I. POLICY SUMMARY

The University of California is committed to creating and maintaining a community dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the community should be aware that the University prohibits sexual violence and sexual harassment, retaliation, and other prohibited behavior ("Prohibited Conduct") that violates law and/or University policy. The University will respond promptly and effectively to reports of Prohibited Conduct and will take appropriate action to prevent, to correct, and when
necessary, to discipline behavior that violates this policy on Sexual Violence and Sexual Harassment (hereafter referred to as Policy).

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

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FOR QUESTIONS ABOUT THIS POLICY, PLEASE CONTACT:

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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 STATEMENT

#### A. General

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

In addition to sexual harassment, discrimination based on sex, gender, gender identity, gender expression, sex- or gender-stereotyping, and sexual orientation violates law and other University policies. Such discrimination may also contribute to the creation of a hostile work or academic environment based on sex and thus constitute or contribute to sexual harassment. Harassment that may not be sexual, but still contributes to a hostile work or academic environment, may also violate the University’s other non-discrimination policies.
B. **Prohibited Conduct**  
This Sexual Violence and Sexual Harassment Policy ("Policy") prohibits sexual violence, sexual harassment, retaliation and other prohibited behavior as defined in Section II.

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

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

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

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

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

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

E. **Free Speech and Academic Freedom**  
The faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This Policy is intended to protect members of the University community from discrimination, not to regulate protected speech. This Policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.
The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this Policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums (See APM-010 and 015.)

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

IV. COMPLIANCE / RESPONSIBILITIES

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

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

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

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

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

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

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

V. REQUIRED PROCEDURES

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

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

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

2. Initial Assessment of a Report
As soon as practicable after receiving a report, the Title IX Officer will make an initial assessment of the report to determine whether (i) the report, on its face, alleges an act of Prohibited Conduct as defined in Section II; and (ii) such conduct has a sufficient nexus with the University for it to intervene. The Title IX Officer may consult with appropriate academic officers for faculty and other academic
appointees’ complaints, with Student Affairs Offices for student complaints, and with Human Resources, or Employee and Labor Relations Offices for staff complaints.

a. **Immediate Health and Safety:** The Title IX Officer, in coordination with the Case Management Team (see Section V.B.5.), shall make an immediate assessment concerning the health and safety of the individual and the campus community, implement temporary remedies immediately necessary (including no contact orders), and provide to the Complainant a written explanation of rights and reporting options (including the right to make reports to the police), and available campus and community resources. Also see Location Responsibilities in Section V and Appendix III.

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

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

3. **Required Notifications**

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

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

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

The Complainant will be sent a notice documenting any individual remedies offered to the Complainant, and other steps taken to eliminate the effects of the violation. The Respondent will be informed of no contact orders affecting them,
but should not be notified of other individual remedies offered or provided to the Complainant.

4. **Overview of Resolution Processes**

Reports of Prohibited Conduct may be addressed through Alternative Resolution, Formal Investigation or, a separate employee grievance or complaint process.

a. **Alternative Resolution**

   After a preliminary assessment of the facts, and, if useful, in consultation with other offices depending on whether the Complainant and Respondent are faculty, other academic appointees, staff, student employees, or students, the Title IX Officer may initiate an Alternative Resolution process, which may include:

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

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

b. **Formal Investigation**

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

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

When the Title IX Officer determines to conduct a Formal Investigation, the Complainant and Respondent will be provided with a written summary of the
allegations, the procedures that will be followed, resources available to them, and a copy of the Policy.

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

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

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

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

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

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

6. **Remedy**
   
   a. If the Report finds Prohibited Conduct in violation of this Policy, the University shall take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects. For a list of available remedies, see Appendix III.
   
   b. To the extent that the remedy has not already been provided, the Title IX Officer, in consultation with appropriate administrators, will oversee the implementation of this remedy.

7. **Discipline**

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

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

B. **Location Responsibilities**

   Each location must do the following:

   1. Designate and provide adequate resources and independence to a Title IX Officer. The responsibilities of the Title IX Officer include, but may not be limited to, the following duties:

      a. Coordinate compliance with Title IX, including investigations, reports and remedies.

      b. Coordinate with other responsible units to ensure that local sexual violence and sexual harassment prevention education and training programs are offered and provided, as required by the Policy.

      c. Provide educational materials to promote compliance with the Policy and familiarity with local reporting procedures.

      d. Provide training for University employees who are responsible for reporting or responding to reports of Prohibited Conduct.

      e. Provide prompt and equitable response to reports of Prohibited Conduct according to the Policy.

      f. Maintain records of reports of Prohibited Conduct at the location, as well as any actions taken in response to reports, including records of investigations,
resolutions, and disciplinary action, in accordance with University records management policies.

g. Identify and address any patterns or systemic problems that arise during the review of Prohibited Conduct reports.

h. Post on the sexual violence website the names and contact information of the Title IX Officer and of additional designated, trained, sexual harassment or sexual violence advisors.

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

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

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

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

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

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

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

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

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

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


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

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

VI. RELATED INFORMATION

A. University of California Standards of Ethical Conduct
B. University of California Statement of Ethical Values

Academic Personnel Manual

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

Presidential Policies and Guidelines

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

Federal and State Regulations

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

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

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

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

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

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

6. **If an incident of sexual harassment or sexual violence is reported to the Title IX Officer by a third party who was not the subject of the alleged conduct, must that party be notified of the outcome of an investigation or disciplinary proceeding?**
   No. The disclosure of the outcome should be given to the Respondent and the individual who was the subject of the alleged conduct.
7. **Once the outcome of an investigation or disciplinary proceeding under this Policy is disclosed to the Complainant, can the Complainant be asked to keep this information confidential?**
   The Complainant can be advised of the confidential and sensitive nature of personnel and student disciplinary matters that arise under this Policy, and in appropriate circumstances, such as in connection with a settlement of a matter, may be asked not to further disclose it.

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

9. **How should the University proceed when campus or local law enforcement agencies (“police”) are conducting a criminal investigation while the University is conducting a parallel Title IX investigation?**
   If the alleged conduct by the Respondent is also the subject of a criminal investigation, the Title IX Office will coordinate its investigation with the police. The fact-finding portion of a Title IX investigation may be delayed temporarily while the police are gathering evidence. During this delay in the Title IX investigation, appropriate interim measures may be put in place to protect the Complainant. The length of time for evidence gathering by criminal investigators will vary depending on the specific circumstances of each case.

10. **Is the University required to investigate information regarding sexual violence incidents shared by survivors during public awareness events, such as “Take Back the Night”?**
    Responsible employees are not required to report incidents that they become aware of while attending a public awareness event, such as “Take Back the Night” and statements made about incidents during such events will not require an investigation unless the survivor initiates a complaint.

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

VIII. REVISION HISTORY

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

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

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

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

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

• University of California Procedures for Responding to Reports of Sexual Harassment, dated December 14, 2004

• University of California Policy on Sexual Harassment and Complaint Resolution Procedures, dated April 23, 1992

• University of California Policy on Sexual Harassment and complaint Resolution Procedures, dated March 10, 1986
APPENDIX I: Applicable Complaint Resolution and Grievance Policies

Academic Personnel:
Members of the Academic Senate
Senate Bylaw 335

Non-Senate Academic Appointees
APM - 140

Exclusively Represented Academic Appointees
Applicable collective bargaining agreement

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

Staff Personnel:
Senior Managers
PPSM II-70

Managers and Senior Professionals,
Salary Grades VIII and IX
PPSM 71

Managers and Senior Professionals,
Salary Grades I – VII
PPSM 70

Professional and Support Staff
PPSM 70

Exclusively Represented Staff Personnel
Applicable collective bargaining agreement

Lawrence Berkeley National Laboratory Employees
Applicable Laboratory policy

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

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

The following are the University’s disciplinary procedures:

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

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

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

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

- **PPSM-62: Corrective Action**
- **PPSM-63: Investigatory Leave**
- **PPSM-64: Termination of Career Employees – Professional and Support Staff**
- **PPSM-65: Termination of Career Employees - Managers & Senior Professionals, Salary Grades I through VII**
- **PPSM-67: Termination of Career Employees – Managers & Senior Professionals, Salary Grades VIII and IX**
- **PPSM II-64: Termination of Appointment**
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.
These procedures are intended to supplement the ‘University of California Policy on Sexual Violence and Sexual Harassment,’ last issued January 1, 2016, and the UCSB Campus Regulations, last issued in 2009 and UCSB Student Conduct Code last issued in 2012. To the extent these procedures may be inconsistent or in conflict with the current Campus Regulations or UCSB Student Conduct Code, these procedures shall prevail.

I. General Policies

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 the UC Policy on Sexual Violence and Sexual Harassment (full policy text available at http://policy.ucop.edu/doc/4000385/SHSV).

Students who violate the UC Policy on Sexual Violence and Sexual Harassment are subject to University discipline as described in the UC Policy, these UCSB Implementing and Response Procedures for Reported Student Violations of the UC Policy, and PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework.

Definitions

A. 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. 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 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 Conduct¹

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: 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.

