of Conduct occurred, separate from any allegations of Prohibited Conduct that were investigated under the SVSH Policy.

   In addition, if the investigation determined that the faculty respondent violated the SVSH Policy, the notice of investigation outcome will also include:
   a. A statement that the finding that respondent violated the SVSH Policy constitutes a finding of probable cause as defined in APM-015;
b. For matters involving Senate faculty respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the Chancellor or Chancellor’s designee will engage the Peer Review Committee to advise on appropriate resolution, which may include pursuing discipline in accordance with APM-016;

c. For matters involving non-Senate faculty respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the Chancellor or Chancellor’s designee will engage the Peer Review Committee or consult with the Academic Personnel Office to advise on appropriate resolution, which may include corrective action or termination in accordance APM-150;

d. A statement of the anticipated timeline and a statement that both complainant and respondent will be informed of the final resolution of the matter.

6. **Timeframe for Completion of Investigation; Extension for Good Cause**

   The notice of investigation outcome and accompanying investigation report will be issued promptly, typically within sixty (60) business days of initiation of the Formal Investigation, unless extended by the Title IX Officer for good cause, with written notice to the complainant and the respondent of the reason for the extension and the projected new timeline.

   The Title IX Officer or designee will keep the complainant and the respondent regularly informed concerning the status of the investigation.

**IV. ASSESSMENT AND CONSULTATION (Stage 2)**

The Chancellor or Chancellor’s designee has the authority and responsibility to decide what action to take in response to the findings of the Title IX investigation report. The Chancellor or Chancellor’s designee may determine that additional investigation is required to determine whether other Code of Conduct violations occurred, but will not reinvestigate the allegations of Prohibited Conduct investigated by the Title IX Office. The Chancellor or Chancellor’s designee may consult with the Title IX Office, the Academic Personnel Office, or other appropriate entities at any time during the decision-making process.

**A. Opportunity to Respond**

   The Chancellor or Chancellor’s designee will offer the complainant and the respondent an opportunity to respond to the notice of investigation outcome and accompanying investigation report, either through an in-person meeting with the Chancellor or Chancellor’s designee, a written statement to the Chancellor or Chancellor’s designee, or both.

   The purpose of this response is not to challenge the factual findings in the Title IX investigation report or present new evidence, but to provide the complainant and the respondent with an opportunity to express their perspectives and address what outcome they wish to see.
B. Peer Review Committee for Senate Faculty
In the event that the Title IX investigation finds a Senate faculty respondent responsible for violating the SVSH Policy, the Chancellor or Chancellor’s designee will engage the campus Peer Review Committee to advise on appropriate resolution.

The Peer Review Committee, composed on each campus at the direction of the President, will advise the Chancellor or Chancellor’s designee regarding how to resolve the matter, including whether the Chancellor or Chancellor’s designee should pursue a formal charge for violation of the Code of Conduct or pursue an early resolution. The Peer Review Committee should also provide advice on the appropriate discipline or other corrective or remedial measures.

The Peer Review Committee will be engaged in all cases where the Title IX investigation has found a Senate faculty respondent has violated the SVSH Policy.

C. Peer Review Committee or Consultation with Academic Personnel for Non-Senate Faculty
In the event that the Title IX investigation finds a non-Senate faculty respondent responsible for violating the SVSH Policy, the Chancellor or Chancellor’s designee will engage the Peer Review Committee or consult with the Academic Personnel Office, depending on what form of consultation the campus decided to employ. Such consultation, as decided by the campus, will occur in all cases where the Title IX investigation has found that the non-Senate faculty respondent has violated the SVSH Policy. The advisory role of the Peer Review Committee is described in Section IV.B above.

V. DECISION ON SANCTIONS FOR SENATE FACULTY (Stage 3)

A. Decision by Chancellor or Chancellor’s Designee
Following consultation with the Peer Review Committee, in accordance with APM-016, the Chancellor or Chancellor’s designee will decide what action to take to resolve the matter.

As stated in APM-015, “The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the respondent no later than three years after the Chancellor is deemed to have known about the alleged violation.” As further stated in APM-015, “[f]or an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any academic administrator at the level of department chair or above or the campus Title IX Officer.” (APM-015, Part III, A.3.)

