

**UC DAVIS**  
UNIVERSITY OF CALIFORNIA

**2020**  
**Annual Security and**  
**Fire Safety Report**

**For the UC Davis Campus and UC Davis Health**



Issued on December 15, 2020

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This report is issued for UC Davis and UC Davis Health in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act), 20 USC §1092(f), Title 34 U.S. Code of Federal Regulations § 668.46, and California Education Code, § 67380-67385.

## **Nondiscrimination Statement**

The University of California, in accordance with applicable Federal and State law and University policy, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, pregnancy,<sup>1</sup> physical or mental disability, medical condition (cancer related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services.<sup>2</sup> The University also prohibits sexual harassment. This nondiscrimination policy covers admission, access, employment, and treatment in University programs and activities. Inquiries regarding the University's student-related nondiscrimination policies may be directed to Chief Compliance Officer Wendi Delmendo; [wjdelmendo@ucdavis.edu](mailto:wjdelmendo@ucdavis.edu); (530) 752-9466.

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<sup>1</sup> Pregnancy includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

<sup>2</sup> Service in the uniformed services includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

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UC Davis publishes an Annual Security and Fire Safety Report, which includes important information about safety and security policies implemented to protect the welfare of our campus community. The report provides crime statistics for the previous three years regarding crimes that occurred on campus; in certain off-campus buildings or property owned, leased, or controlled by the University; and contains information about fire safety policies and procedures. The report is prepared by the Campus Clery Coordinator with input from stakeholders on the Davis and Health campuses, including the UCD Police and Fire Departments; the Center for Advocacy, Resources, and Education; Student Housing and Dining Services; the Office of Student Support and Judicial Affairs; and Emergency Management and Mission Continuity. The report is available on the [UC Davis Clery website](#). Links to the report are available on both the UC Davis [Police Department](#) and [Safety Services](#) websites. You may obtain a printed copy of the report by completing an online [Public Records Act request form](#) or by sending a written request addressed to the Information Practices Officer, Office of the Campus Counsel, University of California, Davis, One Shields Avenue, Davis, California 95616.





## Campus Crime and Safety

UC Davis is committed to protecting the safety and security of all students, staff, faculty, and visitors to our campus; and to providing accurate and complete information regarding crimes committed in the campus community. We believe that our policies and programs for preventing and reducing crime, and our emergency notices, timely warnings, and disclosure of crimes reported, promote a safer and informed community. Please take time to read this information and, if you have questions, contact the identified resources for assistance.

### The UC Davis Police Department

UC Davis Police Department is a service oriented, internationally accredited police department. The 33 officers patrol the Davis campus and UC Davis Health 24 hours a day, 365 days a year. They are duly sworn peace officers under Section 830.2 of the California Penal Code and have the same authority under the law as municipal police officers. They enforce applicable local, state, and federal laws; arrest violators; investigate and suppress crime; investigate

traffic and bicycle accidents; and provide a full range of police-related services, including immediate response to all medical and fire emergencies. The 911 Public Safety Answering Point (PSAP) communication center operates 24 hours a day, 365 days a year, and can receive calls from TDD machines.

The Department also employs 70 non-sworn Protective Service Officers at the Primate Center and UC Davis Medical Center to provide on-site security, as well as approximately 120 non-sworn student Cal Aggie Hosts who perform security-related functions on campus. The Protective Service Officers and Aggie Hosts perform observe and report functions, and do not have powers of arrest. The UC Davis Police Department has created a Security Division within the Police Department, which includes a Security Director responsible for drafting security policies and improving campus security through security assessments, security cameras, and access controls.

Safety is a top priority at UC Davis, and the University offers Everbridge as an additional personal safety tool for

members of the campus community. The application provides a virtual safety escort, eyewitness reporting, and 911 access. The application is monitored 24/7 by the campus Public Safety Dispatch Center. The UC Davis Police Department provides information about the application to students and their families during Orientation. Information about the application is available on the [UCDPD website](#).

The UC Davis Police Department also offers Safe Rides. The Safe Rides service is available to anyone who prefers an alternative to walking alone or in a small group at night. Those using the service are given a ride in a clearly marked security vehicle or are escorted on foot by an Aggie Host Security Officer. All drivers have a valid California driver's license and are trained Aggie Host Security personnel who have been background checked, fingerprinted, and are in compliance with the California DMV pull system. Additionally, each employee of this program has completed a "Safe Driver Awareness" course administered by UC Davis Staff Development and Professional Services. More information about the Safe Rides program is available on the [UCDPD website](#).

UCD Health offers Safety Escorts on nights and weekends to those who call their dispatch ((916) 734-2555), and has a shuttle service Monday-Friday.

Crime prevention and apprehension of those who commit crimes at the UC Davis campus and UC Davis Health are the Police Department's primary goals. To achieve these goals, the Police Department works closely with surrounding law enforcement agencies, and has written agreements with city, county, and other state police agencies.

### *Police Accountability Board*

The UC Davis Police Accountability Board (PAB) was established in 2014 to develop and promote accountability, trust, and communication between the campus community and the UC Davis Police Department. The PAB is an inde-

pendent board composed of students, staff, and faculty from the UC Davis and UC Davis Health community.

The PAB is staffed by University employees who are independent from the Police Department. Complaints made by members of the campus community and general public against UC Davis police officers are received, reviewed, and investigated by the Office of Compliance and Policy. This Office reports to the Office of the Provost and Executive Vice Chancellor. Investigation reports are then forwarded to the PAB for independent review, and their recommendations are sent to the UC Davis Chief of Police.

The PAB issues an [annual, public report available online](#). The report includes a summary of the number, type, and disposition of complaints received; an analysis of complaint trends or patterns; and information on whether recommendations made by the PAB to the Chief of Police were accepted, rejected, or modified. Additional information about the PAB, including information on how to file a complaint with the PAB, can be found on the [PAB website](#).

### **Reporting Crimes and Emergencies**

All crimes occurring on the Davis campus or at UC Davis Health should be reported immediately to the UC Davis Police to ensure an appropriate response. The UC Davis Police Department has primary jurisdiction over the Davis





campus and UC Davis Health in Sacramento. The University strongly encourages victims to report immediately all incidents or any suspicious activity to the UC Davis Police, any time of the day or night. Crimes occurring off-campus should be reported immediately to the law enforcement agency having jurisdiction.

Crimes can be averted and suspects apprehended more quickly if suspicious activity is reported promptly. If someone's behavior or a situation is disturbing, threatening, or causing a disruption, call the UC Davis Police Department. The police will assess the situation and take any necessary and appropriate action.

### *Emergencies*

To report a crime in progress, or police, fire, or medical emergencies on campus or at UC Davis Health:

- If calling campus police from a cell phone, call (530) 752-1230 (Davis campus); or (916) 734-2555 (UC Davis Health). We encourage you to program this as a one-touch number on your phone. If you dial 911

from some cell phones it may take longer to connect your call and determine your location.

- If calling from any land-line phone on the UC Davis campus or at UC Davis Health, including pay phones, dial 911 (this will connect you directly to the UC Davis Police Department's Public Safety Dispatch Center).

On the UC Davis campus or at UC Davis Health, if you dial 911 from a land-line phone; or use one of the emergency callboxes in the UC Davis arboretum, the West Village bike tunnel, or a yellow emergency telephone located throughout UC Davis Health; the dispatcher or operator can locate the phone from which you are calling and will dispatch a police officer. If there is a fire and no telephone is available, activate one of the fire alarms located throughout the Davis campus and UC Davis Health.

### *Non-Emergencies*

To receive assistance for a non-emergency:

- If calling from a cell phone or land-line phone, call the UCD Police Department at (530) 752-1727 (Davis) or (916) 734-3841 (UC Davis Health).
- The UC Davis Police Department is located in the Fire/Police Building at 625 Kleiber Hall Drive. Requests for services at UC Davis Health can be made at the Police Department located in Lot 7, at V and 42nd Streets.

### *Anonymous Reporting Process*

While UC Davis encourages victims to report all crimes to the police, there may be times when an individual does not want to be identified in a report. In those cases, crimes may be reported anonymously to the Police Department so they are included in the annual crime statistics. Individuals seeking advice or filing anonymous reports about sexual assault, stalking, dating violence, domestic violence, harassment, or discrimination may also contact the Harassment and Discrimination Assistance and Prevention Program through their anonymous calls line at (530) 747-3865 or (916) 734-2255.

Campus Security Authorities (CSAs) who are notified of crimes can inform the police of the victim's identity only if the victim consents to being identified. If the victim does not consent, the CSA will report all other relevant details about the crime to the UC Davis Police Department, but will withhold the victim's identity.





UC Davis encourages licensed counselors (including Sexual Assault and Domestic Violence Victim Advocates) and pastoral (religious) counselors to inform those they counsel, if and when they deem it appropriate, of the procedures for reporting crimes on a voluntary, anonymous basis for inclusion in crime statistics.

### *Reporting Hate Crimes*

A hate crime is any criminal act or attempted criminal act directed against a person, public agency, or private institution based on the victim's actual or perceived race or ethnicity, national origin, religion, sexual orientation, disability, gender, or gender identity; or because the person, agency or institution is identified or associated with a person or group of an identifiable race, ethnicity, national origin, religion, sexual orientation, disability, gender, or gender identity. A hate crime includes an act that results in injury, however slight; a verbal threat of violence that apparently can be carried out; an act that results in property damage; and property damage or other criminal act(s) directed against a private or public agency.

Crimes routinely classified as misdemeanors can be felonies if committed because of bigotry. A conviction cannot be based on speech alone, unless the speech itself threatens violence against a specific individual or group and the perpetrator has the ability to carry out the threat. If you are the victim of or witness to a hate crime, report it as soon as possible to the UC Davis Police Department.

### **Emergency Alerts, Timely Warnings, and Daily Crime Logs**

#### *Emergency Alerts and Warnings*

Both the Davis and Sacramento campuses use the WarnMe system, or other suitable method of communication, to alert students, faculty, and staff of emergency or other urgent situations that may affect well-being.

In an emergency on the Davis campus, the UC Davis Police Chief, Fire Chief, Director of Strategic Communications, Director of Emergency Management and Mission Continuity, or their designees are authorized to determine when an emergency notification is warranted, the appro-



appropriate method of distribution (e.g. WarnMe), and the content of the message. When possible and consistent with campus policy, they will consult with Strategic Communications regarding the content of the message before distribution.

In an emergency on the UCD Health campus, the UC Davis Police, the UC Davis Health Manager, or their designees are authorized to activate the WarnMe system and determine the content of the message. They will consult with Public Affairs and Marketing regarding the content of the message before distribution to large audiences.

In the event of an emergency, the University will, without delay, notify affected members of the campus community, taking into account the safety of the community unless issuing a notification will, in the professional judgment of the Police Chief, Fire Chief, or their designees, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Messages are sent by multiple methods to contact information listed in the campus directory as well as confidential contact information registered by users. The system can send simultaneous messages to the University community by e-mail, telephone, cell phone, and text messaging.

Notifications may be sent to specific groups of individuals if the emergency is isolated to specific campus locations.

Students receive a notice about the WarnMe system in their main registration tool (SISWeb), and whenever a student's contact information is out of date they receive an alert about updating their information in the student records tool within their myucdavis site. To update contact information for emergency alerts and warnings, students, faculty, and staff should use the [UC Davis WarnMe](#) site. Although the alert system is designed to provide lifesaving information to those in harm's way, the system includes a community feature where anyone can register to receive alerts. The system complements other UC Davis communications including the Web (UC Davis homepage and Facebook, and Aggie Family Pack for parents), the Emergency Status Line (530) 752-4000, and news media (KFBK 1530 AM and other news media).



For more information, see the brochure on [emergency communication](#).

### *Managing Emergencies*

UC Davis/UC Davis Health has a comprehensive emergency management program under the guidance of a full-time Director of Emergency Management and Mission Continuity/Emergency Manager. It includes a formal emergency operations plan for preparing for, responding to, and recovering from emergencies. Every UC Davis/UC Davis Health department is required to develop and maintain an emergency action plan that includes response protocols and a departmental evacuation plan. UC Davis/UC Davis Health uses an emergency operations center/hospital command center to coordinate response to major emergencies, and trains employees to staff the center.

The UC Davis and UC Davis Health campuses regularly conduct training sessions and emergency exercises, including table top exercises, functional and full scale exercises, and tests of the WarnMe system to assess and evaluate the emergency plans and the capabilities of the campus to respond to an emergency. Strategic Communications for the Davis campus publicizes information about testing of the WarnMe and Aggie Alert system a few days prior to the test, including information about how to register for the alerts. Generally at the Sacramento campus, Public Affairs and Marketing will publish information on *The Insider* prior to conducting the test.



Tests on the Davis and Sacramento campuses are typically performed twice per year and some units perform their own internal tests to stay current on use of the system. UC Davis and UCD Health are part of a regional and statewide emergency management system, and are in compliance with state and federal standards for managing emergencies. See information available on the Safety Services [web-site](#). The most recent test of WarnMe occurred on October 21, 2020. The test was announced in advance to the community.

The Office of Emergency Management conducts regularly scheduled tests, drills, exercises, and appropriate follow-through activities to assess UC Davis' preparedness and response plans. The test includes an exercise of the emergency management system and emergency response organization (Event and Crisis Management Team). The 2020 test and tabletop exercises were held on September 30 and October 2, 2020, respectively. The Office of Emergency Management conducted a tabletop COVID-19 scenario via Zoom focusing on policy, communication, and operational coordination issues. The campus community was not notified in advance of the exercise.

### Timely Warnings

The UC Davis Police Department promptly publicizes any incident of criminal activity that poses a potential serious or continuing threat to the Davis campus or UC Davis Health through a timely warning, maintaining identifying information of the victim in confidence. Bulletins are sent

to the campus community by email and can be accessed online (see Alerts box on the right side of the [Police web-site](#) home page).

The UC Davis Police Department has an e-mail-based Crime and Incident Alert Notification Service by which students, faculty, staff, parents, and any member of the general public can be notified when an Alert is issued. Anyone with a ucdavis.edu email is automatically added to the timely warning emails and cannot opt out unless they are no longer associated with the University. Non-affiliates may subscribe to the Alert Notification Service, by sending an e-mail to [sympa@ucdavis.edu](mailto:sympa@ucdavis.edu). In the body of the message, type "sub ucdavispolice <<your first name your last name>>." For example, a parent named James Bond would subscribe by sending the following message: sub ucdavispolice James Bond. For questions, contact the UC Davis Police Department's Crime Prevention Unit, (530) 752-6589 or [crimeprevention@ucdavis.edu](mailto:crimeprevention@ucdavis.edu).

The Watch Commander on any given shift is responsible for determining when a timely warning should be sent, based on whether the crime report represents an ongoing threat to the campus community, and if the issuance of a timely warning would hinder further investigation. The content of the warning includes all information that would promote safety and aid in the prevention of similar crimes. In the case of a reported hate crime, the warning will include general information about the crime, but generally

will not include a picture or report of any slur so as not to further promote the hate crime. The Administrator on Duty reviews all planned timely warnings before distribution.

UCDPD relies on the timely reporting of crimes in order to issue timely warnings. Campus security authorities (CSAs) receive periodic notifications by email reminding them of their responsibility to notify campus police immediately, or as soon as practicably possible, if they receive information about a violent crime, sexual assault, or hate crime that was committed on or adjacent to the campus, on a non-campus property owned



or controlled by the University, or at a recognized student organization; so that the UCDPD is able to send out timely warnings as needed. Emergency and non-emergency contact information for the UCDPD, both at the Davis campus and UCD Health, is provided in that notification. CSAs are told that if a victim has not consented to being identified they must withhold the victim's identity from the police, as well as the identity of the alleged assailant if known. However, CSAs are asked to provide the UCDPD with enough information (when, what, where, etc.) about the incident to enable them to determine whether there is a potential threat to the community that requires a timely warning.

### *Daily Crime Logs*

UC Davis Daily Crime Logs for the past two years are available at the offices of the UC Davis Police Department (main campus station is located at 625 Kleiber Hall Drive and UC Davis Health substation is located at 4200 V Street, Sacramento). Daily Crime Logs for the previous 60 days are available [online](#).

### **Campus Safety Precautions**

Providing security to the campus community is a continuous process of reevaluating existing policies, facilities, and practices so that they meet the changing needs of the community and reduce or eliminate hazards. To supplement the efforts of the UCD Police Department, several committees and programs exist, or are developed on an as-needed basis, to evaluate existing practices, facilities, and landscaping and make security recommendations. Working with staff, faculty, and students, we strive to make UC Davis a safe place in which to live and learn.

### *Access to and Maintenance of Campus Buildings and Grounds*

UC Davis is a large campus, situated on 5,500 acres. During the school year, our daily population of over 55,000 students, staff, and faculty makes us a small city in itself with its own safety challenges. The nature of the study, service, and research conducted at UC Davis and UC Davis Health requires that many of our buildings and facilities be open and accessible 24 hours a day. Since the campus and UC Davis Health are open, many individuals find it easy to access the buildings and grounds and some may engage in

criminal activity. So, regardless of time, day or night, no matter where you are on the Davis or Sacramento campuses, be alert, aware of your surroundings, and use common-sense safety precautions.

Buildings, facilities and landscaping are maintained in a manner that minimizes hazardous conditions. UC Davis Police Officers regularly patrol the campus and report malfunctioning lights or other unsafe physical conditions to facilities management authorities for correction. In addition, UC Davis encourages reports of physical hazards (for example, broken stairs, overgrown shrubs, or a missing traffic sign) to [Facilities Management](#).



### *Residential Buildings*

UC Davis provides housing to more than 6,500 students, from apartments designed for students with children to multi-student apartment complexes and residential buildings. The UC Davis Police, Student Housing and Dining Services staff, and apartment managers for on-campus private housing work together to create safer, more comfortable, living and learning environments for students. The security of residential areas involves on-duty residence hall staff, apartment managers, Cal Aggie Hosts Security Patrol/Safety Escort services, and round-the-clock UC Davis Police patrols. However, residents must also take an active role to ensure their own security. Most residence halls are accessible only by key or key card 24 hours a day, and residents and visitors must ensure that locked buildings stay closed and locked. You should not allow people you do not know to follow you into the building. Other safety measures include keeping your room or apartment door locked; always carrying your keys; taking precautions to protect your keys against theft or loss; and immediately reporting any theft/loss of your building or room keys.

If you notice improper entry (e.g., someone climbing over a fence) or suspicious activity (e.g., a stranger leaving your friend's room carrying his or her computer), alert residence hall staff and the UC Davis Police.