Note: Sexual Assault – Penetration and Sexual Assault – Contact are aggravated when it includes the following:

- Overcoming the will of the Complainant by:
  - **force** (the use of physical force or inducing reasonable fear of immediate bodily injury);
  - **violence** (the use of physical force to cause harm or injury);
  - **menace** (a threat, statement, or act showing intent to injure);
  - **duress** (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit to something that he or she would not otherwise do).
  - deliberately causing a person to be incapacitated (through drugs or alcohol);

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

- Recording, photographing, transmitting, viewing or distributing intimate or sexual images without the knowledge and consent of all parties involved.

2. **Relationship Violence:**
   a. **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

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¹ Definition is from the *UC Policy on Sexual Violence and Sexual Harassment*
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 nonemployee 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 University policy.

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 the UC Policy or these Implementing Procedures.

**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 the UC Policy.

**CARE (Campus Advocacy Resources and Education) Advocates**: assist students who have experienced or who have questions about sexual assault, dating or domestic violence, or stalking. CARE advocates provide confidential assistance to anyone who desires help with any of the procedures outlined here.

CARE advocates will maintain confidentiality; advise on campus or local resources including legal, medical, judicial, emotional or academic, and schedule any necessary appointments; accompany victims to meetings or appointments, including forensic examinations; speak with friends or family, if requested; outline and explore reporting options and next steps; and respect an impacted party’s wishes about moving forward including whether or not to report to the University or law enforcement.

For an expanded list of campus and community resources for those impacted by interpersonal violence, including locations and contact information, see Appendix A.

**Complainant** is defined as any individual 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. A complainant may also be identified during the process as either a “victim” or “survivor.”

**Respondent** is defined as an individual who is accused of sexual/interpersonal violence or alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behavior, or retaliation is made.

**Days**, for the purposes of this procedure, mean business days. They do not include Saturdays, Sundays, or days on which the campus is closed.

**Office of Equal Opportunity & Sexual Harassment/Title IX Compliance (OEOSH/TC) and Title IX Officer**. OEOSH/TC is the office of record which reviews and coordinates response to all official complaints of sexual violence, sexual harassment, dating or domestic violence, and stalking; determines whether or not a formal University investigation will commence; conducts an investigation, if appropriate; and produces an investigative report with recommendations for resolution. The Title IX Officer within OEOSH/TC supervises the investigators and has final decision-making authority over all investigative matters and investigative reports.
Office of Judicial Affairs is the student conduct office at UCSB responsible for receiving the findings of an investigative report after completion of a Title IX investigation, and assigning sanctions, if appropriate. The Office of Judicial Affairs also coordinates and offers administrative support to the Interpersonal Violence Appeal Review Committee.

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

II. Options for Those Impacted by Sexual Violence, Sexual Harassment, Dating/Domestic Violence, and Stalking

Confidential campus and community resources are available to anyone impacted by interpersonal or sexual violence. See Appendix A for a complete list of local confidential and non-confidential resources. Confidential resources provide a private space for an impacted party to discuss the incident, reporting options, and/or campus and legal processes without instigating an investigation or action by the University or law enforcement.

Any member of the University community may officially report conduct by a UCSB student that may constitute sexual harassment or sexual violence to any supervisor; manager; Office of Equal Opportunity & Sexual Harassment/Title IX Compliance (OEOSH/TC); or UCSB’s Title IX Officer (Sexual Harassment Officer). Supervisors, managers, and other designated “responsible employees” must promptly forward such reports to the Title IX Officer (Sexual Harassment Officer) or other staff member in the OEOSH/TC charged with reviewing and investigating sexual harassment and sexual violence complaints.

Reporting one’s own personal experience with sexual harassment or sexual violence to a “responsible employee,” OEOSH/TC, the Title IX Officer, or law enforcement is the decision of the impacted party. Understanding that reporting is an intensely personal process, the University of California, Santa Barbara respects the right of the impacted party to decide whether or not to report. However, if an act of interpersonal violence is reported to a non-confidential party at the University who is designated as a “responsible employee,” that employee must notify OEOSH/TC, who will make a determination as to whether or not a formal University investigation may be necessary to address the concerns reported.
Even if a clear decision has not been made by the impacted party as to whom to report or whether to report at all, it is still important for the impacted party to preserve evidence for indications of domestic violence, dating violence, sexual violence, or stalking, or for obtaining a protection order. This includes writing down details about the incident(s), not eating, drinking, washing, showering, using the bathroom, brushing teeth, or cleaning up the scene of an incident, and saving any communications (electronic, voice, text, or otherwise) from involved parties. Even if text messages are deleted, they may sometimes be able to be retrieved within the same billing period depending on the cellular carrier. Clothing or other evidence should be stored in a paper bag to preserve physical evidence.

Impacted parties may pursue one, multiple, or none of the following reporting options, any of which may be coordinated, if desired, with the assistance of a CARE advocate. Interim measures and support are available regardless of whether or not the incident is formally reported. Impacted parties who make a report are referred to as “complainants” for the duration of the process. Below are the official reporting options.

1. **Report to law enforcement and request prosecution.** Impacted parties have the right to report incidents of sexual/interpersonal violence to law enforcement. If the incident happened on University property, a report may be made to the UC Police Department. If the incident happened off campus, a report may be made to the Isla Vista Foot Patrol or Santa Barbara Sheriff’s Office (for Isla Vista or Santa Barbara) or the corresponding local law enforcement agency (if out of the area).

   If the impacted party was under the influence of alcohol or drugs, this may be relevant to the case and should be disclosed to the police.

   The officer will provide a business card with the case number on it, and will also offer the services of a campus CARE advocate or a community resource card (if in the local area).

   In order to protect privacy, California law allows complainants to request that the police not release personal information - name, address, phone numbers and date of birth. This will ensure a degree of confidentiality but does not guarantee complete anonymity. The UC Police will not release identifying information in Timely Warnings or Campus Alerts that go out to the campus community, nor in information released to the media.

2. **File a criminal report with law enforcement without requesting prosecution.** In some cases, reports to law enforcement may be made for documentation purposes only. Ultimately the decision to prosecute is made by the District Attorney, although the cooperation of the complainant is considered necessary.

3. **File a complaint with the UCSB Office of Equal Opportunity & Sexual Harassment/Title IX Compliance (OEOSH/TC).** Any report of sexual violence or sexual harassment made to a “responsible employee” and/or OEOSH/TC places the University “on notice” to take action to remedy the situation and mitigate its effects. Reporting to OEOSH/TC or any “responsible employee” will initiate a University review with possible investigation by OEOSH/TC and adjudication by the Office of Judicial Affairs once the investigation is complete. Upon reporting to OEOSH/TC, the complainant will be provided with a written explanation of their rights and options. If a complaint is investigated by OEOSH/TC, the respondent will also be provided with a written explanation of their rights and options.
4. **Report to both law enforcement and OEOSH/TC.** Because of privacy laws and jurisdictional issues, law enforcement is not always able to share reports of sexual violence with the University. Therefore, if the complainant has reported to law enforcement and also desires University review of the case for investigation and possible adjudication, the complainant should also report their complaint to OEOSH/TC.

5. **Seek to obtain an emergency protective order** (short-term restraining order) from the UC Police Department, Isla Vista Foot Patrol, or a local law enforcement agency when they respond to the incident if the threat is immediate, and/or obtain a temporary restraining order through the court system. There is normally a fee associated with a temporary restraining order. A CARE advocate can assist with this process.

6. **Seek to obtain a “no contact” order if the accused is a UCSB student.** This may be coordinated through a CARE advocate with the Office of Judicial Affairs. The Office of Judicial Affairs will meet with the involved parties separately when issuing a no contact order. Because employees of the Office of Judicial Affairs are “responsible employees” and not a confidential resource, information shared by either party about sexual harassment or sexual violence will be reported to OEOSH/TC.

7. **Request academic assistance** for missed classes or exams, or help with rearranging course schedules. This may be coordinated through a CARE advocate regardless of whether or not a formal report is made to the University or law enforcement. CARE advocates will make every attempt to protect the complainant’s privacy to avoid any required “responsible employee” reports from faculty or staff to OEOSH/TC.

8. **Explore housing relocation options** if either the complainant or the respondent live in University-owned housing. This can be coordinated through a CARE advocate with Housing, Dining, & Auxiliary Enterprises regardless of whether or not a formal report is made to the University or law enforcement. CARE advocates will make every attempt to protect the complainant’s privacy to avoid any required “responsible employee” reports from Housing staff to OEOSH/TC. Reasonable requests, space permitting, will be accommodated to the best of Housing, Dining, & Auxiliary Enterprises’ abilities.
III. Procedure and Process When Reporting to the University

Once OEOSH/TC receives a report of alleged student-perpetrated sexual violence, they will determine if the issues presented rise to a potential policy violation, and if so, determine the most appropriate process to address the issues presented. If a matter is to be investigated, OSOESH/TC will provide a prompt, fair, and impartial investigation. Investigations and adjudication will be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual violence, and stalking, and how to conduct an investigation and hearing that promotes fairness, protects the safety of complainants and promotes accountability.

A. Jurisdiction.

1. Any person who experiences sexual violence, sexual harassment, dating or domestic violence, or stalking by a UCSB student on University property or at an official University function may file a complaint with the OEOSH/TC for review, possible investigation, and possible adjudication by the Office of Judicial Affairs. Every case is considered individually and a determination of whether to investigate is done on a case by case basis. Sexual harassment, sexual violence, dating or domestic violence, or stalking occurring off University property may also be considered for University investigation and adjudication if the alleged perpetrator is a UCSB student and may also be reported to OEOSH/TC.