1. No Formal Discipline
   In the event the Chancellor or Chancellor’s designee determines to resolve the matter without taking any formal disciplinary action, the Chancellor or Chancellor’s designee will promptly communicate this decision and its rationale to both the complainant and the respondent.
2. **Early Resolution**
   The Chancellor or Chancellor’s designee can enter into an early resolution with the respondent in accordance with APM 016. An early resolution can be achieved at any time prior to the final imposition of discipline.

   Subsequent to the respondent agreeing to the terms of the early resolution, the Chancellor or Chancellor’s designee will promptly inform complainant of those terms, including any discipline or other corrective or remedial measures, and the rationale for these terms.

3. **Charge Filed with Academic Senate Privilege & Tenure Committee**
   The Chancellor or Chancellor’s designee can take steps to propose discipline and file a charge with the Academic Senate’s Privilege & Tenure Committee without first pursuing early resolution, or if respondent does not agree to early resolution.

   The Chancellor or Chancellor’s designee will promptly inform complainant that the charge has been filed.

**B. Timeframe for Decision; Extension for Good Cause**

   The Chancellor or Chancellor’s designee should implement his or her decision promptly, typically within 40 business days of receipt of the notice of investigation outcome and accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, a charge will be filed with the Academic Senate’s Privilege & Tenure Committee. A charge will not be held in abeyance or suspended while an early resolution is being pursued or finalized.

   Extensions to this timeline may be granted by the Chancellor for good cause with written notice to the complainant and respondent stating the reason for the extension and the projected new timeline.

**C. Process Following the Filing of a Senate Charge**

   The procedures following the filing of a charge with the Academic Senate’s Privilege & Tenure Committee are set forth in the APM-015 and APM-016, Senate Bylaw 336 and other applicable Senate bylaws, as well as divisional bylaws on each campus.

   The Title IX investigation report will be accepted as evidence in the Privilege & Tenure hearing. The Chancellor or Chancellor’s designee will ensure that complainant and respondent receive regular updates regarding the status of the proceedings.

   Following receipt of the recommendation from the Academic Senate’s Privilege & Tenure Committee, in accordance with APM-016 and other applicable procedures, the Chancellor will make a final decision regarding discipline, unless the decision involves dismissal for a faculty who has tenure or security of employment. As stated in APM-016, “Authority for dismissal of a faculty member who has tenure or security of employment rests with The
The complainant and the respondent will be promptly informed of the decision regarding discipline and its rationale.

VI. DECISION ON SANCTIONS FOR NON-SENATE FACULTY (Stage 3)

A. Decision by Chancellor or Chancellor’s Designee

Following consultation with the Peer Review Committee or Academic Personnel Office, and in accordance with APM-150, the Chancellor or Chancellor’s designee shall decide what action to take to resolve the matter.

As stated in APM-015, “The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the respondent no later than three years after the Chancellor is deemed to have known about the alleged violation.” As further stated in APM-015, “[f]or an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any academic administrator at the level of department chair or above or the campus Title IX Officer.” (APM-015, Part III, A.3.)

1. No Disciplinary Action

In the event the Chancellor or Chancellor’s designee determines to resolve the matter without taking any disciplinary or corrective action, the Chancellor or Chancellor’s designee will promptly communicate this decision and its rationale to both the complainant and respondent.

2. Informal Resolution

The Chancellor or Chancellor’s designee can pursue an informal resolution in accordance with APM-150, which may include discipline and/or other corrective or remedial measures. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

Subsequent to respondent agreeing to the terms of an informal resolution, the Chancellor or Chancellor’s designee will promptly inform complainant of those terms, including any discipline or other corrective or remedial measures, and the rationale for these terms.

3. Notice of Intent

The Chancellor or Chancellor’s designee can issue a notice of intent instituting dismissal or other corrective action in accordance with APM-150.

B. Timeframe for Decision; Extension for Good Cause

The Chancellor or Chancellor’s designee should implement his or her decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and
accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, a notice of intent shall be issued.

Extensions to this timeline may be granted by the Chancellor for good cause with written notice to the complainant and respondent stating the reason for the extension and the projected new timeline.

C. Process Following the Provision of a Written Notice of Intent.

The procedures following the provision of a notice of intent are set forth in APM-150.