### *Non-Residential Buildings*

Our campus has over 1,100 buildings comprising almost 8 million square feet. Burglars or others intent on crime may target these structures. Although most buildings can be accessed by key after business hours, certain facilities are locked and alarmed after 5:00 p.m. It is essential that staff, faculty, and students cooperate to keep closed facilities locked. To prevent unauthorized entrance to campus buildings, do not prop doors open, leave doors unlocked, or open the door for people you do not know. In addition, protect the security of campus keys, and report immediately any loss or theft of keys.

### *Parking, Biking, or Walking on Campus*

If you park on campus, lock your vehicle and consider using a steering wheel locking device and/or auto alarm. Place all valuables in your trunk or in another location where they will not be visible when viewed from the outside. Similarly, always lock your bicycle, even if you will be gone only a few minutes, and secure it to a fixed bike rack/pod if possible. If you are out at night on campus or walking to campus parking lots, use the Safety Escort Service. Most

important, if you need assistance, do not hesitate to ask any staff member, Cal Aggie Host, or Police Officer.

### *Weapons on Campus*

State law and University policy prohibit the possession or use of weapons on University property. It is a felony punishable by up to four years in prison to possess any firearm on University property, whether in a book bag, in the car, or in an office, classroom, or apartment. Possessing a concealed weapon or automatic weapons of any kind is illegal, whether on campus or in the community. Campus policies prohibit bringing weapons such as knives with blades longer than 2 ½ inches, switchblades, dirks, daggers, stun guns, BB-guns, air guns, metal knuckles, nun-chaku, or similar items, on campus.

If you see a gun or other weapon on University property, please alert the police immediately at (530) 752-1230 (Davis campus) or (916) 734-2555 (UC Davis Health), with a description of the location of the weapon and the individual carrying it. If you believe that the weapon is being used or is about to be used, dial 911 from a land-line, or from a cell phone, dial either (530) 752-1230 (Davis campus) or (916) 734-2555 (UC Davis Health).

### **Safety Education and Crime Prevention Services and Programs**

#### *Crime Prevention*

Crime prevention is the anticipation, recognition, and the appraisal of a crime risk and the initiation of action to remove or reduce it. The UC Davis Police Department Crime Prevention Unit provides support and services to campus community members to make UC Davis a safer place to work, learn, and live. The Crime Prevention unit presents an average of 75 to 100 workshops/training sessions for students and employees annually (on request), and publishes and distributes thousands of copies of brochures and flyers for students, faculty, and staff on topics such as personal safety, office and residential security, burglary and theft prevention, and vehicle security. The Crime Prevention unit provides consultation and crime prevention audits on request; may assist in developing department-specific emergency plans for evacuations, bomb threats, and criminal incidents; and may give crime prevention input in the planning process for new buildings, and in landscaping design and maintenance.

#### *Center for Advocacy, Resources and Education*

The Center for Advocacy, Resources and Education (CARE) provides violence intervention and prevention services to





the UC Davis campus and UC Davis Health. Intervention services, including confidential crisis counseling, advocacy and accompaniment services, are available to any UC Davis student, faculty, or staff who have experienced sexual assault, sexual harassment, intimate partner violence, or stalking. CARE adheres to the UC Davis non-discrimination policy and provides services regardless of gender, sexual orientation, ethnicity, or any other identity. Prevention services include educational programming and professional training for campus and community partners, including students and student staff, professional staff in various departments, administrators, law enforcement, medical professionals, community service providers, and prosecutors. CARE staff also facilitate various mandatory education programs for incoming students, student athletes, and fraternity and sorority members. Additionally, CARE educates the campus and UC Davis Health communities about available services and violence prevention via marketing, social networking, printed materials, and other outreach efforts.

Additional information regarding CARE services is described in *Sexual Violence*, below.

### ***Bike Patrol Unit***

Bike Patrol officers provide highly visible and accessible policing services, focusing their efforts on bike theft prevention and apprehension, bicycle safety, and enforcement.

### ***Aggie Host Security Officers Program***

The Aggie Host Security Officers Program provides a wide range of services for events held on campus, including line control, ticket taking, contraband control, ushering, and limited crowd control. Aggie Hosts also operate the Safety Escort Service as part of Student Patrol. You can call (530) 752-1727 for an escort from 5:30 p.m. to 3:00 a.m. seven nights a week. Aggie Hosts patrol the parking structure at the Memorial Union at night and on weekends to reduce vandalism and provide security for nighttime users of the structure.

### ***Missing Persons Notification Policy***

UC Davis takes the safety and welfare of our students very seriously. To that end, each student living in a campus housing facility has the opportunity to register the name and contact information of a person he or she would like notified if the student is determined to be missing and cannot be located through reasonable outreach and investigation. Missing person contact information is registered confi-

entially and is accessible only to authorized campus officials in the event of a missing person investigation.

Missing persons can be reported to Student Housing and Dining Services staff within the specific student housing area, or directly to the UC Davis Police. Student Housing and Dining Services will notify UC Davis Police immediately in the event any resident student is discovered to be missing. The UC Davis Police Department will take any missing persons report without delay, regardless of jurisdiction. A missing person report will be given investigative priority over non-emergency property crimes and will not require any time frame to pass before beginning a missing person investigation.

When an officer receives a report of a missing person, the officer will determine the category of missing person and complete a report. The reporting officer will ensure that the appropriate information is entered into the California and National Missing Persons database. The UC Davis Police Department will inform local law enforcement within 24 hours that a student is missing.

The reporting UC Davis Police Officer will also ensure notification is made to the student's emergency contact, if available, within 24 hours of the initial report. If the missing person is under 18 and not emancipated, UC Police will notify a custodial parent or guardian, within 24 hours of the initial report.

## Sexual Violence

### Overview of Policies

The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment and violence. The University prohibits sexual violence, including sexual assault, relationship violence, and stalking; such behavior violates University policy and may also violate the law (see Appendix A for the UC systemwide policy and Appendix B for the UC Davis policy).

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

The following definitions apply to University policies regarding sexual violence and sexual harassment:

- **Complainant:** A person alleged, in a report to the Title IX Officer, to have experienced prohibited conduct.
- **Confidential Resources:** Employees who receive information about prohibited conduct in their confidential capacity, including CARE advocates; Ombuds; licensed counselors in student counseling centers and in employee assistance programs; and any persons with a professional license requiring confidentiality (including health care employees but excluding campus legal counsel), or someone who is supervised by such a person. (See list of UC Davis Confidential Resources in Appendix B.)

Designation as a "Confidential Resource" 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.

- **Consent:** Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person 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 does not provide a valid excuse where:

- ▶ the respondent's belief arose from the respondent's own intoxication or recklessness;
- ▶ 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
- ▶ 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 asleep or uncon-

scious, unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication, or unable to communicate due to a mental or physical condition.

- Location: Any University of California campus, the Lawrence Berkeley National Laboratory, Medical Centers, the Office of the President, and Agriculture and Natural Resources.
- Preponderance of the Evidence: A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.
- Prohibited Conduct
  - ▶ Relationship Violence: includes both dating violence and domestic violence and is defined as physical violence toward the complainant or a person who has a close relationship with the complainant (such as a current or former spouse or intimate partner, a child or other relative); or intentional or reckless physical or non-physical conduct toward the complainant or someone who has a close personal relationship with the complainant that would make a reasonable person in the complainant's position fear physical violence toward themselves or toward the person with whom they have the close relationship, that is by a person who is or has been in a spousal, romantic, or intimate relationship with the complainant, or who shares a child with the complainant, *and* that is part of a pattern of abusive behavior by the person toward the complainant. Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault. Patterns of abusive behavior may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance). The nature of the relationship between the complainant and respondent is determined by the length and type of relationship, and the frequency of interaction between them. Conduct by a party in defense of self or another is not Relationship Violence under this Policy. If either party asserts that they acted in defense of self or another, the Title IX Officer will use all available relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.
  - ▶ Sexual Assault—Contact: Without the consent of the complainant, intentionally touching the complainant's intimate body part (genitals, anus, groin, breast, or buttocks); making the complainant touch another or themselves on any intimate body part; or touching the complainant with one's intimate body part, whether the intimate body part is clothed or unclothed. As this definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence, the Title IX Officer must sometimes determine whether an allegation should be charged as sexual violence or sexual harassment.
  - ▶ Sexual Assault—Penetration: Without the consent of the complainant, penetration, no matter how slight, of the complainant's mouth by a penis or other genitalia; or the complainant's vagina or anus by any body part or object.
  - ▶ Sexual Assault—Contact and Sexual Assault—Penetration are aggravated when they include 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); or deliberately causing a person to be incapacitated (through drugs or alcohol). Sexual Assault—Penetration and Sexual Assault—Contact are also aggravated when they include intentionally taking advantage of the other person's incapacitation (including voluntary intoxication) or recording, photographing, transmitting, or distributing intimate or sexual images without the prior knowledge and consent of the parties involved.
  - ▶ Sexual Harassment – Hostile Environment: Unwelcome sexual or other sex-based conduct that is sufficiently severe, persistent, 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, or activities or services of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.

- ▶ Sexual Harassment – Quid Pro Quo : Sexual Harassment – Quid Pro Quo occurs when a person’s submission to unwelcome sexual conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program, or activity, or service

Sexual conduct includes sexual or romantic advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Other sex-based conduct includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.

Consideration is given to the totality of the circumstances in which the conduct occurred. The policy is implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and will not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles discussed in Section III.F of the UC Sexual Violence and Sexual Harassment Policy (Appendix A).

- ▶ 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 that is not sex-based is addressed by other University policies, including but not limited to, the [Policy on Student Conduct and Discipline Section 102.10](#).



- ▶ Other Prohibited Conduct includes invasion of sexual privacy; sexual intercourse with a person under the age of 18; exposing one's genitals in a public place for the purpose of sexual gratification; and failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under the Policy.
- Respondent: A person alleged, in a report to the Title IX Officer, to have engaged in prohibited conduct.
- 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 must promptly notify the Title IX Officer or designee. This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees.
- In addition, the following who, in the course of employment, receive a report of prohibited conduct from any other person affiliated with the University must notify the Title IX Officer or designee, including: 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); and faculty members.
- Retaliation: An adverse action against a person based on their report or other disclosure of alleged prohibited conduct to a University employee or their participation in the investigation, reporting, remedial, or disciplinary processes provided for in the University's Sexual Violence and Sexual Harassment Policy. An adverse action is conduct that would discourage a reasonable person from reporting prohibited conduct or participating in a process provided for in this Policy, such as threats, intimidation, harassment, and coercion. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct.



## Obtaining Support, Assistance, Resources, and Referrals

CARE provides confidential support and assistance to victims of sexual harassment and sexual violence, including sexual assault, intimate partner violence, and stalking. The CARE Advocate can provide individual crisis counseling, and will accompany victims as desired during evidentiary exams, interviews by law enforcement or University investigators, student judicial proceedings, court hearings, and other proceedings associated with their assault or abuse. In addition, the CARE Advocate serves in an advocacy role for the interests and needs of the victim, and will discuss options and procedures regarding academic assistance, housing, safety, transportation, employment, and medical and counseling needs. With respect to academic matters, the CARE Advocate serves as liaison between the victim and instructors, departments, and dean's offices to make necessary arrangements for accommodations. The CARE Advocate also serves as liaison for issues of housing and safety, and will assist in changing on-campus housing if necessary. A CARE Advocate can explain the availability of, and provide assistance with University no contact orders, restraining orders, and/or orders of protection, that is, an order issued by a judge, enforced by local law enforcement or the court, and meant to protect a person from harm or harassment. These services are available regardless of whether the victim chooses to report to the University, campus police, or local law enforcement.

The CARE Advocate will refer victims as necessary to other resources, including support groups, individual psychological counseling, and outside agencies. Additional rape crisis services are available in Yolo County through Empower Yolo in Woodland (crisis line: (530) 662- 1133). Sacramento is served by WEAVE (Women Escaping A Violent Environment), crisis line (916) 920-2952. A comprehensive list of resources available to victims of sexual violence can be found at the [Sexual Violence Prevention and Response website](#).

Consulting with CARE will not lead to an official report to the police or the University. Victims may choose to report an incident to law enforcement at any time, with or without the assistance of the CARE Advocate. The CARE Advocate will provide information about reporting, can assist with filing a police report within any jurisdiction, and can assist with reporting to the University if the victim chooses to do so. (See *Reporting Sexual Assault, Domestic Violence, Dating Violence, and Stalking*, below.)

If a victim of sexual assault reports an incident directly to the UC Davis Police Department, the department will contact a CARE Advocate as soon as the victim contacts the police to ensure the victim has an advocate present during the investigative interview. In cases of relationship violence and stalking, the UC Davis Police Department will ensure that the victim knows they have a right to have an advocate present during the investigative interview. As noted above, a CARE Advocate is available regardless of whether individuals choose to report the assault to law enforcement.

Victims can contact CARE by calling (530) 752-3299 or (916) 734-3799.

### Notice of Rights & Options

Any student, faculty, or staff member who reports sexual or gender violence, including sexual assault, relationship violence, or stalking, whether the offense occurred on or off campus, is provided with a written explanation of their rights and options (see Appendix C). This written explanation identifies existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the institution and in the community; and describes options for available assistance in; and how to request changes to academic, living, transportation, and working situations or protective measures. UC Davis will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the incident to UC Davis Police or local law enforcement. A CARE Advocate can provide assistance in arranging for additional support services or accommodations.

### Seeking Medical Attention and Preserving Evidence

Regardless of whether the incident is reported to the police, it is important to seek immediate medical attention, even if there is no evidence of serious injury. In cases of sexual assault, a medical examination is important to check for sexually transmitted diseases or other infection/injuries, and for pregnancy. A CARE Advocate can help victims find an appropriate medical provider.

The University encourages victims to preserve all physical evidence; the Sexual Violence Support Services and Reporting Options brochure (Appendix C) includes information about the timing and preservation of evidence. To preserve evidence, individuals should not change clothes, bathe or shower, brush their teeth or use mouthwash, comb their hair, or take other action to clean up before going to the hospital. If individuals feel they may have been adminis-



tered drugs to facilitate an assault, it is best to wait to urinate until reaching the hospital where a urine sample can be collected. If the incident of sexual violence happened within 5 days, individuals, if they choose, may be eligible to have an evidentiary exam in order to collect evidence of the assault.

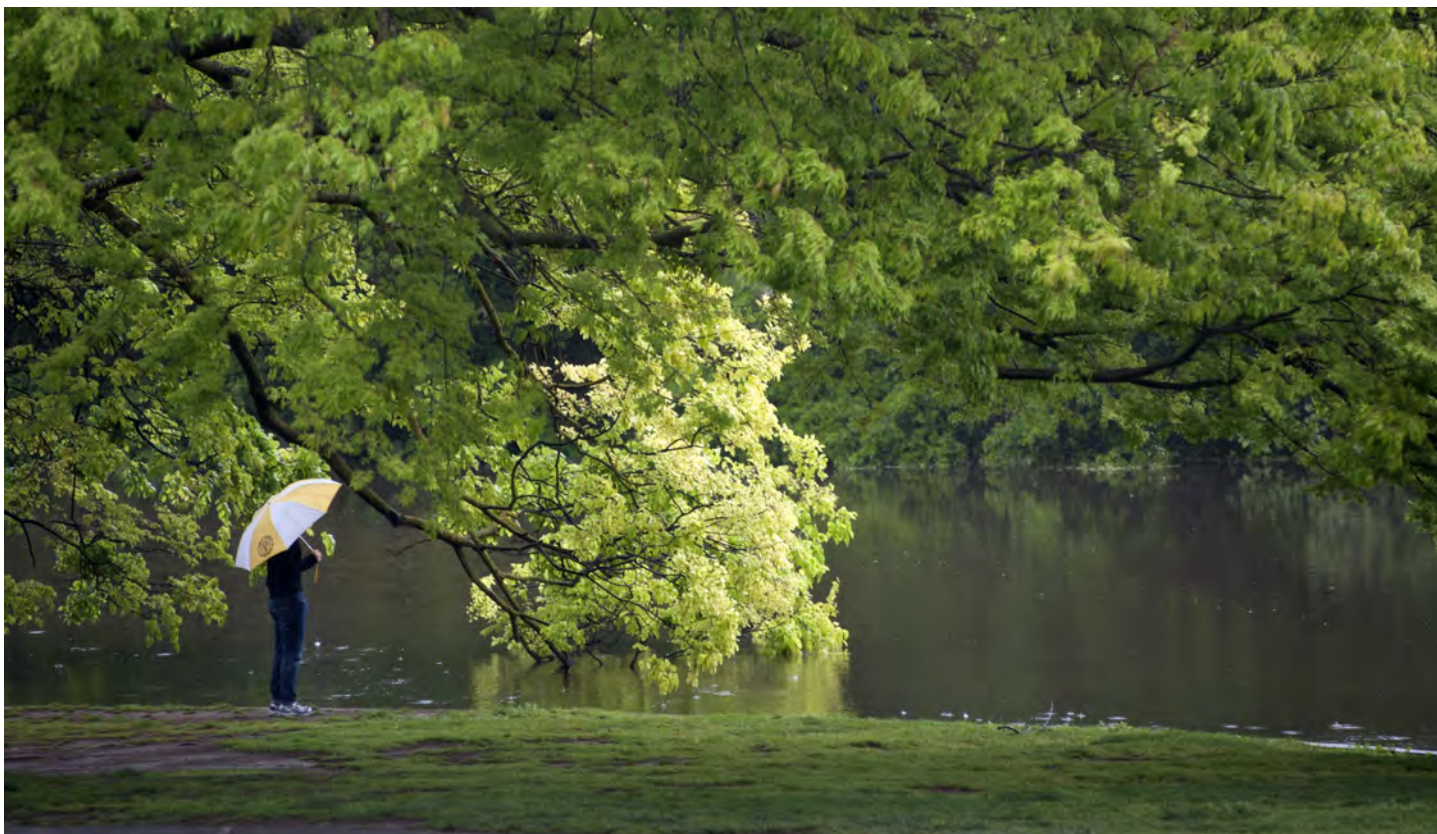
A CARE Advocate and a police officer will accompany victims to the exam if they consent. Usually, law enforcement approves the exam for evidentiary purposes; however, if a victim is not sure they want to report the assault to the police, they may be eligible for an exam as specified by the Violence Against Women Act (VAWA). A VAWA exam may allow victims to have evidence collected while it is still possible, and give them some time to think about whether to report the crime.