2. The University may, at its sole discretion, exercise jurisdiction over student behavior that occurs off campus that would violate student conduct policies or regulations when the alleged misconduct indicates the student poses a threat to the safety or security of any member(s) of the University community. In determining whether to exercise jurisdiction for adjudication purposes, the Office of Judicial Affairs and the Vice Chancellor for Student Affairs may consider the seriousness of the alleged misconduct; the risk of future harm involved; whether a crime has been reported to the criminal authorities; the ability of the University to gather information, including the statements of witnesses; and/or whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

B. Initial assessment.

1. An initial assessment by the OEOSH/TC and the Office of Judicial Affairs will determine whether “interim suspension” is recommended to the Vice Chancellor for Student Affairs (see section 105.08, Campus Regulations). If an interim suspension is warranted, a student respondent shall be restricted to the minimum extent necessary when there is reasonable cause to believe that the student’s participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. The OEOSH/TC, in conjunction with CARE, will also determine if any other interim measures are warranted or required to protect individuals involved.

2. Upon receipt, the OEOSH/TC will review the report to determine the most appropriate response and any necessary interim protections. 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. In such cases, the Title IX Officer, or his/her designee, will make this determination after completing an initial inquiry into the facts. The OEOSH/TC will advise the complainant in writing of the final response decision with rationale for that determination and proceed accordingly thereafter.

C. Investigation.

1. All investigations of sexual violence, dating or domestic violence, stalking, or sexual harassment are conducted by the OEOSH/TC, unless otherwise designated by the OEOSH/TC.

2. Upon initiation of the investigation, the OEOSH/TC and the Office of Judicial Affairs will jointly send written notice of the investigation and charges to the complainant and student respondent which will include the following:
   a. a summary of the allegations and potential policy violations
   b. the purpose of the investigation
   c. 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
   d. a statement that the findings and recommendation will be based on a preponderance of the evidence standard
   e. a summary of the process, including the expected timeline; and
   f. a summary of the rights of the complainant and respondent.

3. Throughout the investigation and resolution process, the University will offer and provide support services for complainants through the CARE office (located in the Student Resource Building), and for respondents through the Respondent Services Coordinator (located in the Dean of Students Office in the Student Resource Building). 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 accommodations; academic support and accommodations; and counseling. Furthermore, at all stages of the process, the complainant and respondent have the right to an advisor and a support person of their choosing.

4. 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.

5. The investigation shall be completed within sixty (60) University business days from the date on which the report was received by the OEOSH/TC. If the investigation takes longer than 60 business days, the complainant and respondent shall be notified in writing along with an explanation of the good cause for the delay.

6. When a law enforcement agency is conducting its own investigation, the Title IX investigator will coordinate his or her fact-finding efforts with the law enforcement investigation, and upon
request of the law enforcement agency, the investigation may be delayed to meet the needs of a criminal investigation. Any such delays shall be communicated to the parties in writing and documented.

7. The Title IX Officer within the OEOSH/TC will oversee the University investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation.

8. The investigator will:
   a. Develop an investigative plan for completion of the investigation within 60 working days (pending delays for good cause).
   
   b. Outreach to the complainant. During the investigatory interview and throughout the investigation the investigator shall:
      i. Provide “Required Notifications for Reports of Sexual Violence” (as outlined in the UC SVSH Policy).
      ii. Provide reference to health and wellness resources.
      iii. Highlight services of confidential CARE advocates.
      iv. Consider potential interim measures and coordinate with the appropriate campus offices able to provide or assist with such interim measures.
      v. Provide a copy of the UC SVSH Policy and these Implementing Procedures.
      vi. Explain confidentiality (limitations and expectations).
      vii. Refer to the Office of Judicial Affairs to explain no contact orders (if applicable).
      viii. Explain prohibition against retaliation.
      ix. Explain investigatory process and timelines.
      x. Discuss and set expectations for frequency and method of status notifications.
      xi. Inform complainant of ability to bring an advisor or support person of choice.
      xii. Gather facts of the case using trauma-informed response and interviewing.
      xiii. Make a determination as to what other witnesses should be contacted.
      xiv. Follow up with the complainant after respondent and witness interviews, if necessary, to clarify any inconsistencies.
      xv. Provide periodic updates to the complainant on the status of investigation.
   
   c. Outreach to the respondent. During the investigatory interview and throughout the investigation the investigator shall:
      i. Review the allegations.
      ii. Provide reference to health and wellness resources.
      iii. Provide a copy of the UC SVSH Policy and these Implementing Procedures.
      iv. Explain confidentiality (limitations and expectations).
      v. Refer to the Office of Judicial Affairs to explain no contact orders (if applicable).
      vi. Explain prohibition against retaliation.
      vii. Highlight availability of Respondent Services Coordinator.
      viii. Explain investigatory process and timelines.
      ix. Discuss and set expectations for frequency and method of status notifications.
      x. Inform respondent of ability to bring an advisor or support person of choice.
      xi. Gather facts of the case.
      xii. Make a determination as to what other witnesses should be contacted.
      xiii. Follow up with respondent after other witness interviews, if necessary, to clarify any inconsistencies.
xiv. Provide periodic updates to respondent on status of investigation.

d. Gather relevant evidence, for example:
   i. Police reports.
   ii. Conduct, housing, or other administrative reports.
   iii. Photographs.
   iv. Video surveillance.
   v. Text messages, emails, letters, social media, voicemails.
   vi. Entry/exit logs to residential halls or other buildings (when available).
   vii. Personnel files.
   viii. Prior investigations involving the same party or parties.
   ix. Visual inspection of incident location (if available).

e. Outreach to any witnesses. During the investigatory interview and throughout the investigation, the investigator shall:
   i. Discuss health and wellness resources, as appropriate.
   ii. Discuss confidentiality (limitations and expectations).
   iii. Discuss prohibition against retaliation.
   iv. Discuss investigatory process.
   v. Gather facts of the case.

f. Follow consistent practices for documenting investigations.

g. Make the following analyses:
   i. Credibility assessment based on inherent plausibility, the demeanor of the involved parties, bias and motive to falsify and any historical reports of similar behavior or issues.
   ii. Analysis of facts: disputed, undisputed and other evidence
   iii. Make a recommendation about whether the UC SVSH Policy was violated.

h. Prepare a written report.
   i. The written report will issue a recommendation for alleged violations of the UC SVSH Policy. The investigator will apply the preponderance of the evidence standard in recommending whether or not there has been a violation.
   ii. The Title IX Officer along with the investigator will submit the report to the Office of Judicial Affairs and/or other campus authority for review and application of the ultimate finding, sanctioning model and/or recommended remedies.
   iii. The report shall include: a statement of the allegations and issues; the positions of the parties; a summary of the evidence; findings of fact; and a recommendation by the investigator as to whether or not the UC SVSH Policy has been violated.
   iv. If the complainant or respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation regarding why such information was not considered.
   v. The written report will also document any investigative delays that required an extension to the 60-working-days deadline.

i. Notify both parties.
   The complainant and respondent will be notified in writing through a joint notice from the OEOSH/TC and the Office of Judicial Affairs as to the findings (See D. below for more
Upon completion of the Title IX investigation, the Title IX Officer and Office of Judicial Affairs will jointly send to the complainant and the respondent: (a) written notice of the investigation findings and the investigator’s recommended determinations, and (b) a copy of the investigation report. The investigation report may be redacted if necessary to protect student privacy rights.

j. Both parties will be provided with information about deadlines, adjudication procedures (if applicable), appeal rights, and interim measures that remain in place.

9. The investigation file will be retained by the OEOSH/TC and must be made available to the parties on request, and may be redacted as necessary to protect student privacy rights.

**D. Determining if the case will move forward with sanctioning.** Upon completion of the investigation, the following will occur:

1. The Title IX Officer and Office of Judicial Affairs will jointly send to the complainant and the respondent written notice of the investigation findings and the investigator’s recommended determinations and the Office of Judicial Affairs’ finding; and will provide a copy of the investigation report to the parties, redacted if necessary to protect student privacy rights.

2. The written notice will include:
   a. a statement of the factual findings and recommendations regarding whether the charges have been substantiated, including whether policies have been violated;
   b. an admonition against intimidation or retaliation; an explanation of any interim measures that will remain in place;
   c. a statement of the right to appeal that will be explained further in the notice of decision;
   d. a statement that the Office of Judicial Affairs will determine whether the charges have been substantiated and policies have been violated and, if so, will assess the disciplinary sanctions and inform the complainant and respondent of the sanctions within ten (10) business days of the notice of findings; and
   e. a statement that the complainant and/or respondent may schedule a meeting with the Office of Judicial Affairs and/or submit a written statement to be heard on the question of the findings of any policy violation(s) and the discipline prior to the decision and the imposition of sanctions.

3. Upon receipt by the Office of Judicial Affairs of a fact-finding report by the OEOSH/TC, the Office of Judicial Affairs will determine any findings of policy violations, by the conclusion of ten (10) business days, and if there is enough evidence to move forward with sanctioning.