Should the respondent submit a grievance under APM-140 alleging a violation of APM-150 or otherwise challenging an administrative decision described in this process, the Chancellor’s designee will ensure that both the complainant and respondent receive regular updates regarding the status of the grievance.

As stated in APM-140, “When a non-Senate faculty member receives notice of termination before the expiration of his or her appointment, he or she may select as a grievance mechanism either APM-140, as described in this policy, or Section 103.9 of the Standing Orders of The Regents (S.O. 103.9), the procedures of which are described in Academic Senate Bylaw 337. In selecting either APM-140 or S.O. 103.9, the non-Senate faculty member waives the right to invoke the other mechanism to review the same grievance.” (APM-140-14e.)

Subsequent to any final decision, the Chancellor or Chancellor’s designee will promptly inform the complainant and the respondent of the decision, including any final decision on discipline and its rationale.
The following can be provided by the CARE advocate, licensed counselor, or other resource:

On/Off campus resources
Notice of rights
Reporting options

Individual reports to Title IX or other Responsible Employee

Insufficient information to proceed

Alllegation received by Title IX
Outreach and preliminary inquiry conducted

Chancellor/designee makes determination

Alternative resolution; no formal investigation

Formal investigation by Title IX under UC Policy on Sexual Violence and Sexual Harassment; Title IX informs Chancellor

Title IX report sent to Chancellor/designee; complainant and respondent can receive copy of report

Title IX report, applying preponderance of evidence standard, finds a violation of UC Policy on Sexual Violence and Sexual Harassment, which establishes probable cause under APM-015

Complainant and respondent have opportunity to submit written response and/or request meeting with the Chancellor/designee

Chancellor/designee engages Peer Review Committee to advise on discipline or other actions to resolve

Chancellor/designee makes determination

Respondent refuses early resolution

Proposes early resolution, which may include discipline and other measures

No formal discipline; outcome communicated to complainant and respondent

Notice of charges with proposed discipline filed with Senate Privilege & Tenure Committee

Respondent accepts early resolution; outcome communicated to complainant and respondent

Following hearing, Privilege & Tenure Committee makes recommendation to Chancellor regarding discipline

Chancellor makes final decision; outcome communicated to complainant and respondent

*See APM-016 regarding dismissal of faculty respondent with tenure or security of employment
The following can be provided by the CARE advocate, licensed counselor, or other faculty resource:

- On/Off campus resources
- Notice of rights
- Reporting options

Individual reports to Title IX or other Responsible Employee

**Stage 1**

- Investigation and Findings
  - Outreach and preliminary inquiry conducted
  - Formal investigation by Title IX under UC Policy on Sexual Violence and Sexual Harassment; Title IX informs Chancellor
  - Title IX report sent to Chancellor/designee; complainant and respondent can receive copy of report

**Stage 2**

- Assessment and Consultation
  - Complainant and respondent have opportunity to submit written response and/or request meeting with the Chancellor/designee

**Stage 3**

- Corrective Action in Accordance with APM-150
  - Respondent refuses informal resolution
  - Respondent accepts informal resolution, which may include discipline and other measures
  - Respondent accepts informal resolution; outcome communicated to complainant and respondent

Chancellor/designee engages Peer Review Committee OR consults with Academic Personnel Office to advise on discipline or other actions to resolve

Respondent makes determination

- Respondent proposes informal resolution, which may include discipline and other measures
- Respondent accepts informal resolution; outcome communicated to complainant and respondent
- No further action; outcome communicated to complainant and respondent

Issues notice of intent to institute corrective action or dismissal (see APM-150.40)

Following consideration of reply (if any), notice of action issued; outcome communicated to complainant and respondent

Notice of any proposed disciplinary action must be delivered no later than three years after the Chancellor is deemed to have known about the alleged violation.

Support and interim measures available throughout the process.

If the Chancellor determines that an informal resolution is infeasible, the complaint will proceed to a formal investigation.