Please note that neither the UC Davis Student Health & Wellness Center nor Sutter Davis Hospital conduct evidentiary exams. These exams are provided by the Bridging Evidence Assessment & Resources (BEAR) program in Sacramento. If a sexual assault has happened in the last 5 days, please call the emergency, on-call CARE Advocate at (866) 515-0155 to speak about the option of obtaining an evidentiary exam.

Victims/survivors of sexual assault, relationship violence and stalking are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police.

### **Reporting Sexual Assault, Relationship Violence, and Stalking**

Individuals have the right to choose whether they want to report an incident of sexual violence to the University, to local law enforcement agencies, or to both. Individuals also have the right not to file a report. If a complainant decides they would like to report an incident, they are encouraged to file a report as soon as possible. Delays in reporting may make gathering evidence more difficult, which may in turn affect criminal prosecutions and University investigations. A CARE Advocate can explain the options and procedures associated with filing a report and will assist complainants in notifying the appropriate police agency and/or the University should the complainant choose to do so. Please note that reporting an incident is a separate step from choosing to participate in prosecution. When an individual files a report, they are not obligated to participate in legal or Uni-



versity proceedings. A decision to participate or not participate in such proceedings can be made at any time.

Individuals can report an incident of sexual harassment or sexual violence to the University by contacting the [Harassment & Discrimination Assistance and Prevention Program](#) (HDAPP) at (530) 747-3864 or (916) 734-3417. Individuals can also report incidents of sexual harassment or sexual violence via email to [hdapp@ucdavis.edu](mailto:hdapp@ucdavis.edu), or by submitting a report online at <http://ocpweb.ucdavis.edu/svsh/public/report-form.cfm>. A CARE Advocate can help schedule the meeting and accompany the reporter when making the report to HDAPP.

Any person who has been the victim of a sexual assault, relationship violence, or stalking, or anyone who has witnessed such a crime is encouraged to immediately report the incident to the law enforcement agency having jurisdiction over the case. If the incident occurred on the Davis campus or at the UC Davis Health campus, the UC Davis Police Department may be reached by calling 911, (530) 752-1230 (Davis campus), or (916) 734-2555 (UC Davis Health). A CARE Advocate can help schedule the meeting and accompany the reporter when making the report to the Police. Reports can also be sent at any time via mail or email to the UC Davis Title IX Officer, Wendi Delmendo ([wjdelmendo@ucdavis.edu](mailto:wjdelmendo@ucdavis.edu); University of California – Davis / One Shields Ave / Davis CA 95616).

Regardless of where the incident occurred, victims of sexual violence may access confidential support and advocacy services from CARE. Victims may choose to access CARE services even if they do not wish to make a formal report to law enforcement or the University.

### **Administrative Handling of Sexual Assault, Relationship Violence, and Stalking**

UC Davis responds to reports of sexual assault, relationship violence, and stalking through the University's Sexual Violence and Sexual Harassment (SVSH) policy. The process is designed to ensure a prompt, fair and impartial process from initial investigation through to the final result. All officials with responsibility for reporting or responding to prohibited conduct, including those with responsibility in the investigation, adjudication, and appeal processes, receive annual training on the issues related to relationship violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. Full copies of the University of California and UC Davis policies can be found in Appendices A and B, respectively.

Regardless of whether someone chooses to report an incident, they are encouraged to contact CARE, where all intervention services are confidential, free, and available to any UC Davis student, staff, or faculty. If the complainant chooses to make a formal report to the University, the CARE Advocate can arrange for the complainant to meet with someone from HDAPP. The complainant may also choose to report directly to HDAPP without the assistance of the CARE Advocate. The HDAPP representative will explain the UC Davis administrative procedures for responding to complaints of sexual violence. Staff from HDAPP and CARE will also help with any accommodations that may be needed.

A CARE Advocate can discuss protective measures that may be considered and assist with obtaining such measures as:

- Orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts.
- Creating a plan to limit or prevent contact between the complainant and the respondent. This may include making changes to class, work situations, transportation, or housing arrangements for the complainant or the respondent, regardless of whether the crime is reported to campus police or local law enforcement.
- Taking steps to increase the complainant's sense of safety and security while they continue with classes, work and other activities.

UC Davis will maintain the confidentiality of accommodations or protective measures to the greatest extent possible.

Depending upon the circumstances of the case, the University may consider other supportive or remedial measures. If the respondent is a student and if the circumstances warrant it, the University may decide that an interim suspension is necessary.

After meeting with HDAPP, a complainant's report is reviewed by the Title IX Officer to determine whether the report on its face alleges an act of prohibited conduct covered by the Sexual Violence and Sexual Harassment policy; whether there is sufficient information to carry out a resolution process; and whether the complainant is willing to participate in a formal resolution process. If these conditions are met, the Title IX Officer will initiate either the Alternative Resolution process or charge an investigation. These processes are discussed in more detail in the next sections. If these conditions are not met, the Title IX Officer will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and

address its effects. Such steps may include, for example, offering resources and supportive measures to the complainant and providing targeted preventive education, including to the respondent, and training programs.

### *Alternative Resolution*

After an initial assessment of the allegations, the Title IX Officer may – if the complainant and respondent agree – begin an Alternative Resolution process. Alternative Resolution is a structured yet flexible, voluntary, binding, remedies-focused process for resolving complaints of prohibited conduct as an alternative to an investigation. Alternative Resolution seeks to stop potential prohibited conduct, prevent its recurrence, and meet the needs of the complainant, without a determination of whether the respondent violated the SVSH Policy. Alternative Resolution may include, among other responses, separating the parties; providing for safety; referring the parties to counseling; referral for disciplinary action; an agreement between the parties; and conducting targeted preventive education and training programs. The Title IX Officer is responsible for overseeing the process, including determining whether it is appropriate in individual cases; determining the form it will take, in consultation with the parties; and coordinating a response, when appropriate, with other University offices.

Participation in the Alternative Resolution process is voluntary, meaning both the complainant and respondent must agree to participate. The Alternative Resolution process is typically completed within 30 to 60 business days. Once the parties have agreed to the terms of an Alternative Resolution, the University will not conduct an investigation unless the Title IX Officer determines that the respondent failed to satisfy the terms of the Alternative Resolution, or that the Alternative Resolution was unsuccessful in stopping the prohibited conduct or preventing its recurrence.

### *Investigation*

If an investigation is warranted, the Title IX Officer will appoint a University investigator. Investigators receive annual training on issues related to sexual assault, relationship violence, and stalking; and how to conduct an investigation that protects the safety of complainants, provides due process and promotes accountability. Both the complainant and the respondent will be notified of the charges and investigation, and each will have the same rights during it, including, but not limited to, the right to be accompanied by an adviser as well as a support person of their choice at any stage of the process, and to be simultaneously informed in writing of the outcome of the investigation.

Investigators apply a preponderance of evidence standard to determine responsibility. The UC Sexual Violence and Sexual Harassment Policy (Appendix A) describes the procedures used to ensure a full, fair, and impartial investigation.

The University investigator will meet separately with the complainant and respondent, and other potential witnesses, to gather information. 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. The complainant and the respondent will have the opportunity to receive information about the evidence gathered and identify questions for the investigator to pose.

When the fact-gathering portion of the investigation is complete, the investigator will prepare and submit a report that includes their findings of fact and a preliminary or final determination on whether the respondent has violated University policy. Both parties are informed simultaneously of the findings of fact and preliminary or final determination, typically within 60 to 90 days of the initiation of the investigation.

The investigator issues a *preliminary determination* when the respondent is a student or if the respondent is a staff or faculty member and the DOE Formal Grievance Process (discussed further below) is used in the post-investigation resolution. Otherwise, the investigator issues a *final determination* regarding responsibility as part of the investigation process and the report is referred to the appropriate office, either Employee and Labor Relations for staff and non-faculty academics or Academic Affairs for Senate and Non-Senate faculty for further action as appropriate.

If the respondent is a student, the report is forwarded to the Director of the Office of Student Support and Judicial Affairs (OSSJA), who reviews the investigation report and, if there was a finding of a policy violation, proposes an appropriate sanction. The complainant and the respondent each have an opportunity to contest the investigator's policy findings and, if there was a finding of a violation of policy, provide input to the Director of OSSJA on potential sanctions. If either party contests the investigator's findings as to whether the policy was violated, a Hearing Officer will be appointed and a fact-finding hearing will be held in accordance with [PACAOS – Appendix E: University of Cali-](#)





[fornia Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework](#). (Appendix D).

After the completion of the fact-finding hearing, the Hearing Officer issues their decision on whether the Sexual Violence and Sexual Harassment Policy was violated and, if so, the Director of OSSJA determines an appropriate sanction. Both the complainant and respondent have the opportunity to appeal the Hearing Officer's decision on specific grounds and, if applicable, the sanction assigned by OSSJA. If submitted, the appeal is reviewed by an Appeal Officer who then issues a decision that upholds the findings and sanctions; overturns the findings or sanctions; or modifies the findings or sanctions. The Appeal Officer's decision is final and there are no further rights to appeal.

For more information about post-investigation processes for faculty and staff, see:

- Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel (Appendix F)
- Investigation and Adjudication Framework for Senate and Non-Senate Faculty Senate or Non-Senate Faculty respondents (Appendix G)

### *Department of Education Grievance Process*

In compliance with the Title IX regulations issued by the US Department of Education (DOE) that went into effect on August 14, 2020, the University is required to follow a specific post-investigation grievance process (DOE Grievance Process) when certain conditions are met. Appendix IV of the University Sexual Violence and Sexual Harass-

ment Policy (Appendix A) provides detailed information about the conditions that must be met for conduct to be considered DOE-Covered Conduct and, when investigated, resolved via the DOE Grievance Process.

In summary, 'DOE-Covered Conduct' comprises conduct that:

- is alleged to have occurred on August 14, 2020 or later;
- is reported by the complainant as a DOE Formal Complaint while they were participating in a University program in the US;
- and, if true, constitutes Sexual Assault – Penetration, Sexual Assault – Contact, Relationship Violence, Stalking, Sexual intercourse with a person under the age of 18, Sexual Harassment – Quid Pro Quo as defined by the SVSH policy; Invasion of Sexual Privacy as defined by the SVSH Policy and that a reasonable person would determine was so severe, pervasive, and objectively offensive that it effectively denied the complainant equal access to the University's programs or activities; or unwelcome sexual or other sex-based conduct (as defined in the SVSH Policy) that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denied the complainant equal access to the University's programs or activities.

Each party has the right to contest the investigator's preliminary determination and, if the investigator preliminarily determined that a policy violation occurred, the proposed sanction or remedy. If either party contests the preliminary determination, a fact-finding hearing is held. At the hear-

ing, each party has the right to have an advisor ask questions of the other party and witnesses. If a party does not have an advisor, the University will make a person available who will ask questions on behalf of that party. After the hearing, there is a right to appeal the Hearing Officer's determination.

The details of the hearing and post-hearing appeal and sanctioning or remedy phase of the DOE Grievance Process vary based on the affiliation of the respondent – i.e. student; staff or non-faculty academic personnel; or Senate or non-Senate faculty – and can be found in the following documents:

- For investigations with student respondents: Interim PACAOS-Appendix-F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct (Appendix E)
- For investigations with Staff or Non-Faculty Academic respondents: Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel (Appendix F)
- For investigations with Senate or Non-Senate Faculty respondents: Investigation and Adjudication Framework for Senate and Non-Senate Faculty Senate or Non-Senate Faculty respondents (Appendix G)

### *Disciplinary Sanctions*

Disciplinary sanctions for students found in violation of the UC Sexual Violence and Sexual Harassment Policy include:

- Deferred Separation
- Dismissal
- Suspension
- Exclusion from areas of campus or official University functions
- Loss of privileges and/or exclusion from activities
- Restitution
- Probation
- Censure/Warning; and/or
- Other actions as set forth in University policy and campus regulations.

Sexual Assault – Penetration, Relationship Violence, or Stalking violations result in suspension for at least two calendar years absent exceptional circumstances. Sexual Assault – Contact violations result in a minimum one year suspension absent exceptional circumstances. A finding that conduct constituting Sexual Assault – Penetration or

Sexual Assault - Contact was aggravated will result in a minimum sanction of suspension for two years.

UC Davis staff or faculty members may be subject to disciplinary action following an investigation into allegations of sexual harassment or sexual violence under applicable personnel policies or collective bargaining agreements. Possible sanctions the University may impose on faculty/staff will depend on the nature of the violation and may include:

- Written reprimand in personnel file
- Reduction in salary
- Temporary or permanent demotion
- Unpaid suspension
- Denial or curtailment of emeritus status
- Dismissal from the employ of the University
- Mandated education
- Change in work location
- Restrictions from all or portions of campus
- Restrictions to scope of work

For more information about the administrative process the University uses to handle cases of sexual violence, contact HDAPP at (530) 747-3864 or (916) 734-3417 or see the [Sexual Violence Prevention and Response website](#).

### *Confidentiality*

The University will protect the privacy of everyone involved in a report of sexual violence to the greatest degree possible under law and University policy. If an individual does not wish to file a report with the police or the University, they can consult confidentially with CARE by contacting (530) 752-3299 or (916) 734-3799.

If an individual decides to report sexual violence to the University, a small group of administrators will consult to determine the appropriate administrative response. That group includes the Title IX Officer and HDAPP Director; and a representative from Academic Affairs, Office of Student Support and Judicial Affairs or Human Resources, as appropriate. These people will be informed of both parties' names and the allegations.

A respondent will generally not be informed that a complaint has been filed against them until the University decides to commence a formal resolution process, either alternative resolution or formal investigation. In some cases and under limited circumstances, a respondent must be informed of the allegations earlier if the allegations fall under the DOE Grievance Process. Otherwise, if an alternative



resolution is proposed, the respondent is informed of the complainant's identity when they are offered the option of an alternative resolution, which only occurs after the complainant has already agreed to participate. If an investigation is charged, the respondent is not automatically told who made the complaint. However, the complainant's name will probably appear in the notification letter sent to the respondent by the Title IX Officer. For example, the letter regarding an allegation of sexual assault generally contains this language:

"I'm writing to notify you that I have received a complaint that you engaged in conduct that may have violated the University's sexual harassment and sexual violence policy. Specifically, it is alleged that you sexually assaulted (name) at (location) on (date) . . ."

Witnesses who are interviewed by the investigator will also know about the report, but they will not be told who made the report. Until the investigation is completed, no one else would have reason to be told about the report. Professors, parents, supervisors, co-workers, or others are not informed. If a complainant needs assistance getting extensions, changing residence, or with any other interim actions, CARE may be able to provide that assistance without providing any details to others.

At the conclusion of the investigation, the Title IX Officer will provide a complete copy of the investigation report with notification of the investigation outcome to both the

respondent and complainant. The report may be redacted to protect privacy.

It may be helpful to know that all University employees have an obligation to notify the University's Title IX Officer about reports of sexual harassment and sexual violence made by students. Specific University employees, including managers and supervisors among others, have an obligation to notify the University's Title IX Officer about all reports of sexual harassment and sexual violence; even if the person making the report requests that no action be taken. If an individual prefers to seek assistance that will not lead to a report, they should consider talking with one of the University's confidential resources before making an official complaint. A complete list of confidential resources is available [online](#), and may also be found in the Sexual Violence Support Services and Reporting Options brochure (Appendix C).

For more information about the administrative process the University uses to handle cases of sexual violence, contact HDAPP at (530) 747-3864 or (916) 734-3417 or see the [Sexual Violence Prevention and Response website](#).

### Sexual Violence Prevention Education and Awareness Programs

All new undergraduate, graduate, and professional students independently complete mandatory online sexual violence prevention training prior to starting classes or during their first period of enrollment at UC Davis. To supplement the online training, CARE also delivers live virtual sexual vio-





lence prevention and awareness webinars to new undergraduate students during their orientation programs. This dual education program for new students includes information about the nature, dynamics, and common circumstances and effects associated with sexual assault, relationship violence, and stalking. The program includes information about risk reduction and bystander intervention strategies. If a new student does not complete the online training within the time period established by the campus, a registration hold is placed on the student's record and they are not able to register for classes until the training is completed.

In addition to education and awareness programs tailored to new students' needs, CARE, HDAPP, and other campus partners present and sponsor an average of 150 to 200 sexual violence prevention programs, lectures, training sessions, and workshops per year to classes, residence halls, student organizations, athletic teams, and sororities and fraternities, as well as to the general campus community. These include sessions that are proactively scheduled as part of a larger education and awareness cycle, by request, in response to a perceived community need, and as part of a mandatory continuing education program (e.g. sororities and fraternities, student athletes). CARE also prepares and widely distributes numerous educational brochures and

other publications and maintains an active social media presence as part of their outreach efforts.

All UC Davis employees are required to complete sexual harassment and sexual violence education upon hire and every two years thereafter. Supervisors and managers receive additional mandatory education every two years. UC Davis also provides periodic training on the prevention and handling of sexual assault, domestic violence, dating violence, and stalking to all relevant personnel including UC Davis police officers and dispatchers, student judicial affairs staff and hearing officers, university investigators, and other staff associated with the Title IX program. HDAPP provides education relating to sexual harassment prevention for a wide variety of audiences including student groups, staff, and faculty. All instructor-led programs include information about the prevention and handling of sexual violence.

Several UC Davis offices collaborate on a variety of other activities throughout the academic year designed to ensure that all members of the UC Davis community are aware of the policies and resources pertaining to issues of sexual violence. This includes communications with the campus community through a variety of methods, including use of social media, tabling events, flyers, and special events.



### *Bystander Intervention*

In 2016, UC Davis introduced the upstander campaign to encourage bystander intervention and create a culture to help end sexual violence. An upstander is someone who takes active, intentional steps to stop sexual assault, domestic violence, dating violence, and stalking. Being an upstander is synonymous with being an Aggie:

- Act
- Get help
- Give support
- Intervene in a safe manner
- Encourage others to speak out

### *Additional Resources*

The following resources provide more information on sexual harassment and sexual violence:

- [Website for information on sexual assault, relationship violence, and stalking](#)
- [Center for Advocacy Resources and Education \(CARE\) website](#)
- [Harassment and Discrimination Assistance and Prevention Program \(HDAPP\) website](#)
- [UC Sexual Violence and Sexual Harassment Policy \(Appendix A\)](#)
- [UC Davis Policy and Procedure Manual Section 400-20, Sexual Violence and Sexual Harassment \(Appendix B\)](#)
- [Sexual Violence Support Services and Reporting Options brochure \(Appendix C\)](#)
- [Policies Applying to Campus Activities, Organizations and, Students \(PACAOS\) – Appendix E: University of California Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework \(Appendix D\)](#)
- [Interim PACAOS-Appendix-F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct \(Appendix E\)](#)
- [Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel \(Appendix F\)](#)
- [Investigation and Adjudication Framework for Senate and Non-Senate Faculty Senate or Non-Senate Faculty respondents \(Appendix G\)](#)

### **Public Information Regarding Sex Offenders**

The State of California requires sex offenders to register with the police in the jurisdiction in which they reside, as

well as with campus police departments if they are employed, carrying on a vocation, or attending school. Information on registered sex offenders is available on the [Megan's Law website](#).