4. During those ten (10) business days, either party may schedule a meeting with the Office of Judicial Affairs and/or submit a written statement concerning the findings and the discipline. The Office of Judicial Affairs will use the information in the investigative report and any statements made from the complainant and respondent during this ten (10) day period to make a determination of policy violation(s) and imposition of sanctions.

5. Upon completion of the ten (10) day period, the Office of Judicial Affairs 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. Sanctions will be assigned based on the facts of the case and using the “University of California Sanctioning Model.” (See Appendix B.)

6. The written notice will include the following:
   a. 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;
   b. the rationale for the determinations and the sanctions; and
   c. 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, the office to which the appeal may be submitted, and an explanation that both the complainant and respondent will receive a copy of any appeal prior to a hearing.

7. In cases in which a respondent may complete a degree before an investigative report is issued by the OEOSH/TC and a final decision has been made on responsibility and possible sanctions, the Office of Judicial Affairs may place a hold on the respondent student’s registration account and subsequent processing of their degree until the case has reached a resolution.

E. Student Amnesty. Complainants and witnesses, who are students, and who participate in an investigation of sexual violence will not be subject to disciplinary sanction for a violation of the University’s student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

F. Options to Appeal and the Appeal Process.

1. Submitting an Appeal:
   a. Once a decision and/or sanction has been determined, 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:
      i. There was a procedural error in the process that materially affected the outcome, such as the investigation was not fair, thorough or impartial;
      ii. The decision was unreasonable based on the evidence;
      iii. There is new, material information that was unknown and/or unavailable at the time the decision was made that should affect the outcome;
      iv. The disciplinary sanctions were disproportionate to the findings.
   b. An appeal must be submitted in writing to the Interpersonal Violence Appeal Review Committee (IPVARC) within ten (10) business days following the date of the written notice of the decision and disciplinary sanctions, if imposed. The IPVARC shall serve as the decision-making body on the appeal. The appeal must identify the grounds for appealing and contain a brief statement of the reasons supporting each ground for appeal.
   c. If an appeal is submitted, any disciplinary sanctions ordinarily will not be imposed until the appeal process is complete. 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 the Interpersonal Violence Appeal Review Committee (IPVARC), composed of one to three University staff members who are appropriately trained on issues of interpersonal violence and all relevant procedures and policies. The Office of Judicial Affairs shall assist the IPVARC with the administration of the appeal process only; the IPVARC will be the decision-making body. Prior to the hearing, the IPVARC will review the information submitted by the parties 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 will be given an opportunity to correct and resubmit the appeal within five (5) business days or on the final date on which the original appeal was due, whichever is later.

2. Conducting the Appeal Hearing

   a. Not less than ten (10) business days before the appeal hearing, the Office of Judicial Affairs, on behalf of the IPVARC, 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.

   b. At least five (5) days prior to the hearing, the complainant and respondent will submit to the IPVARC, via the Office of Judicial Affairs, the information they intend to present at the appeal hearing, including all documents to be presented, the names of all witnesses, and a brief summary of all witnesses’ expected testimony. In addition, the IPVARC may also request that additional witnesses be present at the hearing, if necessary.

   c. At least two (2) 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. Prior to the appeal hearing and/or during the hearing, the IPVARC may: exclude information and/or witness testimony that is irrelevant in light of the grounds for appeal, not in dispute, or unduly repetitive; decide any procedural issues for the appeal hearing; and make any other determinations necessary to ensure an orderly, productive, and procedurally proper appeal hearing.

   d. The Title IX investigator will be present at the appeal hearing. The IPVARC may question the investigator, witnesses present, the complainant, and/or the respondent. The investigation report and any supporting documents or materials will be entered as evidence at the appeal hearing.

   e. The IPVARC 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 IPVARC must be able to see the complainant, respondent, and any witnesses when they are presenting information.
f. The complainant and respondent will have the opportunity to present the information they previously submitted to the IPVARC via the Office of Judicial Affairs, unless the IPVARC has excluded such information.

g. 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 who testify at the hearing. However, all questions must be first submitted to the Chair of the IPVARC. This can be done prior to or during the hearing assuming it does not cause undue delays in the hearing.

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

i. The appeal hearing will be audio recorded and summary minutes will be taken. Other than the official recording, no other recording devices, electronic or mechanical, will be permitted in the hearing.

j. Formal rules of evidence will not apply. The IPVARC 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.

k. The complainant and respondent may each bring an advisor and/or a person of support, for a total of two (2) people. However, the complainant and respondent will need to speak for themselves. The advisor or person of support may not present a complainant’s or respondent’s case nor may they personally submit questions for either party, witnesses, or the Title IX investigator in advance of or during the hearing. If the complainant or respondent asks for a short recess either to confer with their advisor, or to take a short break, it shall normally be granted, unless a break would unduly interfere or disrupt the hearing process.

3. Appeal Decision

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

   b. The IPVARC 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.

   c. The IPVARC may: a) uphold the findings and disciplinary sanction; b) overturn the findings or sanctions; or c) modify the findings or sanctions.

   d. The IPVARC will summarize its decision in a written report that includes the following:
      i. A statement of the grounds for the appeal;
      ii. A summary of the process undertaken by the IPVARC;
iii. A summary of the information considered by the IPVARC; and

iv. The decision of the IPVARC 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 IPVARC.

e. The Office of Judicial Affairs will send the IPVARC’s written decision to the complainant and respondent within ten (10) working days of the hearing.

f. If the findings and the sanctions are upheld, the Office of Judicial Affairs will inform the respondent and complainant in writing that the matter is closed with no further right to appeal.

4. Subsequent Written Appeal to the Vice Chancellor for Student Affairs

a. If the IPVARC overturns or modifies the findings or sanctions, the Office of Judicial Affairs will inform the respondent and complainant in writing of the right to submit a written appeal to the Vice Chancellor for Student Affairs within five (5) business days of the date on the written notification of the IPVARC’s decision, based on: procedural error that materially affected the outcome, or a sanction that is disproportionate to the findings. If an appeal is submitted, the other party will receive a copy of the written appeal and may submit a written statement as well within five (5) business days. This appeal is documentary only, and no in-person meetings or hearing will be held.

b. The Vice Chancellor for Student Affairs will issue a written decision to the complainant and respondent, normally within ten (10) business days. There is no further right to appeal.

c. The appeal process described above, including the appeal hearing and any appeal to the Vice Chancellor for Student Affairs, will normally be completed within sixty (60) business days of the date of the notice of decision and sanctions (where imposed).

G. Interpersonal Violence Appeal Review Committee

1. The IPVARC shall be composed of staff from the UCSB campus who receive annual and on-going training on issues of sexual and interpersonal violence and trauma informed practices. An appeal hearing may be heard by one (1) to three (3) members of the IPVARC, with three (3) being the preferred number of members.

2. All hearings are closed and information pertaining to a conduct case is controlled by federal and state privacy laws.

H. Rights of the Complainant

a. To anticipate a timely resolution after charges have been filed, (60 business days for investigation and adjudication, 120 business days if appeals are filed), and to be notified if the case will exceed the 60 or 120 business days.
b. To receive written notification of existing counseling, health, mental health, victim advocacy, legal assistance, and other services available to complainants both on-campus and in the community.

c. To receive written notification of available assistance with changing academic, living, transportation, and working situations, if requested and if reasonable, regardless of whether or not campus police or local law enforcement are notified.

d. To be accompanied to any investigatory meetings and/or an appeal hearing by a CARE advocate and/or advisor and/or a person (or persons) of support, of their choice, with the limit being two (2) people.

e. To be present for the duration of and produce questions for any witnesses in advance of an appeal hearing.

f. To have the opportunity to make statements, produce witnesses or evidence regarding the incident and/or personal impact.

g. To be informed as soon as possible, and simultaneously with the respondent, of the outcome of the investigation, sanctioning, and appeal hearing, the procedures for appealing the results of the investigation, sanctioning, or appeal hearing, any change to the results that occur prior to the time that such results become final, and when such results become final.

h. Right to review the redacted report

I. Rights of the Respondent. The respondent has the right to procedural due process as outlined in the Campus Regulations. Among these rights are:

a. The right to written notice of the charges and instigation of an investigation, a timely resolution after charges have been filed (60 business days for investigation and adjudication, 120 business days if appeals are filed), and to be notified if the case will exceed the 60 or 120 business days.

b. To receive written notification of existing counseling, health, mental health, respondent support, legal assistance, and other services available to respondents both on-campus and in the community.

c. To be accompanied to any investigatory meetings and/or appeal hearing by an advisor and/or person(s) of support of the respondent’s choice, with the limit being two (2) people.

d. To be present for the duration of and produce questions for any witnesses in advance of an appeal hearing.

e. To have the opportunity to make statements; produce witnesses or evidence pertaining to the case; and respond to and question the evidence presented.

f. To simultaneously with the complainant, be informed in writing of the outcome of any University investigation, sanctioning, appeal hearing, the procedures for appealing the results of the investigation, sanctioning, or appeal hearing, and any change to the results that occur prior to the time that such results become final.

g. Right to review the redacted report

NOTE: All hearings are closed and information pertaining to a conduct case is controlled by University policy, federal and state privacy laws.
J. Possible Sanctions.
1. Students found responsible for a sexual violence, incidents of dating or domestic violence, and/or stalking, will be sanctioned based on the UC sanctioning model (Appendix B), taking into consideration the facts of the individual case and any exceptional circumstances.