Complainant and respondent have opportunity to submit written response and/or request meeting with the Chancellor/designee

*Respondent may grieve decision pursuant to APM-140*
Appendix F

University of California Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel
INTRODUCTION

Consistent with the UC Policy on Sexual Violence and Sexual Harassment (“SVSH Policy”), the following describes the University’s process for investigating and adjudicating alleged violations of the SVSH Policy in instances where the respondent is either a University employee whose conduct is governed by Personnel Policies for Staff Members (“PPSMs”), and who is subject to disciplinary and termination procedures set forth in PPSM 62 (Corrective Action – Professional and Support Staff) and PPSM 64 (Termination and Job Abandonment) or a non-faculty academic appointee who is subject to disciplinary procedures under the Academic Personnel Manual (“APM”), APM-150 (Non-Senate Academic Appointees/Corrective Action and Dismissal). A flow chart illustrating the process for complaints against PPSM covered employees can be found in Attachment 1. A flow chart illustrating the process for complaints against non-faculty academic appointees can be found in Attachment 2.

This document should be read in conjunction with the SVSH Policy, as well as applicable PPSMs, including PPSM 62, PPSM 63 (Investigatory Leave) and PPSM 64, and applicable provisions of the APM, including APM-150. The documents also incorporate recommendations issued by the President’s Committee on Sexual Violence Sexual Harassment Disciplinary Process for UC Personnel other than Faculty, as accepted by President Napolitano.

Applicable definitions from the SVSH Policy are incorporated herein. Other definitions are found in the applicable PPSMs and applicable APMs and are incorporated herein.


I. REPORTING OPTIONS AND RESOURCES (Stage 0)

A. Reporting Options

Any person may make a report, including anonymously, of conduct prohibited under the SVSH Policy (“Prohibited Conduct”) to the Title IX Office. The Title IX Office is responsible for receiving and responding to reports of Prohibited Conduct.

A person may also make a report to a Responsible Employee as defined by the SVSH Policy. The SVSH Policy requires a Responsible Employee who becomes aware of an incident of Prohibited Conduct to report it to the University by contacting their location’s Title IX Officer or designee.

While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible.
A complainant may choose to make a report to the University and may also choose to make a report to law enforcement. A complainant may pursue either or both of these options at the same time. Anyone who wishes to report to law enforcement can contact the UC Police Department at their location.

B. Confidential Resources
The University offers access to confidential resources for individuals who have experienced Prohibited Conduct and are seeking counseling, emotional support, or confidential information about how to make a report to the University. University Confidential Resources are defined pursuant to the SVSH Policy and include individuals who receive reports in their confidential capacity such as advocates in the CARE Office for Sexual and Gender-Based Violence and Sexual Misconduct, as well as licensed counselors (e.g., Employee Assistance Program (EAP) and Counseling and Psychological Services (CAPS)), and Ombuds.

These individuals can provide confidential advice and counseling without that information being disclosed to the Title IX Office or law enforcement, unless there is a threat of serious harm to the individual or others or a legal obligation that requires disclosures (such as suspected abuse of a minor).

II. INITIAL ASSESSMENT (Stage 1)

Upon receipt of a report of or information about alleged Prohibited Conduct, the Title IX Officer will make an initial assessment in accordance with the SVSH Policy, which will include making an immediate assessment concerning the health and safety of the complainant and the campus community.

A. Interim Measures
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 and employees. Interim measures include, but are not limited to, the following: no contact orders; housing assistance; academic support; and counseling.

Investigatory leave of a PPSM-covered respondent may be imposed in accordance with PPSM 63. Investigatory leave of a non-faculty academic respondent may be imposed in accordance with APM-150.

B. Written Rights & Options
The Title IX Officer will ensure that the complainant, if his or her identity is known, is provided a written explanation of rights and available options as outlined in the SVSH Policy, including:

1. How and to whom to report alleged violations;
2. Options for reporting to and/or notifying law enforcement and campus authorities;
3. Information regarding confidential resources;
4. The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts;
5. The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order;
6. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community; and
7. Options for, and available assistance to, a change to 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 law enforcement.

III. INVESTIGATING AND RESOLVING REPORTS OF PROHIBITED CONDUCT (Stage 1)

Provided the University has sufficient information to respond, and in accordance with the SVSH Policy, the University may resolve reports of Prohibited Conduct by Alternative Resolution or Formal Investigation. Throughout the resolution process, the complainant and the respondent may be accompanied by an advisor. In addition, the University will offer to provide support services for complainants and for respondents.

A. Alternative Resolution
After a preliminary inquiry into the facts, the Title IX Officer may initiate an Alternative Resolution in accordance with the SVSH Policy.