## **Substance Abuse**

### **Policies, Sanctions, and Laws**

In accordance with the Drug Free Schools and Communities Act of 1989, the following information is provided regarding University and campus policies prohibiting unlawful possession, use, or distribution of drugs or alcohol; University and campus sanctions regarding drug and alcohol violations by students or employees; federal, state, and local laws and penalties for drug and alcohol offenses; health effects of drug and alcohol abuse; and local resources providing assistance for drug and alcohol abuse (counseling, rehabilitation, or re-entry programs).

### *University Policy and Sanctions*

The University strives to maintain communities and workplaces free from the illegal use, possession, or distribution of alcohol and other drugs. The manufacture, sale, distribution, dispensation, possession, or use of alcohol and controlled substances by University students and employees on University property, at official University functions, or on University business is governed by law, University policy, and campus regulations. Students violating these laws and policies are subject to disciplinary action, including suspension or dismissal from the University, and may be referred for criminal prosecution or required to participate in appropriate treatment programs. Employees violating these laws and policies may be subject to corrective action, up to and including dismissal, under applicable University policies and labor contracts, and may be referred for criminal prosecution or required to participate in an Employee Support Program or appropriate treatment program.

### *Loss of Financial Aid for Conviction Involving Possession/Sale of Illegal Drugs*

A conviction under federal or state law for any offense involving the possession or sale of illegal drugs will result in the loss of eligibility for any Title IV, HEA grant, loan, or work-study assistance (HEA Sec. 484(r)(1)); (20 U.S.C. 1091(r)(1)), if the conviction occurs during a period of enrollment for which the student was receiving Title IV HEA program funds.



### *Federal Laws and Sanctions*

Under Federal law, it is a felony offense to sell or intend to sell, manufacture, or distribute DEA scheduled drugs or mixtures containing them (e.g. cocaine, methamphetamines, heroin, Ecstasy, GHB, Ketamine, LSD, PCP, and so-called “designer drugs”, as well as “counterfeits” purported to be such drugs), or to traffic in marijuana or hashish. Depending upon the quantity of drugs involved, penalties for first offenses range from 5 years to life (20 years to life if death or serious injury involved) and fines up to \$10 million or more, and for second offenses from 10 years to life (life if death or serious injury involved) and fines up to \$20 million.

It is important to note that illegal trafficking in over-the-counter or prescription drugs (including anabolic steroids) which are listed as DEA Schedules II–V are included in the above penalties and fines. Those convicted of possession or distribution of controlled substances can be barred from receiving benefits of federal programs, including student grants and loans, contracts, ability to conduct teaching and research using controlled substances, and professional and commercial licenses; may be subject to forfeiture of proper-

ty used in or traceable to illegal controlled substance transactions; and, if non-citizens, subject to deportation.

### *California Laws and Sanctions*

California law prohibits furnishing and selling alcoholic beverages to underage (younger than 21) or obviously intoxicated individuals. Underage persons may not buy alcoholic beverages or possess them on campus, in public, or in places open to public view; the penalties for violations of these laws may include substantial fines and jail. Alcohol may not be sold without a license or permit. State law also prohibits driving a motor vehicle under the influence; drinking or possessing an open container of alcohol while driving; and operating a bicycle while intoxicated. The limit for blood alcohol concentration (BAC) for underage individuals is .01 percent. A BAC of .08 percent or higher for individuals 21 and older creates a presumption of intoxication, but they can be charged with lower blood alcohol levels. Drunk driving penalties include jail or prison, fines of \$1,000 or more, driver’s license suspension or revocation, and required drug/alcohol treatment programs. Refusing to submit to a test for blood alcohol can result in suspension of driver’s license for up to 3 years. Sale or possession for





sale of controlled substances such as cocaine, methamphetamines, heroin, Ecstasy, GHB, Ketamine, LSD, PCP, marijuana, and “designer drugs” is a felony with terms of 3 years or more; manufacture results in terms of 3 years or more; possession alone is punishable by up to 4 years in prison. Sentences are enhanced for previously convicted felons, for distribution within 1,000 feet of a school or University or within 100 feet of a recreational facility, and for distribution to a pregnant woman or to someone under 18 by one over 18. Property used in drug transactions can be seized.

### *Sacramento City and City of Davis Ordinances*

Sacramento City ordinances and Davis municipal codes prohibit consumption of alcohol in public, possessing open containers of alcohol in public or at retail off-sale premises, and drinking in parks. City of Davis municipal codes also prohibit intoxicated persons from being in or around a vehicle in public, unless the vehicle is controlled or operated by a sober individual; and prohibit individuals and organizations from hosting or allowing a party, gathering, or event (defined as two or more persons assembled for a social occasion or activity) if underage persons are present and in possession of/consuming alcohol. Sanctions (probation, jail, fines) are imposed in accordance with California state law.

### **Education, Prevention Programs, Assistance Services, and Resources**

Campus programs, services, and resources include:

- Health Education and Promotion (HEP) is focused on preventing and reducing alcohol, tobacco, and other drug issues in the student population; developing, managing and evaluating strategies to aid students in making informed decisions in these areas. This program is a lead partner in the Safe Party Initiative, a campus and community evidence-based strategy that aims to reduce problems related to college student drinking at parties in the Davis community. Student “party goers” and “party throwers” can visit the [Safe Party website](#) to find tips on how to reduce the risks of alcohol-related problems.
- Alcohol, Tobacco and Other Drugs Intervention Services (ATODIS) provides free and confidential individual assessment and intervention services for UC Davis students who can meet with a Safe Zone trained ATODIS professional. Services and referrals are provided in collaboration with Counseling Services, Stu-

dent Health and Counseling Services’ medical staff, Neighborhood Court, or self-referrals. Free, 90-minute group sessions are also provided in a confidential and non-judgmental environment for students referred from the conduct system or students who self-refer. More information is available at [ATODIS](#) or by calling (530) 752-6334. Smoking cessation services are also available to students free of charge. If the student meets with the ATODIS Coordinator they can receive one month of gum, patch, or lozenge nicotine replacement therapy for free. Replace prevention counseling is also available to students free of charge with no session limit. For more information call (530) 752-6334.

- UC Davis’ Collegiate Recovery Group, Aggies for Recovery, meets weekly. Meeting information can be found at [https://shcs.ucdavis.edu/recovery\\_resources](https://shcs.ucdavis.edu/recovery_resources). This group is open to any UC Davis undergraduate or graduate student who is choosing not to use any mind altering substances. This group is also open to students who are allies to people in recovery or who have family members struggling with addiction. This is not a 12-step meeting but a support group for students in recovery. Students can contact [slake@ucdavis.edu](mailto:slake@ucdavis.edu) for more information.
- Counseling Services provides short-term counseling at no cost to UC Davis registered students and referrals to other providers and services; and provides online anonymous self-assessment and screening for alcohol and related issues. More information is available from the [Counseling Services](#) website or by calling (530) 752-0871.
- Academic & Staff Assistance Program (ASAP) offers confidential, cost free assessment, intervention, consultation and referral services to all UCD faculty, staff and their immediate families. More information is available at the [ASAP](#) website or by calling (530) 752-2727 or (916) 734-2727.

Community resources include Sacramento and Yolo County services and Twelve Step Programs:

- [Alcoholics Anonymous \(AA\)](#) 24 Hour Hotline—(916) 454-1100
- [Marijuana Anonymous](#)—(800) 766-6779
- [Cocaine Anonymous](#)—(916) 469-6588
- [Narcotics Anonymous \(NA\)](#)—(800) 565-2135; [Sacramento area](#)
- [Al-Anon/Alateen](#)—email: [wso@al-anon.org](mailto:wso@al-anon.org)

- [Sacramento County Department of Health & Human Services Alcohol & Drug Services](#)
- Yolo County Alcohol, Drug and Mental Health Services—(888-) 965-6647 (no charge, 24 hrs.)
- [Refuge Recovery](#)
- [Life Ring](#)

## Health Risks

Substance abuse can cause very serious health and behavioral problems, including short-and long-term effects upon both the body (physiological) and mind (psychological), as well as impairment of learning ability, memory, and performance. Chronic health problems may arise from long-term abuse, and acute, traumatic reactions may arise even from one-time or moderate use. In addition to the toxicity of specific drugs, mixing drugs can compound toxic effects.

Illegal, “counterfeit,” or “designer” drugs may be toxic, contaminated, or have impurities causing poisoning, and can be lethal. Acute health problems may include heart attack, stroke, and sudden death (even first-time use of cocaine or GHB). Long-term effects include heart and/or lung damage, high blood pressure, blood vessel leaks in brain, brain cell destruction, permanent memory loss, infertility, impotence, immune system impairment, kidney failure, and cirrhosis of the liver. In terms of sexual health, substance use can cloud judgment, making it more difficult to engage in safer sex practices that can prevent STIs/HIV or unintended pregnancy. There is also a significant and nuanced relationship between alcohol/other drugs and sexual violence. Drugs and alcohol can be used to incapacitate victims of sexual assault.

Using alcohol or other drugs while pregnant can cause fetal damage, birth defects, miscarriage and infant death. Additional information on health risks of substance abuse

can be found on the [National Institute of Drug Abuse website](#).

Online resources regarding health risks of alcohol, tobacco and other drugs are available from the Student Health and Counseling Services’ Health Education and Promotion department:

- [Alcohol](#)
- [Alcohol poisoning](#)
- [Smoking Cessation](#)
- [Electronic Cigarettes](#)
- [Hookah](#)
- [Marijuana](#)
- [Opiates](#)
- [Stimulants](#)
- [Sedatives](#)
- [Prescription Drug Abuse](#)
- [Heroin](#)
- [Kratom](#)
- [Mixing Drugs](#)



## Collection of Statistics for the Annual Security Report

The UC Davis Police Department is responsible for collecting statistics, identifying reportable crimes, and reporting crimes to the FBI. The Office of Compliance and Policy provides Clery crime statistics to the Department of Education and publishes annual statistics for the public through this report. Under law, these statistics must be reported in the categories specified by each agency. FBI statistics include only crimes occurring on the Davis campus or at UC Davis Health that are reported to police. The Clery Act requires reports from a wider geographic area (e.g., adjacent public property and off-campus student organization property); from a broader scope of “reporters” (e.g., “campus security authorities” having “significant responsibility for student and campus activities,” including deans, athletic coaches, student housing and student judicial staff, and advisors to student organizations); for disciplinary referrals as well as arrests for drug, alcohol, and weapons violations; and for different crimes.

The current statistics for the Annual Security Report have been compiled for the previous calendar year from crime reports received by the UC Davis Police Department; from crime statistics requested and received from other police agencies having jurisdiction over off-campus UC Davis-affiliated, -owned, or -controlled property at other locations (including student organization properties such as fraternity houses); from crime reports received from non-police “campus security authorities,” and from reports received through the confidential reporting process described previously.

The cities of Davis and Sacramento, and Yolo and Solano counties surround the UC Davis and UC Davis Health campuses. Police agencies with jurisdiction over those areas are sent annual written requests for statistics of crimes occurring on University affiliated property. Other law enforcement agencies also receive written requests if they have UC Davis buildings/property in their jurisdictions. UC Davis Police report arrests for liquor, drug, and weapons offenses occurring on the Davis campus, at UC Davis Health, and in campus residential facilities on the Davis campus. The Annual Security Report also includes statistics of arrests made by UC Davis police or other police agencies on public property adjacent to campus or UC Davis Health and at off-campus property owned, controlled by, or affiliated with UC Davis (e.g. sororities and fraternities), as well as disciplinary referrals to Student Housing and Student Judicial Affairs for drug, alcohol, and weapon violations.

The University encourages all crimes to be promptly reported to the UC Davis Police Department, and that non-police campus security authorities receiving reports of crimes forward the information to the UC Davis Police. In general, reports are confidential unless the victim gives permission to document identifying information or for police to investigate. Report instructions include crime definitions and request specific information (date, location, nature of offense). This information is used to compile statistics, while preserving confidentiality, avoiding duplicate or inaccurate statistical reporting, and to assign reports to appropriate Clery and FBI crime classifications. For questions regarding the preparation of the Annual Security Report, call (530) 752-9050.

### Definitions of Reportable Crimes

- Murder and Non-negligent Manslaughter (Criminal Homicide)—the willful (non-negligent) killing of one human being by another.
- Negligent Manslaughter (Criminal Homicide—Manslaughter by Negligence)—the killing of another person through gross negligence.
- Sex Offense: Rape—the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Sex Offense: Fondling—the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapability.
- Sex Offense: Incest—sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Sex Offense: Statutory Rape—sexual intercourse with a person who is under the statutory age of consent.
- Robbery—the taking or attempting to take anything of value from the care, custody, or control of a person by force or threat of force or violence and/or by putting the victim in fear.
- Aggravated Assault—an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means like-



ly to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

- Burglary—the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- Motor Vehicle Theft—the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)
- Arson—any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- Dating Violence—violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence—a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Stalking—engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.
- Weapons: Carrying, Possessing, Etc.—the violation of laws or ordinances prohibiting the manufacture, sale,



purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

- Drug Abuse Violations—the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
- Liquor Law Violations—the violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
- Hate Crime—any crime committed in whole or in part, because one or more of the following actual or perceived characteristics of the victim: disability, gender, gender identity, national origin, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

The following crimes are counted only when they are associated with a Hate Crime:

- ▶ Larceny-Theft (Except Motor Vehicle Theft)—the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- ▶ Simple Assault—an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- ▶ Intimidation—to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- ▶ Destruction/Damage/Vandalism of Property—to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.





## Clery Act Statistics

The following tables show crime statistics for calendar years 2017, 2018, and 2019 and are provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics. These statistics are compiled annually by the University of California, Davis.

For all tables, 'On-Campus Total' values include crimes that occurred in on-campus residential facilities as well as at other on-campus locations.

Criminal Offenses								
Offense	Year	Davis Campus			Health Campus		Non-Campus Buildings	Total
		On-Campus Residential Facility	On-Campus Total	Adjacent Public Property	On-Campus	Adjacent Public Property		
Murder Non-negligent Manslaughter	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Rape	2019	10	11	0	1	0	1	13
	2018	9	13	0	1	0	2	16
	2017	5	6	0	1	0	0	7
Fondling	2019	7	16	0	12	0	3	31
	2018	5	9	0	5	0	0	14
	2017	2	6	0	7	0	0	13
Incest	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Robbery	2019	2	2	0	1	0	0	3
	2018	0	3	0	0	0	6	9
	2017	0	1	0	0	0	0	1

## Criminal Offenses (cont.)

Offense	Year	Davis Campus			Health Campus		Non-Campus Buildings	Total
		On-Campus Residential Facility	On-Campus Total	Adjacent Public Property	On-Campus	Adjacent Public Property		
Aggravated Assault	2019	5	5	0	5	0	0	10
	2018	3	9	0	3	0	0	12
	2017	1	7	0	2	0	1	10
Burglary	2019	13	86	0	3	0	5	94
	2018	14	35	0	3	0	4	42
	2017	11	27	0	5	0	3	35
Motor Vehicle Theft	2019	0	27	0	5	0	2	34
	2018	0	11	0	4	0	2	17
	2017	0	7	0	3	0	2	12
Arson	2019	0	2	0	1	0	1	4
	2018	0	0	0	1	0	0	1
	2017	0	4	0	4	0	0	8

## VAWA Offenses

Offense	Year	Davis Campus			Health Campus		Non-Campus Buildings	Total
		On-Campus Residential Facility	On-Campus Total	Adjacent Public Property	On-Campus	Adjacent Public Property		
Domestic Violence	2019	6	6	0	9	0	4	19
	2018	9	13	0	9	0	2	24
	2017	6	8	0	12	0	2	22
Dating Violence	2019	5	6	0	0	0	0	6
	2018	2	5	0	1	0	0	6
	2017	1	2	0	0	1	0	3
Stalking	2019	5	19	0	2	0	1	22
	2018	6	16	0	2	0	0	18
	2017	5	14	0	1	0	0	15



<b>Arrests and Disciplinary Referrals</b>								
Offense	Year	Davis Campus			Health Campus		Non-Campus Buildings	Total
		On-Campus Residential Facility	On-Campus Total	Adjacent Public Property	On-Campus	Adjacent Public Property		
Weapons Law Arrests	2019	0	2	0	1	0	2	5
	2018	0	3	0	1	0	2	6
	2017	3	5	0	2	1	0	8
Weapons Law Disciplinary Referrals	2019	0	1	0	0	0	0	1
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Drug Abuse Arrests	2019	0	11	0	43	1	5	60
	2018	0	7	0	23	0	3	33
	2017	2	16	1	25	2	0	44
Drug Abuse Disciplinary Referrals	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Liquor Law Arrests	2019	0	0	0	0	0	3	3
	2018	0	3	0	1	0	1	5
	2017	7	21	1	0	0	0	22
Liquor Law Disciplinary Referrals	2019	0	1	0	0	0	0	1
	2018	0	0	0	0	0	0	0
	2017	0	2	0	0	0	0	2

## Hate Crimes

2019

- Four on-campus simple assaults characterized by racial bias were reported on the Davis campus.
- No hate crimes were reported on the UC Davis Health Campus.

2018

- One on-campus destruction/damage/vandalism of property characterized by sexual orientation bias was reported on the Davis campus
- No hate crimes were reported on the UC Davis Health Campus.

2017

- No hate crimes were reported on the Davis campus
- One on-campus destruction/damage/vandalism of property characterized by religious bias was reported on the UC Davis Health campus.

## Unfounded Crimes

2019

No crimes were unfounded at the Davis or the UC Davis Health campus.

2018

No crimes were unfounded at the Davis or the UC Davis Health campus.

2017

No crimes were unfounded at the Davis or the UC Davis Health campus.



## Fire Safety Report

### UC Davis Fire Department

The UC Davis campus is served by the UC Davis Fire Department for emergency response in Fire and Emergency Medical Services, and by Safety Services Fire Prevention Services for state regulated code enforcement and life and property protection on behalf of the California State Fire Marshal.