2. In accordance with UC policy, all suspensions will be noted on the responsible student’s transcript for the duration of the suspension. All dismissals will be permanently noted on the responsible student’s transcript.

3. Discipline records are normally purged after five years (seven years if the violation was also a reportable Clery Act crime) from the sanctioning imposition date, however, the Director of the Office of Judicial Affairs may decide to keep a file active for a longer period of time in cases of sexual violence, dating or domestic violence, or stalking, and must make a note of the rationale for keeping a file active beyond its expiration date.

K. Timely Reporting.
1. The University encourages early reporting of incidents to either law enforcement or the OEOSH/TC. While there is no time limit on the reporting of incidents to the University, the University encourages early reporting as timeliness increases the likelihood of substantiating claims and adjudicating charges.

2. In addition, early reporting also increases the likelihood that the University will be able to exercise jurisdiction over respondents who might have otherwise graduated or since left campus due to the passage of time.

L. Adjudicating Sexual Violence, Dating or Domestic Violence, and Stalking, by Location

1. University-Owned Residence Halls, University-Owned Apartments, and Family Student Housing

All University-owned residence halls, apartment complexes, and other complexes under lease by Housing, Dining & Auxiliary Enterprises are under University jurisdiction.

2. Privately-Owned Student Housing

The University has the right to extend jurisdiction over sexual violence, dating and domestic violence, and stalking that occur off University property, including privately-owned student housing. Parties who have experienced interpersonal violence in privately-owned student housing should follow the general procedures listed above, and contact the OEOSH/TC, if they believe the perpetrator may have been a University student and if they would like the incident to be investigated by the University.

3. Greek Houses

The University has the right to adjudicate violations of sexual assaults, dating and domestic violence, and stalking that occur in Greek (fraternity or sorority) houses. Parties who have
experienced interpersonal violence in Greek housing should follow the general procedures listed above, and contact the OEOSH/TC, if they believe the perpetrator may have been a University student and if they would like the incident to be investigated and adjudicated by the University.

4. Interpersonal/Sexual Violence Committed by Members of Registered Campus Organizations or Athletic Teams

Allegations involving members of any registered campus organizations or teams may be reported to the OEOSH/TC for an investigation and possible adjudication by the University. The University reserves the right to also sanction registered campus organizations and athletic teams should the investigation of the complaint be substantiated.

5. Other Off-Campus or Non-Campus Locations

Allegations involving UCSB students may be reported to the OEOSH/TC for investigation and possible adjudication by the University regardless of location.

M. Reports to both the University and to law enforcement

If a complainant chooses to report to both the University and to law enforcement, the two fact-finding investigations will be coordinated to the best of the Title IX investigator’s abilities, taking into consideration law enforcement’s ability (or lack thereof) to share information with the Title IX investigator. At the request of law enforcement, the University investigation may be delayed as needed to meet any specific needs of the criminal investigation. Such a delay may be cause for extending the University timelines to complete the process. Delays will be communicated to all parties and documented by the Title IX investigator and/or the Office of Judicial Affairs.

It is possible that the District Attorney may decide not to prosecute a case that the Office of Judicial Affairs has decided to adjudicate. This may be due to the fact that the standard of evidence for a criminal case is “beyond a reasonable doubt” whereas the standard of evidence for a University conduct case is “preponderance of the evidence.” The Office of Judicial Affairs may still move forward in this case.

N. Reporting/investigating/adjudicating cases in which the respondent is a non-student member of the campus community (e.g., faculty, staff, administrator)

All reports of sexual misconduct by non-student members of the campus community are received, reviewed, and, if applicable, investigated by the OEOSH/TC.

Faculty and lecturers fall under the jurisdiction of the Office of Academic Personnel in the Executive Vice Chancellor’s Office for adjudication/resolution purposes.

Teaching assistants who are graduate students are under the jurisdiction of the Office of Judicial Affairs and Human Resources for adjudication/resolution purposes.
Staff members are under the jurisdiction of Human Resources for adjudication/resolution purposes.

O. When a non-student, non-affiliate assaults or stalks a student on or off campus

The University’s role may be limited to a police response and providing counseling and support services to the victim. CARE advocates may provide confidential support to and assist victims with filing a restraining order and all other avenues available through the criminal or civil justice system.

Reports may still be made to the OEOSH/TC for review and possible investigation or recommended remedies.
Appendix A

On-Campus and Local Resources for Survivors of Sexual Harassment, Sexual Violence, Dating/Domestic Violence, and Stalking

<table>
<thead>
<tr>
<th>Resource</th>
<th>Contact Information</th>
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<tbody>
<tr>
<td>UCSB CARE Confidential Advocates</td>
<td>(805) 893-4613 (24-hour advocacy line)</td>
</tr>
<tr>
<td>UCSB Counseling and Psychological Services (CAPS)</td>
<td>(805) 893-4411 (24-hour confidential crisis counseling available)</td>
</tr>
<tr>
<td>UCSB Student Mental Health Coordination Services</td>
<td>(805) 893-3030</td>
</tr>
<tr>
<td>UCSB Office of the Ombuds</td>
<td>(805) 893-3285</td>
</tr>
<tr>
<td>UCSB Housing, Dining, &amp; Auxiliary Enterprises</td>
<td>(805) 893-3281</td>
</tr>
<tr>
<td>Santa Barbara Rape Crisis Center</td>
<td>(805) 564-3696 (24-hour crisis line)/(805) 963-6832</td>
</tr>
<tr>
<td>Domestic Violence Solutions for Santa Barbara County</td>
<td>(805) 964-5245 (24-hour crisis line)</td>
</tr>
<tr>
<td>UCSB Student Health &amp; Alcohol and Drug Program</td>
<td>(805) 893-3371</td>
</tr>
<tr>
<td>Santa Barbara Cottage Hospital Emergency Room</td>
<td>(805) 682-7111</td>
</tr>
<tr>
<td>University of California Police Department (UCPD)</td>
<td>(805) 894-3446</td>
</tr>
<tr>
<td>UCSB Office of Judicial Affairs</td>
<td>(805) 893-5016</td>
</tr>
<tr>
<td>UCSB Office of Equal Opportunity &amp; Sexual Harassment/Title IX Compliance</td>
<td>(805) 893-2701</td>
</tr>
<tr>
<td>Isla Vista Foot Patrol (IVFP)</td>
<td>(805) 681-4179/(805) 681-4100 (after hours)</td>
</tr>
</tbody>
</table>

**NOTE: Not all resources are completely confidential. CARE, CAPS, and the Office of the Ombuds are confidential as required by FERPA, HIPPA, or other state licensure requirements. All other offices maintain confidentiality to the extent possible, but as offices of record, may be required to reveal information about your case on a “need-to-know” basis or as responsible employee reports.**

UCSB CARE offers assistance with contacting all listed resources. Most resources are available at no charge.

On-Campus Advocacy and Support Services

CARE (Campus Advocacy Resources and Education) Confidential Advocates - Located in the Women’s Center (1220 Student Resource Building). Provides confidential 24-hour advocacy services for survivors, support, information about reporting options, accompaniment to evidence examinations or meetings with law enforcement, and support services for friends, family members, or significant others of survivors.

Counseling and Psychological Services - Located in Building 599 (across from Storke Tower). Provides UCSB students with confidential individual counseling, as well as support groups, information, and 24-hour crisis phone counseling at no charge.

Student Mental Health Coordination Services – Located in the Office of Student Life (2nd Floor Student Resource Building). Provides connection to campus resources, assistance with academic or other accommodations, and withdrawals.

Office of the Ombuds – Located at 1205-K Girvetz Hall. A confidential resource for the UCSB community to discuss concerns with a trained mediator.
Housing, Dining, & Auxiliary Enterprises – Located in the trailers between the College of Creative Studies and Santa Rosa Hall. Provides housing accommodations, such as room or building changes, or cancellation of contracts, as available, to student resident survivors of sexual violence or stalking.

Off-Campus Local Advocacy and Support Services

Santa Barbara Rape Crisis Center – Located in downtown Santa Barbara, (433 E. Canon Perdido Street). Provides advocacy and support for survivors of sexual violence, including referral and support for medical and legal options.

Domestic Violence Solutions for Santa Barbara County – Provides emergency shelter, support groups, 24-hour crisis line, and transitional housing.

Medical Resources

Student Health - Located between the Events Center and Isla Vista. Provides medical examinations, referrals, and treatment. Visits are covered for students with Gaucho Health Insurance. Does not provide medical examinations for evidence collection (SART exams). SART exams are done exclusively by Santa Barbara Cottage Hospital, by a trained female nurse. Student Health is obligated to report any suspected incident of sexual violence to the UC Police Department.

Santa Barbara Cottage Hospital Emergency Room – Located at 350-389 Junipero St. in Santa Barbara. Provides emergency care and referrals for the SART examination. SART examinations take place across the street from the Emergency Room. SART examination can be done before a reporting decision is made.

Local Reporting Options

Survivors may report to one or more of the following, or not report at all.

University of California Police Department - Located in the Public Safety Building (near Harder Stadium). For crimes committed on campus property, provides reporting, investigation, and forwarding of reports to the District Attorney for legal action. Also provides information about restraining orders and referrals for forensic exams.