B. Formal Investigation
In cases where Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may conduct a Formal Investigation as contemplated in the SVSH Policy.

1. Notification
The Title IX Officer will notify the Chancellor’s designee and the respondent’s supervisor or other appropriate administrative appointee when a Formal Investigation is commenced against a respondent. The Title IX Officer will be sensitive in their communication to protect the neutrality of the Chancellor’s designee and the neutrality of the supervisor or other appropriate administrative appointee, as well as the privacy of the complainant and respondent.

Thereafter, the Title IX Officer will ensure that the Chancellor’s designee and/or supervisor or other appropriate administrative appointee are regularly updated regarding the status of the Formal Investigation.

2. Notice of Charges
When a Formal Investigation will be conducted, the Title IX Office will send written notice of the charges to the complainant and the respondent.

The written notice will include:
   a. A summary of the allegations and potential violations of the SVSH Policy;
b. The purpose of the investigation;
c. A statement that the investigative report, when issued, will make factual findings and a determination whether there has been a violation of the SVSH Policy;
d. A statement that the findings under the SVSH Policy will be based on the preponderance of the evidence standard;
e. A summary of the investigation and discipline processes, including the expected timeline;
f. A summary of the rights of the complainant and respondent, including the right to an advisor;
g. A description of the resources available to complainant and respondent; and
h. An admonition against intimidation or retaliation.

3. Investigative Process
The Title IX Officer will designate an investigator to conduct a fair, thorough, and impartial investigation.

a. Overview:
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.

The investigator will meet separately with the complainant, the respondent, and the third party witnesses who may have relevant information, and will gather other available and relevant 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.

Disclosure of facts to persons interviewed will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be asked to maintain confidentiality when essential to protect the integrity of the investigation.

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

b. Coordination with Law Enforcement:
When a law enforcement agency is conducting its own investigation into the alleged conduct, the Title IX investigator will make every effort to coordinate his or her fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed temporarily to meet specific needs of the criminal investigation.
4. **Investigation Report and Finding**
   Following conclusion of the investigation, the Title IX investigator will prepare a written report. The written investigation report will include a statement of the allegations and issues, the positions of the parties, and a summary of the evidence.

   If the complainant or the respondent offered witnesses or other evidence that was not relied upon by the investigator, the investigation report will explain why it was not relied upon.

   The investigation report will include findings of fact and a determination regarding whether, applying the preponderance of the evidence standard, there is sufficient evidence to conclude that respondent violated the SVSH Policy.

5. **Notice of Investigation Outcome**
   Upon completion of the Title IX investigation report, the Title IX Officer or designee will send to the complainant and the respondent a written notice of investigation outcome regarding whether a violation of the SVSH Policy was found. The notice of investigation outcome will generally be accompanied by a copy of the investigation report, which may be redacted as necessary to protect privacy rights.

   The Title IX Officer or designee will also send the notice of investigation outcome and accompanying investigation report to the Chancellor’s designee and the supervisor or other appropriate administrative authority.

   The notice of investigation outcome will include:
   a. A statement of whether a preponderance of the evidence demonstrated that respondent violated the SVSH Policy;
   b. An admonition against intimidation or retaliation;
   c. An explanation of any interim measures that will remain in place;
   d. A statement that the complainant and respondent have an opportunity to respond in writing to the Chancellor’s designee and supervisor or other appropriate administrative authority; and
   e. A statement indicating whether it appears that further investigation by another appropriate body may be necessary to determine whether violations of other policies occurred, separate from any allegations of Prohibited Conduct that were investigated under the SVSH Policy.

   In addition, if the investigation determined that respondent violated the SVSH Policy, the notice of investigation outcome will also include:
   a. For matters involving PPSM-covered respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the supervisor will propose a resolution, which may include corrective action as defined by PPSM-62 or termination in accordance with PPSM-64, and that
the proposal will be subject to review and approval by the Chancellor’s designee;

b. For matters involving non-faculty academic respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the supervisor or other appropriate administrative authority will propose a resolution, which may include corrective action or dismissal as described in APM-150, and that the proposal will be subject to review and approval by the Chancellor’s designee;

c. A statement that the complainant and the respondent will be informed of the final resolution of the matter, including any discipline imposed, and a statement of the anticipated timeline.