The mission of the UC Davis Fire Department is to protect and enhance the safety and well-being of our community with pride and excellence. UCDFD presently employs 23 full-time personnel and 15 Student Resident Firefighters. Emergency response is provided from Fire Station 34, the UCDFD Fire/Police Building. The UCDFD crew has an engine, a tiller truck with a 100 foot aerial ladder, and a hazardous materials unit.

### UC Davis Fire Prevention Services

The Fire Prevention Services unit is made up of the Campus Fire Marshal, who has the State of California title of

Lead Designated Campus Fire Marshal (DCFM), two Inspectors with DCFM status, one Hazardous Materials Specialist and a Fire Extinguisher technician. Fire Prevention Services is responsible for ensuring that the Campus Fire Safety Program is carried out in order to comply with all relevant laws and regulations and to maintain a safe environment for our students, faculty, and staff members.

Fire Prevention Services performs periodic fire safety inspections and, upon request, code enforcement inspections at all campus residential facilities. Additionally, Fire Prevention Services conducts annual fire drills and sets fire safety-related policy for some of the campus residential facilities (see below).

### Campus Residential Facilities

Campus residential facilities include residence halls managed by Student Housing and Dining Services, apartments managed by independent third parties, and co-operative housing units managed by the Solar Community Housing Association. The campus residential facilities managed by Student Housing and Dining Services include the Primero



Grove apartments, Solano Park apartments, and 31 separate residence hall buildings in the Segundo, Tercero, and Cuarto areas. Campus residential facilities managed by third parties include The Colleges at La Rue, The Atriums, the La Rue Park Group Living Communities, and Russell Park, managed by Tandem Properties; The Ramble, Solstice, and Viridian apartments located in West Village and managed by Sol at West Village; and 8<sup>th</sup> and Wake apartments, managed by Yolo Property Management. The cooperative housing units managed by the Solar Community Housing Association include The Domes and The Tri Co-Ops.

All campus residential facilities have fire safety policies and provide residents with information about fire safety prior to moving in. The tables in the section, 'Campus Residential Facility Fire Safety Equipment' provide information on the names, locations, and installed fire safety equipment for each campus residential facility. The subsequent sections provide summaries of fire safety-related policies and procedures.

## Fire Safety and Education

### *Student Housing and Dining Services Campus Residential Facilities*

Student Housing delivers fire education training, including training on evacuation procedures, to all Community Assistants and Resident Directors. Additionally, tailored training from Fire Prevention Services is provided upon request to students, staff, and faculty.

Fire Prevention Services conducts semi-annual fire inspections of the common areas of all Student Housing and Dining Services residential facilities as well as fire code enforcement inspections of any Student Housing and Dining Services space upon request.

The Fire Department and Fire Prevention Services, in coordination with Student Housing and Dining Services staff, conduct an annual fire drill at each Student Housing and Dining Services residence hall and at Primero Grove during the Fall Quarter. Residents are aware that a fire drill will take place, but they are not notified in advance of the scheduled date and time of the drill. When the fire alarm is activated, residents are informed that the drill is taking place, and they are required to evacuate the building. The fire drill concludes with a brief presentation on fire safety and evacuation procedures to all assembled residents. In 2019, one fire drill was conducted during Fall Quarter in each of the residential buildings in the Segundo, Tercero,

and Cuarto areas, as well as in the residential buildings in Primero Grove, for a total of 35 fire drills in Student Housing and Dining Services campus residential facilities. Per Fire Code, the Solano Park apartments are not required to hold fire drills.

All Student Housing and Dining Services residential facilities are equipped with fire detection devices and manual pull stations. When manual pull stations are activated, a hall alarm will sound and the UC Davis Fire Department will be notified. Rooms in Emerson Hall are equipped with smoke detectors that sound a local alarm within the affected room; these buildings also have heat detectors that sound an alarm in public areas and notify the fire department. Rooms in the Segundo area, the Tercero area, and Thoreau Hall are equipped with smoke detectors and heat sensitive sprinklers that sound a local alarm and release water within the affected room. Fire Department personnel will respond immediately to all alarms with a full complement of firefighting equipment. It is the responsibility of each student to evacuate the residence hall when an alarm sounds; failure to leave during an alarm will result in disciplinary action.

Each resident needs to be aware of the sensitivity of smoke detectors or fire sprinklers in their rooms and hallways. They can be activated by foreign materials (e.g. water, smoke, aerosol sprays) or sudden shock (e.g. being hit or touched). Devices cannot properly respond to smoke or fire if they are covered, taken down, or have objects hanging from them. As a result, such activity is not permitted.

Tampering with or activating an alarm in a non-emergency situation, or the presence of illegal cooking devices that cause an activation of the system, will result in disciplinary action as well as the assessment of a charge for costs attributed to the false alarm.

Fire safety is taken very seriously in the Student Housing and Dining Services residential facilities and residents are expected to adhere to all regulations. For safety reasons, the UC Davis Fire Department has imposed restrictions on furnishings and some electrical equipment. Hallways and walkways, as well as building entrance and exit areas, need to be clear at all times. No items should be stored in these areas at any time. This includes, but is not limited to, bicycles and trash. It is also prohibited for students to store gasoline or other flammable liquids in any living units. No person may use or store fireworks or firecrackers in residence halls or on campus. Additional policies and restrictions are listed below.



General Fire Safety for Student Housing and Dining Services Residents

- Reporting Fires — Fires in Student Housing and Dining Services facilities can be reported by calling 911 from any landline or cellular phone, or by notifying the Community Assistant in the housing unit.
- In the event of a fire or when a fire alarm has sounded, everyone, including students, their guests, and University employees, must evacuate the building.
- Electrical Safety — Modifications to or changes in electrical wiring are prohibited as are splices, octopuses, or modification devices used to add plugs. Only UL approved, grounded power strips with fuses may be used.
- False Alarm — Residents may not intentionally or recklessly activate an alarm in a non-emergency situation.
- Fire — Causing, attempting to cause, or contributing to the continuation of a fire is prohibited.
- Flammable Liquids — Flammable liquids and other hazardous materials may not be stored or used in Student Housing buildings. This includes, but is not limited to, gasoline and lighter fluid.
- Room Decorations — Large wall hangings such as tapestries and large posters must be treated with flame retardant. Exterior room doors may not be more than 33% covered. Student Housing and Dining Services reserves the right to adjust this percentage and will notify residents if any change is made. Paper or plastic may not be used to cover any light or fixture. Lighting fixtures, including holiday lights, may not be hung on any surface outside rooms or suites including windows or doors.
- Tampering — Tampering with fire suppression equipment, including but not limited to fire extinguishers, smoke detectors, fire alarm pull stations, automatic door closers, and sprinklers, is prohibited. Tampering includes covering smoke detectors, hanging items from sprinklers or sprinkler pipes, or otherwise disabling fire suppression equipment.
- If they have not already responded to the fire, the UC Davis Fire Department, at (530) 752-1236, should be notified whenever a fire has occurred at any campus residential facility, including campus residential facilities managed by Student Housing and Dining Services. The Fire Department will notify the Campus Fire Marshal, James Patterson, or one his deputies. At the Fire Marshal's discretion, the campus Safety Services Office may be notified as well.

*The Colleges at La Rue, The Atriums, La Rue Park Group Living Communities, and Russell Park*

Fire Prevention Services conducts semi-annual fire inspections of the common areas of The Colleges at La Rue, The Atriums, the La Rue Park Group Living Communities, and Russell Park. Fire Prevention Services also conducts semi-annual inspections of each apartment in the La Rue Park Group Living Communities as well as fire code enforcement inspections in any area upon request. In 2019, no fire drills were held in The Colleges at La Rue, The Atriums, the La Rue Park Group Living Communities, or Russell Park. Per Fire Code, these campus residential facilities are not required to hold fire drills. Fire Prevention Services conducted a fire safety orientation presentation, which included evacuation procedures, for the residents of the La Rue Park Group Living Communities on May 8, 2019.

Dwellings are equipped with fire sprinklers and there are manual pull stations located throughout the community and in the common buildings. Fire sprinklers are heat sensitive and, when activated, will release water within the affected room. When any pull station is activated or any sprinkler is activated, an alarm will sound and the fire department will be notified and will respond immediately. If any fire alarm or siren sounds for any reason in any building, all occupants must evacuate the building immediately.

Tampering with or activating an alarm in a non-emergency situation may result in disciplinary actions by the Office of Student Support and Judicial Affairs, as well as the assessment of a charge for costs attributed to the false alarm. Fire extinguishers are located on the exterior of each building, which are to be used in the event a minor fire occurs. For safety, fireworks, firecrackers and flammable or combustible liquids are not permitted to be stored in any apartment, with the exception of barbecue starter fluid, which may be stored in one-pint metal cans, and may be stored within each apartment.

Smoke detectors have been provided to each unit, as required by law. All detectors are tested prior to move-in and are deemed to be in operable condition. For safety reasons, residents are required to check all detectors on a weekly basis to ensure they are functioning properly. If any are beeping regularly or are not working when the test button is pressed, it may be a sign that the detector needs a new battery. It is the resident's responsibility to ensure that the battery is in operable condition at all times and to replace the battery as needed (unless otherwise provided by law). Free batteries are available at the Leasing Center upon re-

quest. Residents should not remove, disable, or disconnect any detectors at any time. If any smoke alarm sounds for no apparent reason during, before or after office hours, please contact the office and management will resolve the problem as soon as possible.

Fire extinguishers are provided for resident use in the event of a minor fire and are usually located by all unit entries, stairwells, or on building exteriors. Management will service fire extinguishers monthly in accordance with law. Except for use in an emergency, fire extinguishers should not be removed from their boxes.

General Fire Safety for residents of The Colleges at La Rue, The Atriums, La Rue Park Group Living Communities, and Russell Park

- To be in compliance with the fire code, nothing may be placed on, stored, or locked to any balcony, landing, stairs, or under stair area. This includes chairs, BBQ grills, furniture of any type, flowerpots, bicycles or any other item. Bicycles may not be locked to any

railing. All bicycles are to be locked to designated bicycle racks.

- If you leave your unit, make sure to ensure that all appliances have been turned off. Limit the use of extension cords, and never run them under rugs or across walkways.
- If applicable, personal items may not be stored inside of water heater closets, as doing so can create a fire hazard.
- In case of a fire in the unit or a suspected fire in a neighboring unit, please call 911 and inform management right away.
- If they have not already responded to the fire, the UC Davis Fire Department, at (530) 752-1236, should be notified whenever a fire has occurred at any campus residential facility, including the campus residential facilities managed by Tandem Properties. The Fire Department will notify the Campus Fire Marshal, James Patterson, or one his deputies. At the Fire Mar-





shal's discretion, the campus Safety Services Office may be notified as well.

### **8th and Wake**

UC Davis Fire Prevention Services conducts semi-annual fire inspections of the common areas of 8th and Wake apartments and fire code enforcement inspections in any space upon request. In 2019, no fire drills were held at 8<sup>th</sup> and Wake. Per Fire Code, these facilities are not required to hold fire drills.

8<sup>th</sup> and Wake apartments are equipped with functioning smoke and carbon monoxide detection device(s), and residents shall perform the manufacturer's recommended test at least once a week to determine if the smoke detector(s) is/are operating properly. If the detection device(s) are battery operated, the resident is responsible for ensuring the battery is in operating condition at all times; replacing the battery as needed (unless otherwise provided by law); and informing the Landlord immediately if the detection device (s) do not work after replacing the batteries. Residents shall inform Yolo Property Management staff immediately in writing of any defect, malfunction or failure of any detec-

tors. In accordance with California law, Yolo Property Management staff shall have a right to enter the premises to check and maintain the smoke detection device(s). Keep in mind that a fire is not the only source of danger your alarms can detect. Please go to the Maintenance Information page on the [Yolo Property Management website](#) to learn more about the detectors' alert beep patterns and how to silence nuisance alarms.

UC Davis Fire Prevention Services conducts semi-annual fire inspections of the common areas of 8th and Wake apartments and fire code enforcement inspections in any space upon request. In 2019, no fire drills were held at 8<sup>th</sup> and Wake. Per Fire Code, these facilities are not required to hold fire drills.

### General Fire Safety for 8<sup>th</sup> and Wake Residents

- Baking soda can put out small grease fires. Please keep some in your kitchen.
- Never leave what you are cooking unattended and never leave the unit while the stovetop or oven is on.
- Cooking can sometimes create smoke that triggers smoke detectors. In this case, fanning the alarm with a





towel helps clear the air. If there is in fact a fire, please call 911 immediately.

- Clean your oven and stove top periodically. Otherwise, grease and oil accumulate, creating a flash fire hazard.
- If a pan is on fire, smother the flames with a metal lid, NOT glass (glass lids may shatter). Or use baking soda to put out a grease fire. Never use water to put out a grease fire.
- If you have a fire in your microwave oven, turn it off immediately. This will stop the fan so it won't feed oxygen to the flames. Then simply wait until the fire suffocates. Do not open the door unless you are sure the fire is out.
- Residents shall refrain from using or storing gasoline, cleaning solvent or other combustibles in the unit.
- Residents shall refrain from storing any items in the water heater closets due to the potential fire hazard.
- In case of fire:
  - Notify all roommates to leave
  - Use on site fire extinguishers (located outside of unit in hallway) if you feel safe enough to do so.
  - Use the pull down alarms (located outside of unit in hallway)
  - Exit the building
  - Call 911 first
  - Then, call the leasing office if during business hours. If it is after hours, call the after-hours emergency phone at (530) 312-3105.
- If you smell gas:
  - Notify all roommates to leave.
  - Exit the building.
  - Call 911
  - Call Pacific Gas and Electric at (800) 743-5000.
  - Then, call the leasing office if during business hours. If it is after hours, call the after-hours emergency phone at (530) 312-3105.
- If they have not already responded to the fire, the UC Davis Fire Department, at (530) 752-1236, should be notified whenever a fire has occurred at any campus residential facility, including the 8<sup>th</sup> and Wake apartments. The Fire Department will notify the Campus Fire Marshal, James Patterson, or one his deputies. At the Fire Marshal's discretion, the campus Safety Services Office may be notified as well.

## West Village

Fire Prevention Services conducts annual fire inspections of the common areas of the West Village facilities as well as code enforcement inspections of any West Village space upon request. In 2019, no fire drills were held in any West Village facility. Per Fire Code, West Village is not required to conduct fire drills.

Residents should inspect and test equipped smoke detectors on the date of initial occupancy. It is the resident's duty to test the smoke detector(s) regularly and to notify Sol at West Village immediately in writing of any problem, defect, malfunction or failure of the smoke detector(s). Residents should not disconnect or intentionally damage a smoke detector or remove the battery without immediately replacing it with a working one. The resident is responsible for reimbursing Sol at West Village, upon request, for the cost of a new smoke detector and the installation thereof in the event of the existing smoke detector(s) becoming damaged by the resident or the resident's guests or invitees. Resident and resident's guest(s) must not tamper with, interfere with, or damage any alarm equipment and/or installation. Sol at West Village management maintains the right to enter the units at the Community to test smoke detectors, as allowed by law.

## General Fire Safety for West Village Residents

- In the event of a life threatening emergency, first report the incident to first responders by calling 911.
- In the event residents are given procedures for fire alarms, resident and resident's guests are required to adhere to all procedures.
- No flammable or combustible objects/substances are to be stored in your apartment or on patios, balconies, under stairwells, or in your garage or storage space. Resident is asked to consider fire safety regulations when decorating.
- Resident shall not obstruct or use the driveways, sidewalks, entry passages, stairs, breezeways, courtyards, or halls for any purpose other than ingress or egress.
- Do not store flammable or combustible objects within 30 inches of your water heater or furnace.
- In the event the community has a fire sprinkler system, resident acknowledges and agrees that it is important to be careful near fire sprinkler heads so as not to falsely trigger or activate them. If resident triggers or activates the fire sprinkler system without the danger of fire being present, resident will be responsible for all damages caused by the activation.

- Anyone found to falsely pull a fire alarm or discharge a fire extinguisher will be subject to criminal charges, a fine, and/or a default of the lease contract.
- The use or storage of barbecue grills on patios, balconies, walkways, breezeways, etc. is prohibited.
- An extension cord must be UL approved, 16 gauges, and not exceed a un-spliced length of six feet with a polarized plug and a single outlet; it may not be placed under floor coverings or furnishings and may not be secured by penetrating the insulation.
- If they have not already responded to the fire, the UC Davis Fire Department, at (530) 752-1236, should be notified whenever a fire has occurred at any campus residential facility, including West Village. The Fire Department will notify the Campus Fire Marshal, James Patterson, or one his deputies. At the Fire Marshal's discretion, the campus Safety Services Office may be notified as well.

### *The Domes and Tri Co-Ops*

Fire Prevention Services conducts semi-annual fire inspections of the common areas of The Domes and the Tri Co-Ops as well as code enforcement inspections of any area in The Domes and the Tri Co-Ops upon request. In 2019, one fire drill was conducted by the UCD Fire Department at each of the three Tri Co-Op residential buildings. Each fire drill concluded with a brief presentation on fire safety and evacuation procedures to all assembled residents. Per Fire Code, The Domes are not required to conduct fire drills.

Fire safety in each House and Dome is very important. The University, the Solar Community Housing Association, and Solar Community Housing Association contractors regularly inspect the working order of fire suppression equipment, fire extinguishers, and smoke detectors, to ensure that there are not any fire hazards or egress problems.

Smoke detectors are provided in each residential building of The Domes and the Tri Co-Ops. Under no circumstances may a resident deactivate the ceiling smoke detector, since this may cause the system to malfunction and could jeopardize other residents. Disabling the smoke detector will be recognized by the fire panel and cause the Fire Department to be called out. Damages caused by tampering with fire equipment are billed to the resident. Disregard of this policy can result in a referral to the Office of Student Support and Judicial Affairs. Residents should be aware that smoke, steam, carbon dioxide, or physical shock may activate smoke detectors.