Office of Equal Opportunity & Sexual Harassment/Title IX Compliance – Located in Phelps Hall, Room 3211. Reviews and coordinates response to all reports of sexual violence affecting the campus community, and reviews matters to determine if an official University investigation is required. Investigates Title IX complaints, oversees campus Title IX resolution efforts, and offers referrals to relevant campus resources.

Isla Vista Foot Patrol/Santa Barbara Sheriff’s Office – Located in Isla Vista (6504 Trigo Road). For crimes committed in Isla Vista, provides reporting, investigation, forwarding of reports to the District Attorney for legal action, information about restraining orders and referrals for forensic exams.
Appendix B

UNIVERSITY OF CALIFORNIA DISCIPLINARY PROCESS FOR STUDENT SANCTIONS

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.

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.

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.

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.

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.

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

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:
      i. force, violence, menace, or duress;
      ii. deliberately causing a person to become incapacitated or deliberately taking advantage of a person’s incapacitation; or
      iii. 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.

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.

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.

5. Impact on others: input from the complainant; protection or safety of the community.
PACAOS-Appendix-E: Sexual Violence and Sexual Harassment Student Adjudication Framework

<table>
<thead>
<tr>
<th>Responsible Officer:</th>
<th>VP - Student Affairs</th>
</tr>
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<td>SA - Student Affairs</td>
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<td>1/1/2016</td>
</tr>
<tr>
<td>Effective Date:</td>
<td>1/1/2016</td>
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<td>Last Review Date:</td>
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</table>

**Scope:**
For all pertinent activities involving University students, employees, and properties, the Policies Applying to Campus Activities, Organizations and Students apply to the Division of Agriculture and Natural Resources and to the Department of Energy Laboratories operated by the University of California, subject to Laboratory implementing regulations and contractual obligations between The Regents and the Department of Energy.

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| Contact: | Eric Heng |
| Title: | Assistant Director, Student Services |
| Email: | eric.heng@ucop.edu |
| Phone #: | (510) 987-0239 |
I. POLICY SUMMARY

Consistent with the University Policy on Sexual Violence and Sexual Harassment, 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. DEFINITIONS

Applicable definitions for the University of California Policy on Sexual Violence and Sexual Harassment, can be found at http://policy.ucop.edu/doc/4000385/SHSV.

Applicable definitions for the Policies Applying to Campus Activities, Organizations and Students (PACAOS), and the campus implementing regulations adopted pursuant to them, are provided in Section 14.00.

III. POLICY TEXT

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 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. An attachment illustrating the Student Adjudication Model - Process Flow Chart can be found in Attachment 1.

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 Policy on Sexual Violence and Sexual Harassment. 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).

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.

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

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

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

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

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.

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

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.

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.

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.

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.

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.

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.

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.

C. If the Student Conduct office determines that disciplinary sanctions are appropriate, the sanctions will be determined in accordance with the sanctioning guidelines provided in Section VII. Disciplinary Process for Student 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 determinations¹ 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

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.
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 identify the grounds for appealing and contain a brief statement of the reasons supporting each ground for 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.

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.

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.

   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.

   c. At least two 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.

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.

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.

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 who testify at 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.

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.

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.

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.

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. DISCIPLINARY PROCESS FOR STUDENT SANCTIONS

A. 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 applicable portions of the University’s Policies Applying to Campus Activities, Organizations, and Students (PACAOS) - Section 100.00 (Policy on Student Conduct and Discipline). The following describes the University's procedures for assigning disciplinary sanctions when the respondent is a student.

B. Principles

1. The administration of student discipline will be consistent with the applicable portions of the Policy on Student Conduct and Discipline.

2. When a student is found responsible for violating the University’s Policy on Sexual Violence and Sexual Harassment or the 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.

3. When a student is found not responsible for violating the University's Policy on Sexual Violence and Sexual Harassment or the Policy on Student Conduct and Discipline.
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.

4. 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.

5. 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.

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

C. Disciplinary Sanctions

1. University disciplinary sanctions include, but are not limited to:
   a. Dismissal from the University of California,
   b. Suspension from the campus,
   c. Exclusion from Areas of the Campus or from Official University Functions,
   d. Loss of Privileges and Exclusion from Activities,
   e. Restitution,
   f. Probation
   g. Censure/Warning, and/or
   h. Other actions as set forth in University policy and campus regulations.
2. The definitions of disciplinary sanctions are found in University of California PACAOS Section 105.00 (Types of Student Disciplinary Action) of the Policy on Student Conduct and Discipline and local campus regulations.

3. The posting of disciplinary sanctions on academic transcripts will follow University policy as defined in University of California PACAOS, Section 106.00 of the Policy on Student Conduct and Discipline.

D. Process

1. 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.

2. Disciplinary sanctions will be assigned as follows:
   a. 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:
      i. force, violence, menace, or duress;
      ii. deliberately causing a person to become incapacitated or deliberately taking advantage of a person’s incapacitation; or
      iii. recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.
   b. 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.
   c. Other sexual contact in violation of policy will, absent exceptional circumstances, result in a minimum sanction of Suspension for one year.
3. 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.

E. Factors Considered In Determining Disciplinary Sanctions

1. In determining the appropriate sanction, the following factors may be taken into account:
   a. 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.
   b. 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 PACAOS Section 104.90 of the Policy on Student Conduct and Discipline.
   c. 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.
   d. Disciplinary history: prior violations unrelated, prior violations related.
   e. Impact on others: input from the complainant, protection or safety of the community.
IV. COMPLIANCE / RESPONSIBILITIES

Chancellors shall adopt campus implementing regulations consistent with these Policies. The University shall publish these Policies and make them widely available, and Chancellors shall do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the on-line publication of these Policies and their respective campus implementing regulations. (See also Section 13.20 of these Policies.)

V. PROCEDURES

The President shall consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and Universitywide advisory committees prior to amending these Policies. Chancellors shall consult with faculty, students, and staff prior to submitting to the President any campus recommendations related to proposed amendments to these Policies. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or Universitywide advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these Policies.)

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these Policies that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See also Section 13.30 of these Policies.)

Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these Policies and the law. (See also Section 13.40 of these Policies.)
VI. RELATED INFORMATION

Sexual Harassment and Sexual Violence

Policies Applying to Campus Activities, Organizations and Students (PACAOS)

VII. FREQUENTLY ASKED QUESTIONS

Not Applicable

VIII. REVISION HISTORY

Not Applicable
Attachment 1: Student Adjudication Model – Process Flow Chart

The following will be provided by CARE Advocate or Licensed Counselor:
- On/Off Campus Resources
- Notice of Rights
- Reporting options

STAGE 0
Resources

Individual chooses to report
University is placed on notice

STAGE 1
Investigation

No Investigation
END

Investigation
Notice of charges, Notice of Rights and
Options in the Investigation and
Adjudication of Sexual Violence and Sexual
Harassment Cases

Notice of Findings and Recommendation

Opportunity to meet and comment

No appeal
END

Notice of Decision, Sanctions and Appeal
Options

STAGE 2
Findings and Sanctions

Appeal

END

Uphold

Overturn/Modify

Appeal to Chancellor’s designee

Overturn/Modify/Relief

END

Uphold

END

STAGE 3
Appeal

*Procedures for Implementation of the Student Adjudication Model provides detailed explanation.
I. POLICY SUMMARY

The Policies Applying to Campus Activities, Organizations and Students are a compendium of University-wide policies relating to student life. Section 100.00 describes the University’s policy on student conduct and discipline.

Except for Sections 101.00 (Student Conduct), 104.00 (Administration of Student Discipline), 105.00 (Types of Student Disciplinary Action), and 106.00 (Posting Suspension or Dismissal on Academic Transcripts) the Policy on Student Conduct and Discipline does not apply to student conduct violations involving sexual violence and sexual harassment (including sexual assault, domestic violence, dating violence, and stalking of a sexual nature, etc.). All such violations and the applicable student discipline procedures for responding to such conduct are instead addressed by the
University of California Policy on Sexual Violence and Sexual Harassment and PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework. Campuses under local procedures may also apply PACAOS Appendix E to adjudicate student conduct violations that occur in connection with violations of sexual violence and sexual harassment.

II. DEFINITIONS

Definitions for the Policies Applying to Campus Activities, Organizations and Students, and the campus implementing regulations adopted pursuant to them, are provided in Section 14.00.

III. POLICY TEXT

100.00 POLICY ON STUDENT CONDUCT AND DISCIPLINE

101.00 Student Conduct

Students are members of both society and the University community, with attendant rights and responsibilities. Students are expected to comply with all laws and with University policies and campus regulations.

The standards of conduct apply to students as the term ‘student’ is defined in Section 14.40 of these Policies. They also apply to:

a. applicants who become students, for offenses committed as part of the application process;

b. applicants who become students, for offenses committed on campus and/or while participating in University-related events or activities that take place following a student's submittal of the application through his or her official enrollment; and

c. former students for offenses committed while a student.

If specified in implementing campus regulations, these standards of conduct may apply to conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct occurred on campus.
102.00 Grounds for Discipline

Chancellors may impose discipline for the commission or attempted commission (including aiding or abetting in the commission or attempted commission) of the following types of violations by students, as well as such other violations as may be specified in campus regulations:

102.01

All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.

102.02

Other forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the University.

102.03

Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification.