6. Timeframe for Completion of Investigation; Extension for Good Cause

The notice of investigation outcome and accompanying investigation report will be issued promptly, typically within sixty (60) business days of initiation of the Formal Investigation, unless extended by the Title IX Officer for good cause, with written notice to the complainant and the respondent of the reason for the extension and the projected new timeline.

The Title IX Officer or designee will keep the complainant and respondent regularly informed concerning the status of the investigation.

IV. ASSESSMENT AND CONSULTATION (Stage 2)

The respondent’s supervisor or other appropriate administrative authority has the responsibility to propose and implement action in response to the findings of the Title IX investigation report. The proposed decision by the supervisor or other appropriate administrative authority will be reviewed and approved by the Chancellor’s designee. The supervisor or other appropriate administrative authority may determine that additional investigation is required to determine whether violations of other policies occurred, but will not reinvestigate allegations of Prohibited Conduct investigated by the Title IX Office. The Chancellor’s designee, as well as the supervisor or other appropriate administrative authority, may consult with the Title IX Office, Staff Human Resources, or the Academic Personnel Office, or any other appropriate entities at any time during the decision-making process.

A. Opportunity to Respond

The complainant and the respondent will have an opportunity to respond to the notice of investigation outcome and accompanying investigation report through a written statement that will be submitted to the respondent’s supervisor or other appropriate administrative authority and the Chancellor’s designee.

The purpose of this response is not to challenge the factual findings in the Title IX investigation report or present new evidence, but to provide the complainant and the respondent with an opportunity to express their perspectives and address what outcome they wish to see.
B. Decision Proposal and Submission for Approval

In the event that the Title IX investigation finds the respondent responsible for violating the SVSH Policy, the respondent’s supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor’s designee for review and approval.

In the event the Chancellor’s designee does not approve the proposed decision, he or she will send it back to the supervisor or other appropriate administrative authority for reconsideration and submission of a revised proposed decision.

In the event the Chancellor’s designee approves the proposed decision, he or she will inform the supervisor or other appropriate administrative authority who will take steps to implement the approved decision.

This proposal and approval process will occur in all cases where the Title IX investigation has found the respondent has violated the SVSH Policy pursuant to these procedures. Staff Human Resources or the Academic Personnel Office will be consulted throughout the process.

V. CORRECTIVE OR OTHER ACTIONS (Stage 3)

A. PPSM Covered Staff: Decision Approval and Implementation

Following approval by the Chancellor’s designee, the respondent’s supervisor will implement the approved decision in accordance with applicable PPSMs, including PPSM-62 and PPSM-64.

1. No Further Action
   The supervisor may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor’s designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated to both the complainant and the respondent.

2. Action Not Requiring Notice of Intent
   The supervisor may propose corrective or remedial actions that do not amount to corrective action as defined by PPSM 62 or termination under PPSM 64. The proposed actions will be reviewed by the Chancellor’s designee for approval.

   In the event it is approved, the decision will be implemented by the supervisor and the decision and its terms and rationale will be promptly communicated to both the complainant and the respondent.

3. Notice of Intent
   The supervisor may propose to issue a notice of intent to institute corrective action in accordance with PPSM-62 or notice of intent to terminate in accordance with PPSM-
4. The proposed terms of the notice of intent will be reviewed by the Chancellor’s designee for approval. In the event it is approved, the decision will be implemented by the supervisor and the notice of intent will issued.

Following the provision of a notice of intent, corrective action will be taken in accordance with PPSM-62 and/or actions to terminate will be taken in accordance with PPSM-64. The terms of the implemented action and its rationale will be promptly communicated to both the complainant and the respondent.

B. Non-Faculty Academic Personnel: Decision Approval and Implementation
Following approval by the Chancellor’s designee, the respondent’s supervisor or other appropriate administrative authority will implement the approved action in accordance with APM-150.

1. No Further Action
   The supervisor or appropriate administrative authority may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor’s designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated to both the complainant and the respondent.

2. Informal Resolution
   The supervisor or appropriate administrative authority may propose an informal resolution in accordance with APM-150, which may include discipline and/or other corrective or remedial measures. The proposed informal resolution and its terms will be reviewed by the Chancellor’s designee for approval. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

   In the event the informal resolution is approved and agreed to by the respondent, the complainant will be promptly informed of its terms and the rationale.