### General Fire Safety for Resident of The Domes and the Tri Co-Ops

- If a situation, such as a fire, presents an emergency, residents should call 911.
- Residents who notice a dangerous condition in The Domes or Tri Co-Ops should contact Solar Community Housing Association staff or Maintenance Committee as soon as practicable. If the situation presents an immediate risk, and SCHA Staff cannot be reached, residents can call the UCD Operations and Maintenance desk at (530) 752-1655. Fire safety concerns can also be directed to Fire Dispatch at (530) 752-1236. Both of these lines are answered 24 hours a day, every day of the year. This service will be paid for by SCHA.
- To maintain the ability to exit a building directly and safely in case of an emergency, do not place or store items (boxes, coat racks, furniture, etc.), or store or lock bikes, in any hallway or by any door that will slow or impede one's ability to enter or exit a room. Note: for accessibility, these egress rules also apply to primary pathways and ramps in each Solar Community Housing Association campus residential facility.
- Exit doors must be unobstructed at all times and reasonable passage must be possible for entering and exiting in case of emergency. Reasonable passage is defined as a width of 24 or more inches.
- Combustible Liquids - Flammable or combustible liquids are not permitted to be stored inside of Houses/Domes. Residents must use the combustible liquids lockers located in Herb Hall (at The Domes) and behind the Davis Student Co-op (at the Tri Co-ops). If either locker is full and has items that need to be disposed of, residents should contact Solar Community Housing Association Staff so that proper disposal can be arranged.
- Electrical cover plates are not to be removed.
- Maintain a three-foot clearance around all firefighting equipment and electrical panels.
- Do not hang any items on fire extinguishers, fire sprinklers or fire suppression systems, nor on pipes, furnace ducts, hot water heater or electrical conduit.
- Extensions cords can be used for temporary use only, and cannot be used in series (connected to one-another); surge protectors should be used for long term extension of electrical units to electrical outlets.
- Splicing of electrical cords is not permitted.
- Residents may not extend electrical power outside the house by extension cord or any other means.

- If they have not already responded to the fire, the UC Davis Fire Department, at (530) 752-1236, should be notified whenever a fire has occurred at any campus residential facility, including The Domes and the Tri Co-Ops. The Fire Department will notify the Campus Fire Marshal, James Patterson, or one his deputies. At the Fire Marshal's discretion, the campus Safety Services Office may be notified as well.

## Fire Safety Policies

### *Use of Electrical Appliances*

#### Student Housing and Dining Services Campus Residential Facilities

- All appliances must be in good working order and used responsibly, approved for use by Underwriters' Laboratory (UL), and free of wiring defects. Food may only be prepared in community or apartment kitchens. (Microwaved food is excluded.) Appliances/food preparation items, including cooking knives, that may be stored but not used in rooms include, but are not limited to, toasters, toaster ovens, crock pots, hot air popcorn poppers, hot plates, waffle irons, rice cookers, broilers, and any devices with an open heating element.
- Barbecues may not be used on balconies, under trees, in courtyards, breezeways, or around swimming pools. They must be at least 25 feet away from any building or overhang, and this distance must be increased if smoke is travelling toward one of these areas. Lighter fluid, propane, and other flammable gases or liquids may not be stored in residence hall rooms.
- Only one refrigerator (maximum storage capacity of 4.5 cubic feet with a maximum height of 35 inches) and one microwave (maximum wattage of 800 watts) or one microfridge, is allowed in any single, double or triple room. In suites, each living room and bedroom can have one refrigerator and one microwave.
- Only one coffee maker may be in use at a time in a residence hall room.
- Portable heaters are prohibited.
- Torchiere halogen lamps are prohibited.
- Power tools may not be used in residence hall rooms or areas.
- Cooking/warming appliances may not be used in residence hall rooms with the exception of coffee pots, oil popcorn poppers [no hot air popcorn

poppers], and microwaves. Kitchens located in Primero Grove should be used properly and maintained by the residents. Appliances in rooms often activate the sensitive fire alarm system; small appliances and hot air popcorn poppers may be used in community kitchens.

#### The Colleges at La Rue, The Atriums, La Rue Park Group Living Communities, and Russell Park

For residents of the La Rue Park Group Living Communities: At no time may toaster ovens, hot plates or rice cookers be used or stored in the bedrooms. Any non-permitted item will be confiscated. No alterations should be made to provided appliances. No additional appliances should be





installed in the kitchen with the exception of a microwave placed securely.

### 8<sup>th</sup> and Wake

- Residents shall not move or remove any large appliances provided by Landlord without prior written consent of the Landlord. Resident shall not install or operate any additional refrigerators, freezers, washing machines or dryers, portable dishwashers, generators or other large appliances not provided by the Landlord, without prior written consent of the Landlord.
- Residents may operate a generator in emergency situations, provided that (1) all manufacturer safety procedures are followed, including operating the generator in an outside space and (2) the generator does not create a nuisance (noise or other) for other Residents.
- Resident shall ensure that all appliances, with exception of the refrigerator, are turned off before departing the premises. Resident shall not at any time turn off or disconnect power to the refrigerator.

### The Domes and Tri Co-Ops

It is strongly recommended that residents do not use portable electric heaters. If not used correctly, portable heaters

can be very dangerous. All portable electric heaters in use must be in good repair, be UL approved, and have tip-over protection. Heaters may not exceed 1200 watts.

### West Village

West Village does not have any fire safety policies specifically addressing the use of electrical appliances.

### Smoking

#### Student Housing and Dining Services Campus Residential Facilities

Smoking and tobacco use are prohibited on University owned or leased property, including all Student Housing and Dining Services residential buildings and dining facilities. Smoking is defined as inhaling, exhaling, burning, or carrying a lighted or heated product such as tobacco, marijuana, other smokeable substances, or smoking instruments that emit smoke. Tobacco use includes but not limited to cigarettes, cigars, shisha, pipes, water pipes (hookah), all forms of electronic smoking devices, and all forms of smokeless tobacco. See [Policy and Procedure Manual Section 290-10, Smoke and Tobacco Free Campus](#).



### The Colleges at La Rue, The Atriums, the La Rue Park Living Group Communities, and Russell Park

Smoking of any substance, including marijuana, is prohibited on the entire property, including inside of all individual units and all common buildings and facilities, as well as all adjoining grounds and common areas, including, but not limited to the following areas, if provided: pool areas, grassy areas, flowerbeds, courtyards, parking lots, pathways, balconies, porches, stairwells, etc. “Smoking” means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, e-cigarette, pipe, or other burning, smoldering or lighted product, in any manner or in any form. See [Policy and Procedure Manual Section 290-10, Smoke and Tobacco Free Campus](#).

#### 8<sup>th</sup> and Wake

Smoking of tobacco and marijuana products is prohibited everywhere on the premises, including in individual units and interior and exterior common areas. Smoking includes the use of e-cigarettes or vaping, and the term “smoke” includes vapor. Resident shall inform their guest(s) of this Smoking Prohibition. Resident shall promptly notify Yolo Property Management in writing of any incident where tobacco or marijuana smoke is migrating into Resident’s unit from sources outside of Resident’s unit. Yolo Property Management follows the UC Davis Smoke and Tobacco Free Policy found in the [Policy and Procedure Manual Section 290-10, Smoke and Tobacco Free Campus](#).

#### West Village

In accordance with campus policy, smoking and tobacco use are prohibited on University owned or leased property, including all West Village residential buildings. Smoking is defined as inhaling, exhaling, burning, or carrying a lighted or heated product such as tobacco, marijuana, other smokeable substances, or smoking instruments that emit smoke. Tobacco use includes but not limited to cigarettes, cigars, shisha, pipes, water pipes (hookah), all forms of electronic smoking devices, and all forms of smokeless tobacco. See [Policy and Procedure Manual Section 290-10, Smoke and Tobacco Free Campus](#).

#### The Domes and Tri Co-Ops

In accordance with campus policy, smoking and tobacco use are prohibited on University owned or leased property, including all residential buildings managed by the Solar Community Housing Association. Smoking is defined as inhaling, exhaling, burning, or carrying a lighted or heated product such as tobacco, marijuana, other smokeable substances, or smoking instruments that emit smoke. Tobacco use includes but not limited to cigarettes, cigars, shisha,

pipes, water pipes (hookah), all forms of electronic smoking devices, and all forms of smokeless tobacco. See [Policy and Procedure Manual Section 290-10, Smoke and Tobacco Free Campus](#).

#### *Open Flames*

#### Student Housing and Dining Services Campus Residential Facilities

- Candles, incense, and items that produce an open flame are prohibited in Student Housing and Dining Services buildings, regardless of the reason for use.
- Candles may be used in very limited capacities (e.g. a Unity candle at a wedding) at other campus facilities only after obtaining a Candle/Open Flame Permit from the UC Davis Fire Prevention office.
- Fireworks and firecrackers are prohibited on campus, including in residence halls.
- Unauthorized use of a Student Housing fireplace is prohibited.

#### The Colleges at La Rue, The Atriums, and Russell Park

Candles may not be burned within your unit or anywhere else on the premises. The only exception to this is candles for birthday cakes. The use of candles for religious ceremonies or other special circumstances is subject to approval of the Fire Marshal. Approval will be considered on a case-by-case basis.

For residents of the La Rue Park Living Group Communities: Barbecues may not be used on any upstairs landing or stair area. Barbecues may only be used on the ground floor and must be used a minimum of twenty-five (25) feet from any building, structure or walkway. Disposal of ashes must be done in the garbage area once the coals/ashes are thoroughly cooled. Lighter fluid and supplies must be stored inside the dwelling unit in a fire safe cabinet.

#### 8<sup>th</sup> and Wake

Charcoal/gas grills or any other open flame cooking devices are not allowed – not even for storage. Please use the provided community barbecue grills.

#### West Village

Items which require an open flame to operate or which produce heat (e.g., Bunsen burners, Sterno/canned heat, lighted candles, alcohol burners, heating elements, irons, curling irons, halogen bulbs) must be supervised by resident at all times during use and can never be left on unattended.

Sol at West Village provides community grill areas for resident use. The following rules apply:

- Facilities are for use by residents and their guests only.
- Residents' use of facilities is at their own risk.
- Barbecue grill instructions may be posted at each location or attainable from management. Please contact the management office before attempting to use these grills.
- Please comply with all safety precautions. For the safety of all, no glass of any kind is allowed.
- Keep pets and children away from open flames.
- Use the equipment only in the manner intended by the manufacturer.
- Handle equipment with care. Do not remove or damage equipment and supplies.
- Reservations are not offered.
- The community may require a deposit or charge to use the facility. See Sol at West Village management for further details.
- In the event your community grill uses a propane tank, it cannot be stored in your apartment, garage, storage unit, or patio/balcony. When transporting propane tanks, keep the container in a secure, upright position. Never keep a filled container in a hot car or car trunk. Heat will cause the gas pressure to increase, which may open the relief valve and allow gas to escape.
- The resident will be responsible for the entire amount of all damages caused by their use of the facility, including all cleaning and repair costs.
- No fighting, dangerous conduct, or noise which disturbs others is allowed
- Do not leave personal items in this area. Owner is not responsible for any lost, stolen, or damaged items.
- Never leave a fire unattended. Do not leave until the fire is completely out.
- Keep flammable materials away from the fire, including potholders, oven mitts, wooden utensils, paper or plastic bags, food packaging, towels, etc.
- Roll up any loose-fitting or long sleeves.
- Clean the facility after use.
- If a fire on a grill seems out of control, turn off the burners.
- If a fire on a grill involves a propane tank and you can safely reach the tank valve, shut the tank valve off.
- In case of an emergency, call 911.
- Unless otherwise posted, these facilities are available for your use between the hours of 8:00 a.m. and 10:00 p.m.
- Residents are limited to 2 guests per apartment to any common area, and resident must accompany each guest(s).

### The Domes and Tri Co-Ops

Due to fire hazard, residents of The Domes and Tri Co-Ops are not permitted to have anything that produces an open flame, including candles, in or around any residential building. For fire permits at The Domes, a fire permit must be obtained 72 hours in advance. The online permit can be accessed and submitted via the [UC Davis Safety Services website](#).

Fireworks, explosives, and flammable materials are not permitted.

### **Fire Evacuation Procedures**

#### *Student Housing and Dining Services Residential Facilities*

In the event of an emergency, students should remember RACE:

- Remove yourself and all persons in immediate danger to safety.
- Activate manual pull station and call (or have someone else call) 911 from any phone.
- Close doors to prevent the spread of smoke and fire, grabbing only your keys.
- Extinguish the fire, only if it is smaller than a trash can.

Everyone, including students, their guests, and University employees, must evacuate the building in the event of a fire or when a fire alarm has sounded.

#### *The Colleges at La Rue, The Atriums, Russell Park, and the La Rue Park Living Communities*

If any fire alarm or siren sounds for any reason in any building, all occupants must evacuate the building immediately to their designated evacuation location.

The evacuation location for residents of The Atriums is the sand volleyball court to the southwest (away from Russell Boulevard) of the apartment complex. This is the same evacuation location for the La Rue Park Group Living Communities.

The evacuation location for residents of the La Rue Park Group Living Communities is the sand volleyball court to the northwest (toward Russell Boulevard) of the apartment complex. This is the same evacuation location for The Atriums.

For residents of Russell Park, the evacuation locations are as follows:



- Buildings 400 to 413: Russell Park bicycle path
- Buildings 414 to 425: The storage units to the South (toward Orchard Drive) of the apartment complex.

For residents of The Colleges at La Rue, evacuation locations are as follows:

- Buildings 138, 140, 152, and 166: The grassy area to the south of the Colleges (toward the football stadium), between Outdoor Adventures/Rec Pool Lodge and the Rec Pool.
- Buildings 164, 176, 178, 180, 192, 194, and 196: The parking lot to the North (toward Student Health and Counseling Services), between The Colleges and the first row of light posts.
- Buildings 142, 144, 146, 148, 154, 156, 160, 158, and 172: The parking lot to the South (toward the football stadium) between the Hutchison Child Development Center and UCD Parking Lot 30
- Buildings 168, 170, 182, 184, 186, and 188: The parking lot to the North (toward the greenhouses).

### *8<sup>th</sup> and Wake*

When evacuation is determined necessary by the manager or local authorities, Yolo Property Management employees will evacuate the building or portions thereof, in accordance with the scope of safety. All building occupants should evacuate as directed. Evacuation of physically challenged personnel will be given the highest priority in all emergencies. They will be evacuated by the most expeditious and safe means available. When evacuating, employees and visitors should walk, remain quiet, use handrails and follow all other emergency instructions. Upon exiting the building, residents will proceed to their predetermined assembly areas or as otherwise instructed. The primary assembly area for 8<sup>th</sup> and Wake residents is Oxford Circle Park at 505 Oxford Circle. If Oxford Circle Park is impacted by the emergency, all residents will be evacuated to the Trader Joe's parking lot within the University Mall shopping center at 825 Russell Blvd.

After evacuation is completed staff will proceed to the assembly area and begin a Rent Roll check and report status to the Manager and local authorities if there are any concerns. The Rent Roll check will assist in determining if an-



yone has been left in the building. Staff will prevent entrance into the building until after the emergency is over by instructing all persons at the assembly area to remain until an "all clear" signal has been issued.

As part of their emergency checklist, Yolo Property Management staff will make certain that notification of the emergency has been communicated, including notice to Yackzan Group, 8<sup>th</sup> and Wake Student Housing, Fire or Police Departments, Maintenance, answering service, etc.; exitways are clear at all times and properly signed or marked, and that emergency lighting will be sufficient any time the building is occupied; everyone leaves the building

and is accounted for; and all valuables are secured and that doors are closed. In case of building abandonment, all outside doors should be locked.

Upon discovering a fire (or smoke), Yolo Property Management staff will remove anyone in immediate danger and confine the fire by closing door(s), sound alarm by using the “pull-station,” and attempt to extinguish the fire only if it is small and only if safe to do so. If the fire cannot be immediately extinguished, Yolo Property Management staff will commence evacuation procedures for all areas of the building affected by smoke and fire and notify the Site Emergency Coordinator of action. Staff will notify the Fire Department by dialing 911 and give the following information: name of the community, street and address number, building number (if applicable), unit number, etc., what is burning (electrical, trash, kitchen, etc.) and other information may be needed. Staff will make sure that, once all apartments on a floor are evacuated, main hallway and fire doors are closed to prevent further spread of fire.

### *West Village*

The following evacuation guidelines have been developed by management to help residents in the evacuation of their apartments in the event of fire or smoke:

- If there is fire or smoke in your apartment, go to the nearest exit by crawling close to the floor, where there is less smoke. Do this even if you can tolerate the smoke by standing up.
- Check the doorknob and entire door to see if either is hot. If both are cool to the touch, open the door slowly and look in to the hallway/walkway or stairs. If it is clear, leave your apartment and close the door.
- Call the fire department or 911. Be sure to give the exact location of the fire (community name, address, building number, and floor and apartment number.)
- Warn neighboring residents. Yell “Fire” and knock on neighboring doors.

If you are alerted to a fire by smoke from the hallway or an outside alarm, follow these guidelines:

- Determine if it is safe to leave your apartment. Check the doorknob and entire door to see if either is hot. If neither is hot, open the door slowly and check the hallway/walkway or stairs. If all is clear of fire and smoke, leave your apartment and close the door behind you.
- Stay in the apartment if the door or doorknob is hot or the hall/walkway or stairs are filled with smoke.
- Call 911 for help.
- Hang a sheet out of the window to signal to fire fighters that help is needed.
- Do not try to use the sheet to climb down the building.

- Do not jump from windows or balconies. Needless injuries and fatalities have been caused in emergencies when people have panicked and jumped.
- Stuff wet towels in the cracks around the door to keep smoke out. Use a bucket of water to splash water on the door and/or walls if they become hot.
- A wet towel tied around your nose and mouth will help filter smoke.
- Remove drapes or other combustible materials near the hot area.
- Never go back into the apartment until the fire department or community management team indicates it is safe to do so.

### *The Domes and Tri Co-Ops*

Everyone, including residents, their guests, and any Solar Community Housing Association staff present, must evacuate the building in the event of a fire or when a fire alarm has sounded. The fire evacuation location for residents of The Domes is the gravel parking lot to the east (toward the ARC) of The Domes, on the far side of Orchard Park Dr. The fire evacuation location for the residents of the Tri Co-Ops is the Tri Co-Op information kiosk on the north side (toward Regan Main) of the bicycle circle between the Tri Co-Op buildings.

### **Future Improvements**

The ongoing Emerson Hall redevelopment project will continue through the 2020-21 school year. Emerson Hall will be replaced by three separate campus residential buildings managed by Student Housing and Dining Services. The new buildings are expected to open in Fall 2021 and will incorporate updated fire safety features consistent with existing fire codes.

Fire safety improvements are not planned at the other campus residential facilities in the near future.