102.04

Theft of, conversion of, destruction of, or damage to any property of the University, or any property of others while on University premises, or possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen.

102.05

Theft or abuse of University computers and other University electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others; interference with the work of others and with the operation of computer and electronic communications facilities, systems, and services; or copyright infringement (for example, the illegal file-sharing of copyrighted materials).

Use of University computer and electronic communications facilities, systems, or services that violates other University policies or campus regulations.

Please refer to the UC Electronic Communications Policy (http://www.ucop.edu/ucophome/policies/ec/) and Digital Copyright Protection at UC (http://www.ucop.edu/irc/policy/copyright.html) for the University's position on digital copyright.
102.06
Unauthorized entry to, possession of, receipt of, or use of any University services; equipment; resources; or properties, including the University’s name, insignia, or seal.

102.07
Violation of policies, regulations, or rules governing University-owned, -operated, or -leased housing facilities or other housing facilities located on University property.

102.08
Physical abuse including but not limited to physical assault; threats of violence; or other conduct that threatens the health or safety of any person.

102.09
Harassment, defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person’s access to University programs or activities that the person is effectively denied equal access to the University’s resources and opportunities.

Harassment includes, but is not limited to, conduct that is motivated on the basis of a person’s race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications. Pursuant to section 104.90, sanctions may be enhanced for conduct motivated on the basis of the above classifications.

102.10
Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and 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 family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose.

102.11
(deleted on October 9, 2009: see http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf);

102.12
Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace resulting in psychological harm to any student or other person.

102.13

Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.

102.14

Disorderly or lewd conduct.

102.15

Participation in a disturbance of the peace or unlawful assembly.

102.16

Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of his or her duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.

102.17

Unlawful manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances, identified in federal and state law or regulations.

102.18

Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, University policy or campus regulations.

102.19

Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.

102.20
Possession, use, or manufacture of a firearm or other weapon as prohibited by campus regulations.

102.21

Violation of the conditions contained in the terms of a disciplinary action imposed under these Policies or campus regulations.

102.22

Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Section 53.00 of these Policies or violation of orders issued pursuant to Section 52.00 of these Policies, during a declared state of emergency.

102.23

Selling, preparing, or distributing for any commercial purpose course lecture notes or video or audio recordings of any course unless authorized by the University in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a student is a violation of these Policies whether or not it was the student or someone else who prepared the notes or recordings.

Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a University of California course unless authorized by the University in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).

102.24

Conduct, where the actor means to communicate a serious expression of intent to terrorize, or acts in reckless disregard of the risk of terrorizing, one or more University students, faculty, or staff. 'Terrorize' means to cause a reasonable person to fear bodily harm or death, perpetrated by the actor or those acting under his/her control. 'Reckless disregard' means consciously disregarding a substantial risk. This section applies without regard to whether the conduct is motivated by race, ethnicity, personal animosity, or other reasons. This section does not apply to conduct that constitutes the lawful defense of oneself, of another, or of property.

102.25

Making a video recording, audio recording, taking photographs, or streaming audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person’s knowledge and express consent.
Looking through a hole or opening, into, or otherwise viewing, by means of any instrumentality, the interior of a private location without the subject’s knowledge and express consent.

Making a video recording, audio recording, or streaming audio/video of private, non-public conversations and/or meetings, without the knowledge and express consent of all recorded parties.

These provisions do not extend to public events or discussions, nor to lawful official law or policy enforcement activities. These provisions may not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

Definitions

“Express consent” is clear, unmistakable and voluntary consent that may be in written, oral or nonverbal form.

“Private locations” are settings where the person reasonably expected privacy. For example, in most cases the following are considered private locations: residential living quarters, bathrooms, locker rooms, and personal offices.

“Private, non-public conversations and/or meetings” include any communication carried on in circumstances that reasonably indicate that any party wants the communication to be confined to the parties, but excludes a communication made in a public gathering, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

103.00 STUDENT DISCIPLINE PROCEDURES

103.10 Procedural Due Process

Procedural due process is basic to the proper enforcement of University policies and campus regulations. Chancellors shall establish and publish campus regulations providing for the handling of student conduct cases in accordance with basic standards of procedural due process. Consistent with this requirement, procedures specified in such regulations shall be appropriate to the nature of the case and the severity of the potential discipline.

103.11

When a formal hearing is deemed to be appropriate, campus implementing regulations shall provide the following minimum procedural standards to assure the accused student a fair hearing:
a. Written notice, including a brief statement of the factual basis of the charges, the University policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing;

b. The opportunity for a prompt and fair hearing where the University shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the University; no inference shall be drawn from the silence of the accused;

c. A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and

d. An appeals process.

104.00 Administration of Student Discipline

104.10

Chancellors may impose discipline for violations of University policies or campus regulations whether or not such violations are also violations of law, and whether or not proceedings are or have been pending in the courts involving the same acts.

104.20

Each Chancellor may appoint faculty, student, or other advisory committees, or hearing officers, as specified in campus regulations, but the final authority for administration of student discipline rests with the Chancellor.

104.30

A student, as defined in Section 14.40 of these Policies, at one campus of the University, who is accused of violation of University policies or campus regulations on another campus of the University or at an official function of that campus, shall be subject to the disciplinary procedures of either the former or the latter campus as an outcome of conferral between designees of both campuses. The imposition of any recommendations for disciplinary sanctions arising from these procedures must be reviewed and approved by both campuses before the sanctions are imposed.

104.31

If an alleged violation of University policies occurs in connection with an official Universitywide function not on a campus, the student accused of the violation shall be
subject to the disciplinary procedures of the campus at which the individual is a student, except in those cases in which the President directs otherwise.

104.40

The loss of University employment shall not be a form of discipline under these Policies. However, when student status is a condition of employment, the loss of student status will result in termination of the student's employment. This section is not intended to preclude the disclosure to other appropriate University officials of information relating to any student’s judicial records if that information may be reasonably construed to have bearing on the student’s suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student’s employment outside the disciplinary process.

104.50

In imposing discipline other than Suspension or Dismissal, access to housing and health services shall not be restricted unless the act that occasioned the discipline is appropriately related to the restriction.

104.60

If as a result of an official campus appeal it is determined that the student was improperly disciplined, the Chancellor shall, if requested by the student, have the record of the hearing sealed, and have any reference to the disciplinary process removed from the student's record. In such case, the record of the hearing may be used only in connection with legal proceedings. The Chancellor also may take other reasonable actions to ensure that the status of the student's relationship to the University shall not be adversely affected.

104.70 [Rescinded – January 1, 2015]

104.71 [Rescinded October 13, 2005]

104.80

Whether or not a hearing is conducted, campuses may provide written notice to a student that his or her alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior will be subject to the disciplinary process. Evidence of the prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action in order to enhance the penalty.
104.90

Sanctions [for any violations of Section 102.00, Grounds for Discipline] may be enhanced where an individual was selected because of the individual's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

105.00 Types of Student Disciplinary Action

When a student is found in violation of University policies or campus regulations, any of the following types of student disciplinary action may be imposed. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.

105.01 Warning/Censure:

Written notice or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of University policies or campus regulations may be cause for further disciplinary action, normally in the form of Disciplinary Probation, and/or Loss of Privileges and Exclusion from Activities, Suspension, or Dismissal.

105.02 [Rescinded May 17, 2002]

105.03 Disciplinary Probation:

A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the student's privileges or eligibility for activities may be imposed. Misconduct during the probationary period or violation of any conditions of the probation may result in further disciplinary action, normally in the form of Suspension or Dismissal.

105.04 Loss of Privileges and Exclusion from Activities:

Exclusion from participation in designated privileges and activities for a specified period of time. Violation of any conditions in the written Notice of Loss of Privileges and Exclusion from Activities, or violation of University policies or campus regulations during the period of the sanction may be cause for further disciplinary action, normally in the form of Probation, Suspension or Dismissal.
105.05 Suspension:

Termination of student status at the campus for a specified period of time with reinstatement thereafter certain, provided that the student has complied with all conditions imposed as part of the suspension and provided that the student is otherwise qualified for reinstatement. Violation of the conditions of Suspension or of University policies or campus regulations during the period of Suspension may be cause for further disciplinary action, normally in the form of Dismissal.

105.06 Dismissal:

Termination of student status for an indefinite period. Readmission to the University shall require the specific approval of the Chancellor of the campus to which a dismissed student has applied. Readmission after dismissal may be granted only under exceptional circumstances.

105.07 Exclusion from Areas of the Campus or from Official University Functions:

Exclusion of a student as part of a disciplinary sanction from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions, when there is reasonable cause for the University to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

105.08 Interim Suspension:

Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Suspension, before final determination of an alleged violation. A student shall be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. A student placed on Interim Suspension shall be given prompt notice of the charges, the duration of the Interim Suspension, and the opportunity for a prompt hearing on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged with respect to employment or academic status.
105.09 Restitution:

A requirement for restitution in the form of reimbursement may be imposed for expenses incurred by the University or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who alone, or through group or concerted activities, participates in causing the damages or costs.

105.10 Revocation of Awarding of Degree:

Subject to the concurrence of the Academic Senate, revocation of a degree obtained by fraud. Such revocation is subject to review on appeal by the Chancellor.