3. Notice of Intent
   The supervisor or other appropriate administrative authority may propose to issue a notice of intent instituting dismissal or other corrective action in accordance with APM-150. The proposed terms of the notice of intent shall be reviewed by the Chancellor’s designee for approval.

   Following the provision of a notice of intent, corrective action or termination will be implemented in accordance with APM-150. The terms of the implemented action and its rationale will be promptly communicated to both the complainant and the respondent.

C. Timeframe for Implementation of Decision; Extension for Good Cause
The supervisor or other appropriate administrative authority should implement his or her approved decision promptly, typically within forty (40) business days of receipt of the notice
of investigation outcome and accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, a notice of intent will be issued.

Extensions to this timeline may be granted by the Chancellor’s designee for good cause with written notice to the complainant and the respondent stating the reason for the extension and the projected new timeline.

V. PROCESS FOLLOWING ACTION TAKEN

In the event that a PPSM-covered respondent submits a complaint under PPSM-70, or a non-faculty academic appointee respondent submits a grievance under APM-140, the Chancellor’s designee will ensure that both the complainant and the respondent receive regular updates regarding the status of the complaint or grievance.

The complainant may follow processes appropriate to their own personnel or student policies.

Subsequent to any final decision, the Chancellor’s designee will promptly inform the complainant and the respondent of the decision, including any final decision on discipline, and its rationale.
The following can be provided by the CARE advocate, licensed counselor, or other resource:

- On/Off campus resources
- Notice of rights
- Reporting options

Individual reports to Title IX or other Responsible Employee

Insufficient information to proceed

Allegation received by Title IX
Outreach and preliminary inquiry conducted

Alternative resolution; no formal investigation

Formal investigation by Title IX under UC Policy on Sexual Violence and Sexual Harassment

Title IX report sent to respondent’s supervisor and Chancellor’s designee; complainant and respondent can receive copy of report

Title IX report, applying preponderance of evidence standard, finds a violation of UC Policy on Sexual Violence and Sexual Harassment

Title IX report, applying preponderance of evidence standard, does not find a violation of UC Policy on Sexual Violence and Sexual Harassment

Complainant and respondent have opportunity to submit written response

Supervisor proposes course of action to Chancellor’s designee; forwards written responses if any

Chancellor’s designee does not approve the proposed action and sends back for new proposal

Chancellor’s designee, in consultation with Staff Human Resources, determines whether to approve proposed action

Chancellor’s designee approves the proposed action

Supervisor implements approved course of action

No further action; outcome communicated to complainant and respondent

Issues notice of intent to institute corrective action or termination

Following consideration of reply (if any), corrective action or termination instituted; outcome communicated to complainant and respondent

**END**

**END**

**END**

**END**

*Respondent may file a complaint pursuant to PPSM-70*
The following can be provided by the CARE advocate, licensed counselor, or other resource:

On/Off campus resources
Notice of rights
Reporting options

Individual reports to Title IX or other Responsible Employee

Insufficient information to proceed
Allegation received by Title IX Outreach and preliminary inquiry conducted
Alternative resolution; no formal investigation

Formal investigation by Title IX under UC Policy on Sexual Violence and Sexual Harassment

Title IX report sent to respondent’s supervisor or other appropriate administrative authority and Chancellor’s designee; complainant and respondent can receive copy of report

Title IX report, applying preponderance of evidence standard, finds a violation of UC Policy on Sexual Violence and Sexual Harassment
Title IX report, applying preponderance of evidence standard, does not find a violation of UC Policy on Sexual Violence and Sexual Harassment

Complainant and respondent have opportunity to submit written response
Complainant and respondent have opportunity to submit written response

 Supervisor or other appropriate administrative authority proposes course of action to Chancellor’s designee; forwards written responses if any

Chancellor’s designee does not approve the proposed action and sends back for new proposal
Chancellor’s designee, in consultation with Academic Personnel Office, determines whether to approve proposed action
Chancellor’s designee approves the proposed action

Appropriate administrative authority implements approved course of action
No further action; outcome communicated to complainant and respondent

Respondent refuses informal resolution
Proposes informal resolution
Respondent accepts informal resolution; outcome communicated to complainant and respondent

*Respondent may grieve decision pursuant to APM-140.