## Fire Statistics

Statistics regarding fires in campus residential facilities for 2017, 2018, and 2019 are provided below. A current list of fires that have occurred in campus residential facilities is available at the Safety Services [website](#). A hard copy is maintained in the reception office of Safety Services, 276 Hoagland Hall, and is available from 8:00 a.m.-5:00 p.m., Monday-Friday.

Residential Facilities	Date	Time	Classification	Cause	Injuries that Required Treatment at Medical Facility	Deaths Related to Fire	Value of Property Damage	Incident Number
Temporary Building 15	5/28/19	10:47	Cooking	Unintentional	0	0	\$0	19-12329
Bixby Hall	10/14/18	23:20	Cooking Fire	Unintentional	0	0	\$0	18-0022771
West Village Building A	5/22/18	16:42	Cigarette Fire	Undetermined	0	0	\$0	18-522127
Regan Hall 2nd Floor	10/23/17	23:42	Electrical Fire	Unintentional	0	0	\$0	17-1023176
8th and Wake North	8/25/17	8:00	Cooking Fire	Unintentional	0	0	\$80K	17-2965





### Campus Residential Facility Fire Safety Equipment

The tables below show the names, locations, and installed fire safety equipment for each of the residential facilities on the Davis campus. There are no residential facilities on the UC Davis Health campus.

#### *Campus Residential Facilities Managed by Student Housing and Dining Services*

Primero Grove Apartments	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
Laurel; 506 Primero Grove Cr.	X		X		X	X	X	X
Magnolia; 512 Primero Grove Cr.	X		X		X	X	X	X
Manzanita; 518 Primero Grove Cr.	X		X		X	X	X	X
Spruce; 500 Primero Grove Cr.	X		X		X	X	X	X

Cuarto Residence Halls	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
Emerson Hall; 565 Oxford Cr.			X		X	X		X
Thoreau Hall; 533 Oxford Cr.	X		X		X	X	X	X

Segundo Residence Halls	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
Alder; 1081 La Rue Rd.	X		X		X	X	X	X
Bixby; 1019 La Rue Rd.	X		X		X	X	X	X
Campo; 605 Regan Hall Bkwy.	X		X		X	X	X	
Gilmore; 1029 La Rue Rd.	X		X		X	X	X	X
Indio; 505 Regan Hall Cr.	X		X		X	X	X	
Malcolm; 1059 La Rue Rd.	X		X		X	X	X	X
Miller; 1079 La Rue Rd.	X		X		X	X	X	X
Nova; 555 Beckett Hall Cr.	X		X		X	X	X	
Paloma; 515 Beckett Hall Cr.	X		X		X	X	X	
Rienda; 575 Beckett Hall Cr.	X		X		X	X	X	
Ryerson; 1063 La Rue Rd.	X		X		X	X	X	X
Sereno; 525 Regan Hall Cr.	X		X		X	X	X	
Talara; 535 Beckett Hall Cr.	X		X		X	X	X	
Thompson; 1087 La Rue Rd.	X		X		X	X	X	X

## Campus Residential Facilities Managed by Student Housing and Dining Services (cont.)

Tercero Residence Halls	Fire Sprinkler		Fire Alarm System				Fire Separations		
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor	Room
Campbell; 434 Dairy Rd.	X		X	X	X	X	X	X	X
Cottonwood; 337 Bioletti Way	X		X	X	X	X	X	X	X
Currant; 584 Tercero Hall Dr.	X		X	X	X	X	X	X	X
Hawthorne; 664 Tercero Hall Dr.	X		X	X	X	X	X	X	X
Kearney; 352 Dairy Rd.	X		X		X	X	X	X	X
Laben; 376 Dairy Rd.			X		X	X	X		
Live Oak; 622 Tercero Hall Dr.	X		X	X	X	X	X	X	X
Madrone; 375 Bioletti Way	X		X	X	X	X	X	X	X
Mahogany; 686 Tercero Hall Dr.	X		X	X	X	X	X	X	X
Pine; 568 Tercero Dall Dr.	X		X	X	X	X	X	X	X
Potter; 468 Dairy Rd.	X		X	X	X	X	X	X	X
Redwood; 363 Bioletti Way	X		X	X	X	X	X	X	X
Scrub Oak; 598 Tercero Hall Dr.	X		X	X	X	X	X	X	X
Sequoia; 648 Tercero Hall Dr.	X		X	X	X	X	X	X	X
Wall; 637 La Rue Rd.	X		X	X	X	X	X	X	X

Solano Park Apartments	Fire Sprinkler		Fire Alarm System				Fire Separations		
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor	Room
Solano Park Apts #1100; 1100 Solano Park Cr.			X		X	X	X		
Solano Park Apts #1200; 1200 Solano Park Cr.			X		X	X	X		
Solano Park Apts #1300; 1300 Solano Park Cr.			X		X	X	X		
Solano Park Apts #1400; 1400 Solano Park Cr.			X		X	X	X		
Solano Park Apts #1500; 1500 Solano Park Cr.			X		X	X	X		
Solano Park Apts #1600; 1600 Solano Park Cr.			X	X	X	X	X		
Solano Park Apts #1700; 1700 Solano Park Cr.			X		X	X	X		
Solano Park Apts #1800; 1800 Solano Park Cr.			X		X	X	X		
Solano Park Apts #1900; 1900 Solano Park Cr.			X		X	X	X		
Solano Park Apts #2000; 2000 Solano Park Cr.			X		X	X	X		
Solano Park Apts #2100; 2100 Solano Park Cr.			X	X	X	X	X		
Solano Park Apts #2200; 2200 Solano Park Cr.			X		X	X	X		

*Campus Residential Facilities Managed by Student Housing and Dining Services (cont.)*

Solano Park Apartments (cont.) Residential Facility	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor	Room
Solano Park Apts #2300; 2300 Solano Park Cr.			X		X	X		
Solano Park Apts #2400; 2400 Solano Park Cr.			X		X	X		
Solano Park Apts #2500; 2500 Solano Park Cr.			X		X	X		
Solano Park Apts #2600; 2600 Solano Park Cr.		X	X		X	X		
Solano Park Apts #2700; 2700 Solano Park Cr.			X		X	X		
Solano Park Apts #2800; 2800 Solano Park Cr.			X		X	X		
Solano Park Apts #2900; 2900 Solano Park Cr.			X		X	X		
Solano Park Apts #3000; 3000 Solano Park Cr.			X		X	X		
Solano Park Apts #3100; 3100 Solano Park Cr.		X	X		X	X		
Solano Park Apts #3200; 3200 Solano Park Cr.			X		X	X		
Solano Park Apts #3300; 3300 Solano Park Cr.			X		X	X		
Solano Park Apts #3400; 3400 Solano Park Cr.			X		X	X		
Solano Park Apts #3500; 3500 Solano Park Cr.			X		X	X		
Solano Park Apts #3600; 3600 Solano Park Cr.		X	X		X	X		
Solano Park Apts #3700; 3700 Solano Park Cr.			X		X	X		
Solano Park Apts #3800; 3800 Solano Park Cr.			X		X	X		
Solano Park Apts #3900; 3900 Solano Park Cr.			X		X	X		
Solano Park Apts #4000; 4000 Solano Park Cr.		X	X		X	X		
Solano Park Apts #4100; 4100 Solano Park Cr.			X		X	X		
Solano Park Apts #4200; 4200 Solano Park Cr.		X	X		X	X		
Solano Park Apts #4300; 4300 Solano Park Cr.			X		X	X		
Solano Park Apts #4400; 4400 Solano Park Cr.			X		X	X		



## Campus Residential Facilities Managed by Tandem Properties

The Colleges at La Rue Residential Facility	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor	Room
Colleges at La Rue #1; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #2; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #3; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #4; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #5; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #6; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #7; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #8; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #9; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #10; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #11; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #12; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #13; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #14; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #15; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #16; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #17; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #18; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #19; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #20; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #21; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #22; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #23; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #24; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #25; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #26; 164 Orchard Park Dr.	X		X		X	X		X
Colleges at La Rue #27; 164 Orchard Park Dr.	X		X		X	X		X

*Campus Residential Facilities Managed by Tandem Properties (cont.)*

The Atriums	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
Atriums at La Rue 50; 400 Russel Park Dr.	X		X		X	X	X	X
Atriums at La Rue 100; 400 Russel Park Dr.	X		X		X	X	X	X
Atriums at La Rue 200; 400 Russel Park Dr.	X		X		X	X	X	X
Atriums at La Rue 300; 400 Russel Park Dr.	X		X		X	X	X	X
Atriums at La Rue 400; 400 Russel Park Dr.	X		X		X	X	X	X

La Rue Park Group Living Communities	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
100 Parkway Circle	X		X		X	X	X	
200 Parkway Circle	X		X		X	X	X	
310 Parkway Circle	X		X		X	X	X	
320 Parkway Circle	X		X		X	X	X	
330 Parkway Circle	X		X		X	X	X	
400 Parkway Circle	X		X		X	X	X	
500 Parkway Circle	X		X		X	X	X	



*Campus Residential Facilities Managed by Tandem Properties (cont.)*

Russell Park Apartments	Fire Sprinkler		Fire Alarm System				Fire Separations		
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor	Room
Russell Park Apts; 400 Russell Park		X	X			X	X		
Russell Park Apts; 401 Russell Park		X	X			X	X		
Russell Park Apts; 402 Russell Park		X	X			X	X		
Russell Park Apts; 403 Russell Park		X	X			X	X		
Russell Park Apts; 404 Russell Park		X	X			X	X		
Russell Park Apts; 405 Russell Park		X	X			X	X		
Russell Park Apts; 406 Russell Park		X	X			X	X		
Russell Park Apts; 407 Russell Park		X	X			X	X		
Russell Park Apts; 408 Russell Park		X	X			X	X		
Russell Park Apts; 409 Russell Park		X	X			X	X		
Russell Park Apts; 410 Russell Park		X	X			X	X		
Russell Park Apts; 411 Russell Park		X	X			X	X		
Russell Park Apts; 412 Russell Park		X	X			X	X		
Russell Park Apts; 413 Russell Park		X	X			X	X		
Russell Park Apts; 414 Russell Park		X	X			X	X		
Russell Park Apts; 415 Russell Park		X	X			X	X		
Russell Park Apts; 416 Russell Park		X	X			X	X		
Russell Park Apts; 417 Russell Park		X	X			X	X		
Russell Park Apts; 418 Russell Park		X	X			X	X		
Russell Park Apts; 419 Russell Park		X	X			X	X		
Russell Park Apts; 420 Russell Park		X	X			X	X		
Russell Park Apts; 421 Russell Park		X	X			X	X		
Russell Park Apts; 422 Russell Park		X	X			X	X		
Russell Park Apts; 423 Russell Park		X	X			X	X		
Russell Park Apts; 424 Russell Park		X	X			X	X		
Russell Park Apts; 425 Russell Park		X	X			X	X		



*Campus Residential Facilities Managed by Sol at West Village*

The Ramble Residential Facility	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor	Room
West Village Ramble; 100 Sage St. Bldg. A	X		X		X	X	X	
West Village Ramble; 100 Sage St. Bldg. B	X		X		X	X	X	
West Village Ramble; 100 Sage St. Bldg. C	X		X		X	X	X	
West Village Ramble; 110 Sage St. Bldg. A	X		X		X	X	X	
West Village Ramble; 110 Sage St. Bldg. B	X		X		X	X	X	
West Village Ramble; 110 Sage St. Bldg. C	X		X		X	X	X	
West Village Ramble; 1538 Jade St. Bldg. A	X		X		X	X	X	
West Village Ramble; 1538 Jade St. Bldg. B	X		X		X	X	X	
West Village Ramble; 1540 Jade St. Bldg. A	X		X		X	X	X	
West Village Ramble; 1540 Jade St. Bldg. B	X		X		X	X	X	
West Village Ramble; 1540 Jade St. Bldg. C	X		X		X	X	X	
West Village Ramble; 1545 Jade St. Bldg. A	X		X		X	X	X	
West Village Ramble; 1545 Jade St. Bldg. B	X		X		X	X	X	
West Village Ramble; 1545 Jade St. Bldg. C	X		X		X	X	X	
West Village Ramble; 1545 Jade St. Bldg. D	X		X		X	X	X	
West Village Ramble; 1655 Hutchison Pl. Bldg. A	X		X		X	X	X	
West Village Ramble; 1655 Hutchison Pl. Bldg. B	X		X		X	X	X	
West Village Ramble; 1655 Hutchison Pl. Bldg. C	X		X		X	X	X	
West Village Ramble; 1721 Hutchison Dr. Bldg. A	X		X		X	X	X	
West Village Ramble; 1721 Hutchison Dr. Bldg. B	X		X		X	X	X	
West Village Ramble; 1721 Hutchison Dr. Bldg. C	X		X		X	X	X	
West Village Ramble; 1739 Hutchison Dr. Bldg. A	X		X		X	X	X	
West Village Ramble; 1739 Hutchison Dr. Bldg. B	X		X		X	X	X	
West Village Ramble; 1739 Hutchison Dr. Bldg. C	X		X		X	X	X	
West Village Ramble; 1743 Hutchison Dr. Bldg. A	X		X		X	X	X	
West Village Ramble; 1743 Hutchison Dr. Bldg. B	X		X		X	X	X	
West Village Ramble; 1743 Hutchison Dr. Bldg. C	X		X		X	X	X	
West Village Ramble; 1743 Hutchison Dr. Bldg. D	X		X		X	X	X	

*Campus Residential Facilities Managed by Sol at West Village (cont.)*

The Ramble (cont.)	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
West Village Ramble; 301 N. Sage Dr. Bldg. A	X		X		X	X	X	
West Village Ramble; 301 N. Sage Dr. Bldg. B	X		X		X	X	X	
West Village Ramble; 301 N. Sage Dr. Bldg. C	X		X		X	X	X	
West Village Ramble; 301 N. Sage Dr. Bldg. D	X		X		X	X	X	

Solstice	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
West Village Solstice; 1890 Tilia St.	X		X		X	X	X	
West Village Solstice; 2075 Jade St.	X		X		X	X	X	
West Village Solstice; 2120 Jade St.	X		X		X	X	X	
West Village Solstice; 2145 Jade St.	X		X		X	X	X	
West Village Solstice; 2150 Tilia St.	X		X		X	X	X	
West Village Solstice; 1890 Tilia St.	X		X		X	X	X	
West Village Solstice; 1885 Jade St.	X		X		X	X	X	
West Village Solstice; 220 Celadon St.	X		X		X	X	X	
West Village Solstice; 250 Celadon St.	X		X		X	X	X	
West Village Solstice; 255 Celadon St.	X		X		X	X	X	
West Village Solstice; 225 Celadon St.	X		X		X	X	X	
West Village Solstice; 2035 Jade St.	X		X		X	X	X	
West Village Solstice; 2040 Tilia St.	X		X		X	X	X	
West Village Solstice; 2080 Tilia St.	X		X		X	X	X	

Viridian	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
West Village Viridian; 1715 Tilia St.	X		X		X	X	X	
West Village Viridian; 1605 Tilia St.	X		X		X	X	X	
West Village Viridian; 215 Sage St.	X		X		X	X	X	
West Village Viridian; 201 Sage St.	X		X		X	X	X	
West Village Viridian; 1590 Tilia St.	X		X		X	X	X	
West Village Viridian; 1575 Jade St.	X		X		X	X	X	

*Campus Residential Facilities Managed by Yolo Property Management*

8th and Wake	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
8th and Wake North; 1440 Wake Forest Dr.	X		X	X	X	X	X	X
8th and Wake South; 1440 Wake Forest Dr.	X		X	X	X	X	X	X

*Campus Residential Facilities Managed by Solar Community Housing Association*

The Domes	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
Dome 02; 319 Orchard Park Dr.			X			X		
Dome 03; 325 Orchard Park Dr.			X			X		
Dome 04; 331 Orchard Park Dr.			X			X		
Dome 05; 337 Orchard Park Dr.			X			X		
Dome 06; 343 Orchard Park Dr.			X			X		
Dome 07; 397 Orchard Park Dr.			X			X		
Dome 08; 391 Orchard Park Dr.			X			X		
Dome 09; 385 Orchard Park Dr.			X			X		
Dome 10; 379 Orchard Park Dr.			X			X		
Dome 11; 367 Orchard Park Dr.			X			X		
Dome 12; 361 Orchard Park Dr.			X			X		
Dome 13; 355 Orchard Park Dr.			X			X		
Dome 14; 349 Orchard Park Dr.			X			X		
Dome 15; 373 Orchard Park Dr.			X			X		

The Tri Co-Ops	Fire Sprinkler		Fire Alarm System				Fire Separations	
	Residential Facility	Full	Partial	Smoke	Duct	Manual Pull	Evac Device	Corridor
Davis Student Co-Op (TB 13); 530 Regan Hall Cr.	X		X		X	X		
Pierce Co-Op (TB 14); 540 Regan Hall Cr.	X		X		X	X		
Agrarian Effort Co-Op (TB 15); 550 Regan Hall Cr.	X		X		X	X		



## For More Information

The fire safety policies, procedures, and equipment described above were summarized from the references below. For more information, please consult the listed documents or the provided points of contact. Additionally, the UC Davis Fire Marshal, James Patterson, can be contacted at [jimpatterson@ucdavis.edu](mailto:jimpatterson@ucdavis.edu) or (530) 752-5772.