105.11 Other:

Other disciplinary actions, such as monetary fines, community service, or holds on requests for transcripts, diplomas, or other student records to be sent to third parties, as set forth in campus regulations.

106.00 Posting Suspension or Dismissal on Academic Transcripts

When, as a result of violations of the Policy on Student Conduct and Discipline, a student is suspended or dismissed, a notation that the discipline was imposed must be posted on the academic transcript for the duration of the suspension or dismissal. Thereafter, notations of Suspension or Dismissal reflected on a student’s transcript may be removed as set forth in campus regulations.

IV. COMPLIANCE / RESPONSIBILITIES

Chancellors shall adopt campus implementing regulations consistent with these Policies. The University shall publish these Policies and make them widely available, and Chancellors shall do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the on-line publication of these Policies and their respective campus implementing regulations. (See also Section 13.20 of these Policies.)

V. PROCEDURES

The President shall consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and Universitywide advisory committees prior to amending these Policies. Chancellors shall consult with faculty, students, and staff prior to
submitting to the President any campus recommendations related to proposed amendments to these Policies. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or Universitywide advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these Policies.)

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these Policies that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See also Section 13.30 of these Policies.)

Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these Policies and the law. (See also Section 13.40 of these Policies.)

VI. RELATED INFORMATION

See also Policies Applying to Campus Activities, Organizations and Students sections:

10.00 Preamble and General Provisions
11.00 Authority
12.00 Applicability
13.00 Development and Review of Universitywide Policies and Campus Implementing Regulations
14.00 Definitions

VII. FREQUENTLY ASKED QUESTIONS

Not applicable

VIII. REVISION HISTORY

Original issuance September 1, 1970
Revised October 29, 1973
Revised July 21, 1978
   Effective January 3, 1979
Revised October 31, 1983
Revised August 15, 1994
Revised May 17, 2002
Revised July 28, 2004
Revised October 13, 2005 (104.71 Rescinded)
Revised October 20, 2008 (102.05)
Revised October 9, 2009 (102.09 and 102.11 replaced with a single interim 102.09)
Revised February 23, 2011 (Added Section 102.24 and Section 104.90)
Revised May 10, 2012 (Replaced interim 102.09 and added 102.25)
Reformatted June 1, 2012 into the standard University of California policy template
Revised December 23, 2015 to come into line with revised UC Policy on Sexual Harassment and Sexual Violence

The University of California prohibits discrimination against or harassment of any person employed by or seeking employment with the University on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy\(^1\), physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, status as a protected veteran or service in the uniformed services\(^2\).

University policy prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment. University policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment.

The University of California is an Equal Opportunity/Affirmative Action Employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, disability, age or protected veteran status.

University policy is intended to be consistent with the provisions of applicable State and Federal laws. Inquiries regarding the University’s equal employment opportunity policies may be directed to:

**Academic**: Susan Carlson, Ph.D., Vice Provost – Academic Personnel, UC Office of the President. (510) 987-9479. E-mail: susan.carlson@ucop.edu

**Staff and Management**: Dwaine B. Duckett, VP – Human Resources, UC Office of the President. (510) 987-0301. E-mail: dwaine.duckett@ucop.edu

*This policy statement supersedes the Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices dated June 24, 2010.*

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\(^1\) *Pregnancy* includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

\(^2\) *Service in the uniformed services* includes service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as well as state military and naval service.
I. POLICY SUMMARY

It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California. In addition, it is the policy of the University to undertake affirmative action, consistent with its obligations as a Federal contractor.

II. DEFINITIONS

Covered Veterans: Includes veterans with disabilities, recently separated veterans, Vietnam era veterans, veterans who served on active duty in the U.S. Military, Ground, Naval or Air Service during a war or in a campaign or expedition for which a campaign badge has been authorized, or Armed Forces service medal veterans.
Executive Officer: The University President, Chancellor, or Laboratory Director.

Exception to Policy: An action that exceeds what is allowable under current policy or that is not expressly provided for under policy. Any such action must be treated as an exception.

Gender: The sex of a person, including a person’s gender identity, and gender expression.

Gender expression: A person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

Gender identity: An individual’s personal sense of himself/herself as being male and masculine or female and feminine, or ambivalent.

Pregnancy: Includes pregnancy, childbirth, and medical conditions related to pregnancy and childbirth.

Service in the Uniformed Services: Includes service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service.

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

III. POLICY TEXT

It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable state and federal laws and University policies.

University policy also prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment.
In addition, it is the policy of the University to undertake affirmative action, consistent with its obligations as a Federal contractor, for minorities and women, for persons with disabilities, and for covered veterans. The University commits itself to apply every good faith effort to achieve prompt and full utilization of minorities and women in all segments of its workforce where deficiencies exist. These efforts conform to all current legal and regulatory requirements, and are consistent with University standards of quality and excellence.

In conformance with Federal regulations, written affirmative action plans shall be prepared and maintained by each campus of the University, by the Lawrence Berkeley National Laboratory, by the Office of the President, and by the Division of Agriculture and Natural Resources. Such plans shall be reviewed and approved by the Office of the President and the Office of the General Counsel before they are officially promulgated.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

The Vice Provost – Academic Personnel and the Vice President–Human Resources are the Responsible Officers for this policy and have the authority to implement the policy. A Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chancellor is authorized to establish and is responsible for local procedures necessary to implement the policy.

B. Revisions to the Policy

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

The Vice Provost – Academic Personnel and the Vice President–Human Resources have the authority to initiate revisions to the policy, consistent with approval authorities and applicable Bylaws and Standing Orders of the Regents.

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

C. Approval of Actions

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

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

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

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

The Vice President–Human Resources is accountable for reviewing the administration of this policy. The Senior Vice President–Chief Compliance and Audit Officer will periodically audit and monitor compliance to this policy.

E. Noncompliance with the Policy

Noncompliance with the policy is handled in accordance with Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters, and in accordance with University policies, including but not limited to, The Faculty Code of Conduct (APM – 015) and University Policy on Faculty Conduct and the Administration of Discipline (APM – 016), or, as applicable, collective bargaining agreements.
This policy was reformatted into the standard University of California policy template effective July 1, 2013.

Policy changes effective as of July 1, 2013:

- New language, in compliance with California Assembly Bill 887 – Chapter 719.
- Addition of gender and gender expression to the policy text.
- Addition of a definition of gender, gender expression, and gender identity.

The following policy is rescinded as of the effective date of this policy and is no longer applicable:

I. POLICY SUMMARY
The University of California is committed to nondiscrimination in employment and creating and maintaining a workplace free of harassment.

II. DEFINITIONS
Executive Officer: The University President or Chancellor.

Exception to Policy: An action that exceeds what is allowable under current policy or that is not expressly provided for under policy. Any such action must be treated as an exception.

Gender: The sex of a person, including a person’s gender identity, and gender expression.

Gender expression: A person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

Gender identity: An individual’s personal sense of himself/herself as being male and masculine or female and feminine, or ambivalent.
Pregnancy: includes pregnancy, childbirth, and medical conditions related to pregnancy and childbirth.

Service in the Uniformed Services: includes service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service.

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

III. POLICY TEXT

A. General
It is the policy of the University not to engage in discrimination against or harassment of any person employed by or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. This policy is intended to be consistent with the provisions of applicable state and federal laws and University policies.

B. Sexual Harassment
The University of California is committed to creating and maintaining a community in which all persons who participate in University programs and activities can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual. Specifically, every member of the University community should be aware that the University is strongly opposed to sexual harassment and that such behavior is prohibited both by law and by University policy. It is the intention of the University to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy.

C. Retaliation
University policy prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment.
D. Complaints
Information regarding applicable policies and procedures for resolving complaints of discrimination and harassment and for pursuing available remedies is available in the local Human Resources office.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy
The Vice President–Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chancellor is authorized to establish and is responsible for local procedures necessary to implement the policy.

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

The Vice President–Human Resources has the authority to initiate revisions to the policy, consistent with approval authorities and applicable Bylaws and Standing Orders of the Regents.

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

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

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

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

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

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.
The Vice President–Human Resources is accountable for reviewing the administration of this policy. The Director–HR Compliance may periodically monitor compliance to this policy.

**E. Noncompliance with the Policy**
Noncompliance with the policy is handled in accordance with the Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters.

**V. PROCEDURES**
The Responsible Officer may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require the approval of the President.

**VI. RELATED INFORMATION**
- University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment
- University of California Policy on Sexual Harassment
- University of California Procedures for Responding to Reports of Sexual Harassment

**VII. FREQUENTLY ASKED QUESTIONS**
*How is military service defined under USERRA?*

For purposes of this policy, the University uses the definition of “service in the uniformed services” found in the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which states that this term “means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to any such duty, and a period for which a person is absent from employment for the purpose of performing funeral honors duty.”

USERRA defines “uniformed services” as “the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.”
VIII. REVISION HISTORY
This policy was reformatted into the standard University of California policy template effective July 1, 2012.

Policy changes effective as of July 1, 2012:

- New language, in compliance with California Assembly Bill 887.
- Addition of gender and gender expression to the policy text.
- Addition of a definition of gender, gender expression, and gender identity.

The following policy is rescinded as of the effective date of this policy and is no longer applicable:

- Personnel Policies for Staff Members 12 (Nondiscrimination in Employment), dated May 3, 2010