Primero Grove apartments, Solano Park apartments, and residence halls in the Segundo, Tercero, and Cuarto areas, managed by Student Housing and Dining Services

- [Fire Prevention Services website](#)
- [2020-21 Guide to Residence Hall Life](#)
- [2020-21 The Guide to Solano Park Apartments](#)
- For additional information, please contact:
  - Student Housing and Dining Services at [studenthousing@ucdavis.edu](mailto:studenthousing@ucdavis.edu) or (530) 752-2033
  - Fire Prevention Services at [fireprevention@ucdavis.edu](mailto:fireprevention@ucdavis.edu) or (530) 752-1493

The Colleges at La Rue, The Atriums, the La Rue Park Group Living Communities, and Russell Park, managed by Tandem Properties

- 2020 Davis Model Lease Agreement and Addenda
- For additional information, please contact the Tandem Properties Office at (530) 756-5075

8<sup>th</sup> and Wake apartments, managed by Yolo Property Management

- Yolo Property Management Lease Agreement
- Yolo Property Management Emergency Response Plan
- 8<sup>th</sup> and Wake Maintenance Information page at the [Yolo Property Management website](#).
- For additional information, please contact the Yolo Property Management office at [8w@yolopm.com](mailto:8w@yolopm.com) or (530) 298-7777

West Village apartments, managed by Sol at West Village

- Sol at West Village lease agreement
- Rules and Regulations Addendum
- For additional information, please visit the [Sol at West Village website](#) or contact Sol at West Village [via email](#) or by phone (530) 759-0661

The Domes and Tri-CoOps, managed by the Solar Community Housing Association

- Campus Co-Ops Handbook
- For additional information, please contact the Solar Community Housing Association at [staff@schadavis.org](mailto:staff@schadavis.org)

## Important Contacts

Aggie Hosts	(530) 752-2677
Academic and Staff Assistance Program (ASAP)	(530) 752-2727
Center for Advocacy Resources and Education (CARE)	(530) 752-3299
Family Protection and Legal Assistance Clinic	(530) 752-6532
Harassment and Discrimination Assistance and Prevention Program (HDAPP)	(530) 747-3864
HDAPP Anonymous Report Line	(530) 747-3865
Lesbian, Gay, Bisexual, Transgender, Queer, Intersexual, Asexual Resource Center	(530) 752-2452
Office of Student Support and Judicial Affairs	(530) 752-1128
Ombuds Office	(530) 219-6750
Services for International Students and Scholars	(530) 752-0864
Student Health and Counseling Services	(530) 752-2300
Student Housing	(530) 752-2033
Title IX Office	(530) 752-9466
UC Davis Fire Department	(530) 752-1234
UC Davis Fire Prevention	(530) 752-1493
UC Davis Police—Emergency	911
UC Davis Police—Non-emergency (Davis)	(530) 754-2677
UC Davis Police—Non-emergency (Sacramento)/UCD Health)	(916) 734-3841
UC Davis Safe Rides	(530) 752-2677
Women’s Resources and Research Center	(530) 752-3372

## Appendices

- A. University of California Policy on Sexual Violence and Sexual Harassment
- B. UC Davis Policy on Sexual Violence and Sexual Harassment (PPM Section 400-20)
- C. Sexual Violence Support Services and Reporting Options brochure
- D. Policies Applying to Campus Activities, Organizations and, Students (PACAOS) – Appendix E: University of California Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework
- E. Interim PACAOS-Appendix-F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct
- F. Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel
- G. Investigation and Adjudication Framework for Senate and Non-Senate Faculty Senate or Non-Senate Faculty Respondents





# **Appendix A**

**University of California  
Policy on Sexual Violence and Sexual Harassment**



# Sexual Violence and Sexual Harassment

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

中文版本, 請按[這裡](#)

Sekswal na Kaharasan at Sekswal na Panliligalig

<b>Responsible Officer:</b>	Systemwide Title IX Director
<b>Responsible Office:</b>	Systemwide Title IX Office
<b>Issuance Date:</b>	08/14/2020
<b>Effective Date:</b>	8/14/2020
<b>Last Review Date:</b>	8/14/2020
<b>Scope:</b>	This Sexual Harassment and Sexual Violence Policy (“Policy”) applies to all University employees as well as undergraduate, graduate, and professional students (“students”), and third parties. The Policy applies at all University campuses, the Lawrence Berkeley National Laboratory, Medical Centers, the Office of the President, Agriculture and Natural Resources, and to all University programs and activities.

***For non-confidential help with sexual violence, sexual harassment, relationship violence, and stalking, contact your Title IX Officer. For confidential help, contact your local CARE Advocate. You can find information on local resources at [Sexual Violence Prevention and Response](#)***

***(<http://sexualviolence.universityofcalifornia.edu/get-help/index.html>). Your options for reporting to agencies outside the University are in Section IV.E.***

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

<b>Contact:</b>	Suzanne Taylor
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## I. POLICY SUMMARY

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The University of California (“University”) is committed to maintaining a community dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, where all people who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation.

Sexual violence, sexual harassment, retaliation, and other behavior prohibited by this Policy interfere with those goals. The University will respond promptly and effectively to reports of such conduct. This includes action to stop, prevent, correct, and when necessary, discipline, behavior that violates this Policy.

This Policy addresses the University’s responsibilities and procedures related to sexual violence, sexual harassment, retaliation, and other prohibited behavior as those terms are defined in this Policy (together, “Prohibited Conduct”) in order to ensure an equitable and inclusive education and employment environment. The Policy defines Prohibited Conduct and explains the administrative procedures the University uses to resolve reports of Prohibited Conduct.

**Note on Federal Regulations:** The Title IX regulations issued by the U.S. Department of Education (“DOE”) that went into effect August 14, 2020 require the University to follow a specific grievance process (“DOE Grievance Process”) in response to conduct covered by the regulations (“DOE-Covered Conduct”). The University advocated strongly for DOE to change some components of the DOE Grievance Process before DOE issued the regulations; DOE did not. Because compliance with the regulations is a condition of federal funding, the University has nonetheless revised its policies to fully implement them. This Policy is more expansive than the regulations in both conduct prohibited (described in Section II) and its coverage (described in Section III.B). So, the University will apply the DOE Grievance Process only when required, in response to DOE-Covered Conduct. It will follow its existing processes for all other reports. [Appendix IV](#) describes how the University will determine whether it must apply the DOE Grievance Process.

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## II. DEFINITIONS

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### A. Consent

Consent is *affirmative, conscious, voluntary, and revocable*. Consent to sexual activity requires of each person 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 Complainant and Respondent will 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 will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the factfinder will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense 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. unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - c. unable to communicate due to a mental or physical condition.

Note: Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

## **B. Prohibited Conduct**

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

- a. **Sexual Assault - Penetration:** Without the consent of the Complainant, penetration, no matter how slight, of:
  - the Complainant's mouth by a penis or other genitalia; or
  - the Complainant's vagina or anus by any body part or object.
- b. **Sexual Assault - Contact:** Without the consent of the Complainant, intentionally:
  - touching Complainant's intimate body part (genitals, anus, groin, breast, or buttocks);
  - making the Complainant touch another or themselves on any intimate body part; or
  - touching the Complainant with one's intimate body part, whether the intimate body part is clothed or unclothed.

**Note:** This definition encompasses a broad spectrum of conduct, not all of which is sexual violence. So, the Title IX Officer must sometimes determine

whether an allegation should be charged as sexual violence or sexual harassment. (See FAQ #4 for more information.)

Conduct that meets the definition of both *Sexual Assault—Contact* and *Sexual Assault—Penetration* will be charged as *Sexual Assault—Penetration*.

**Note:** *Sexual Assault—Penetration* and *Sexual Assault—Contact* are aggravated when they include any of 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 (including a power imbalance), to do or submit to something that they would not otherwise do); or
  - deliberately causing the Complainant to be incapacitated (for example, through drugs or alcohol);
- Deliberately taking advantage of the Complainant's incapacitation (including incapacitation that results from voluntary use of drugs or alcohol); or
- Recording, photographing, transmitting, or distributing intimate or sexual images of Complainant without Complainant's prior knowledge and consent.

**c. Relationship Violence:**

i. Relationship Violence is:

- physical violence toward the Complainant or a person who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child or other relative), or
- intentional or reckless physical or non-physical conduct toward the Complainant or someone who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child or other relative) that would make a reasonable person in the Complainant's position fear physical violence toward themselves or toward the person with whom they have the close relationship,

that is by a person who is or has been in a spousal, romantic, or intimate relationship with the Complainant, or who shares a child with the Complainant, *and* that is part of a pattern of abusive behavior by the person toward the Complainant.

- ii. Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.
  - iii. Patterns of abusive behavior may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).
  - iv. The nature of the relationship between the Complainant and Respondent is determined by the length and type of relationship, and the frequency of interaction between them. Relationship violence includes both “dating violence” and “domestic violence.”
  - v. Conduct by a party in defense of self or another is not Relationship Violence under this Policy. If either party asserts that they acted in defense of self or another, the Title IX Officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.
- d. Stalking:** Repeated conduct directed at a Complainant (for example, following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual, romantic or other sex-based 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 that is not sex-based 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 when:
  - i. *Quid Pro Quo*: a person’s submission to unwelcome sexual conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program or activity; or
  - ii. *Hostile Environment*: unwelcome sexual or other sex-based conduct is sufficiently severe, persistent 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 or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.
- b. Sexual conduct includes sexual or romantic advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.
- c. Other sex-based conduct includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.
- d. Consideration is given to the totality of the circumstances in which the conduct occurred.



- e. This Policy will be implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and will 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 or attempting to make 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.
- e. Engaging in Retaliation. Retaliation is an adverse action against a person based on their report or other disclosure of alleged Prohibited Conduct to a University employee, or their participation in, refusal to participate in, or assistance with the investigation, reporting, remedial, or disciplinary processes provided for in this Policy.

An adverse action is conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for in this Policy, such as threats, intimidation, harassment, discrimination and coercion. Good faith actions lawfully pursued in response to a report of Prohibited Conduct (such as gathering evidence) are not, without more, retaliation.

**Note:** To determine whether conduct is DOE-Covered Conduct the Title IX Officer will do the assessment and apply the definitions in [Appendix IV](#). The definitions here are broader than and encompass all conduct included in the Appendix IV definitions.

### C. Other Definitions:

1. **Complainant:** A person alleged, in a report to the Title IX Officer, to have experienced Prohibited Conduct.
2. **Confidential Resources:** The following employees who receive information about Prohibited Conduct in their confidential capacity:

- 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” under this Policy only exempts a person from reporting to the Title IX Officer. It does not affect 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.

### **3. Supportive and Remedial Measures.**

- a. Supportive Measures include both Interim Measures and Mitigating Measures. The University provides Supportive Measures as appropriate and reasonably available, without fee or charge.
  - i. Interim Measures: Services, accommodations, or other measures put in place temporarily after the Title IX Officer receives a report of Prohibited Conduct to assist or protect the Complainant, the Respondent, or the University community; restore or preserve a party’s access to a University program or activity; or deter Prohibited Conduct. Interim measures may:
    - remain in place until the final outcome of a Resolution Process (see Section V.A.5) or a subsequent disciplinary or appeal process;
    - change or terminate depending on the parties’ evolving needs, as assessed by the Title IX Officer; or
    - become permanent as part of the resolution of a report.
  - ii. Mitigating Measures: Services, accommodations or other measures for a Complainant who is not in a Resolution Process (see Section V.A.5), including a Complainant who was previously in a Resolution Process that did not result in a finding of a policy violation. Mitigating measures may be implemented to provide support, restore or preserve access to a University program or activity, or deter Prohibited Conduct.
- b. Remedial Measures: Services, accommodations, or other measures put in place as a result of a completed Resolution Process (see Section V.A.5).

Examples of services, accommodations, and other measures are in Appendix III. The Title IX Officer will consult with the Complainant and, when appropriate, the Respondent, to identify suitable services, accommodations and other measures.

In matters involving DOE-Covered Conduct, the Title IX Officer will ensure Supportive Measures are non-disciplinary and non-punitive, and that they do not unreasonably burden a party.

Campuses may take other measures per other University policies.

4. **Location:** “Location” is any University campus, the Lawrence Berkeley National Laboratory, Medical Centers, the Office of the President, and Agriculture and Natural Resources.
5. **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.
6. **Respondent:** A person alleged, in a report to the Title IX Officer, to have engaged in Prohibited Conduct.
7. **Responsible Employee:** Any University employee who is not a Confidential Resource. If a Responsible Employee learns, in the course of employment, that a student may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer or designee. This includes resident assistants, graduate teaching assistants, and all other student employees, when disclosures are made to them in their capacities as employees.

In addition, if any of the following people learn, in the course of employment, that any other person affiliated with the University may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer or designee:

- Campus Police
- Human Resources Administrators, Academic Personnel Administrators, and Title IX Professionals
- Managers and Supervisors including Deans, Department Chairs, and Directors of Organized Research Units
- Faculty members

Despite the above, Responsible Employees need not report possible Prohibited Conduct they learn of while attending a public awareness event, such as “Take Back the Night” (see FAQ #9), or disclosed by someone while participating in human subjects research that has either been approved by an Institutional Review Board (IRB) or certified as exempt from IRB review (see FAQ #10).

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### III. POLICY TEXT

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#### A. General

The University is committed to maintaining a community free of sexual harassment, sexual violence, retaliation, and other behavior prohibited by this Policy (together, “Prohibited Conduct”). Prohibited Conduct violates this Policy and may violate law. Any person can report conduct that may be Prohibited Conduct. The University will respond promptly and equitably to such reports. This includes appropriate action to



stop, prevent, and remedy the Prohibited Conduct and, when necessary, to discipline the Respondent.

Discrimination based on sex (including gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation) violates law and other University policies even when it is not Prohibited Conduct. The University will respond promptly and equitably to reports of such behavior. Such conduct may contribute to the creation of a hostile work or academic environment based on sex. So, when determining whether a Complainant experienced a hostile environment as defined in this Policy, the Title IX Officer will consider other sex-based discrimination in combination with incidents of sexual harassment.

## **B. Policy Coverage**

This Policy covers acts of Prohibited Conduct committed by University students, employees, and third parties (such as Regents, contractors, vendors, visitors, guests, patients and volunteers), and acts of Prohibited Conduct committed against students, employees and third parties, when the conduct occurs:

1. on University property;
2. in connection with University employment or in the context of a University program or activity (including, for example, University-sponsored study abroad, research, on-line courses, health services, or internship programs); or
3. off University property and outside the context of a University program or activity, but has continuing adverse effects on—or creates a hostile environment for students, employees or third parties while on—University property or in any University program or activity.

Consistent with Section 101.00 of the Policy on Student Conduct and Discipline, if and as specified in implementing campus regulations, this Policy may cover additional Prohibited Conduct by students that occurs off campus.

Not every report of Prohibited Conduct will result in a Resolution Process described in Section V.A.5, even if it is covered by this Policy. Rather, the Title IX Officer will close some reports after making an initial assessment (see Section V.A.4).

## **C. Conduct that Violates this Policy**

This Policy prohibits sexual violence, sexual harassment, retaliation and other prohibited behavior as defined in Section II. Incidents that violate this Policy may occur between:

- any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, doctors, residents, interns, and third parties;
- people in hierarchical relationships and peers;
- people of any gender, gender identity, or sexual orientation; and
- strangers and non-strangers.

People may engage in Prohibited Conduct in person or through other means. This includes electronic media, such as the internet, social networks, cell phones, texts, and other devices or forms of contact.

#### **D. Consensual Relationships**

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

Consensual romantic and sexual relationships between members of the University community may create conflicts of interest. So, such relationships between a student and a faculty member or other employee, 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.

#### **E. Protection of Complainants, Respondents, and Witnesses**

**1. Amnesty:** To encourage reporting, the University will not discipline Complainants or witnesses for student conduct policy violations that occur around the time of alleged Prohibited Conduct unless the University determines the violation was egregious. Examples of egregious violations include conduct that risked someone's health or safety, or involved plagiarism, cheating, or academic dishonesty.

Complainants may be particularly afraid to report Prohibited Conduct when alcohol, drugs, or other intoxicants were involved (for example, when there was underage drinking). This amnesty provision applies to alcohol- and drug-related student violations.

**2. Retaliation:** The University prohibits Retaliation against someone for reporting possible Prohibited Conduct or participating or not participating in a process under this Policy. (See Section II.B.3.e)

**3. Privacy and Confidentiality:** The University must balance the privacy interests of people involved in a report of Prohibited Conduct against the need to gather information, ensure a fair process, and stop, prevent and remedy Prohibited Conduct. In this context, the University tries to protect people's privacy to the extent permitted by law and University policies. The University otherwise keeps confidential the identities of parties, witnesses and those who report Prohibited Conduct, except as required by law or permitted by FERPA, and protects the privacy of personally identifiable information per all applicable state and federal privacy laws, and University policies.

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

The faculty and other academic appointees, staff, and students of the University 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 will be implemented in a

manner that recognizes the importance of rights to freedom of speech and expression.

The University also has a compelling interest 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 will 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.

### **G. Confidential Resources**

People who have experienced Prohibited Conduct may speak confidentially with a Confidential Resource (see Section II.C.2). Confidential Resources are not Responsible Employees and need not report information they receive while acting in their confidential capacity to the Title IX Officer. Disclosures to Confidential Resources while they are acting in their confidential capacity are not “reports” under this Policy and will not, alone, result in any formal University action.

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## **IV. COMPLIANCE / RESPONSIBILITIES**

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### **A. Policy Implementation**

Executive Officers (the University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources) can develop supplementary information to support implementation of this Policy. The Systemwide Title IX Director will interpret this Policy consistently and in a way that does not substantively change the Policy.

The Executive Officer 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 Systemwide Title IX Director may recommend revisions to the Policy consistent with approval authorities and applicable Bylaws, Standing Orders, and Policies of The Regents. The Systemwide Title IX Director will 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, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights ([OCR](#)) investigates complaints of sexual harassment, including sexual violence, of students and employees in University 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**

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

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## **V. PROCEDURES**

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### **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 responsibility for oversight of the reporting and response processes, other offices at each location will be involved and consulted as necessary. The specific procedures for investigating and resolving complaints of Prohibited Conduct depend on the Respondent's identity and relationship to the University. The Complainant and the Respondent are sometimes referred to together in this section as "the parties."

- Where the Respondent is a student, the procedures are in *Appendix E: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for Non-DOE-Covered Conduct* of the Policies Applying to Campus Activities, Organizations, and Students, and local implementing procedures, except that when the conduct is DOE-Covered Conduct the procedures are in *Interim Appendix F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct*.

- Where the Respondent is a faculty member, the procedures are in the *Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Senate and Non-Senate Faculty*, and local implementing procedures.
- Where the Respondent is a staff member or non-faculty academic employee, the procedures are in the *Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel*, and local implementing procedures.
- Where the Respondent is a Regent, the procedures are in *Regents Policy 1112: Policy on Review of Allegations of Board Member Misconduct*.
- If there is a question about the predominant role of the Respondent, the Title IX Officer will determine which procedure applies based on the circumstances (such as which role predominates in the context of the Prohibited Conduct). Where a Respondent is both a student and an employee, the University will apply only one procedure to determine responsibility, but the Respondent may be subject to discipline applicable to both students and employees.
- Where the Respondent is a third party, the Title IX Officer will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process and applicable law, federal guidance, and this Policy, which may be an Other Inquiry per Section V.A.5.d. The University's ability to take appropriate responsive action depends on its relationship and level of control over the third party, if any.
- Where there is no identifiable, individual Respondent (such as where the Complainant alleges Prohibited Conduct by an organization or a Respondent whose identity is unknown, or conduct by multiple people that rises to the level of Prohibited Conduct only when considered in the aggregate), the Title IX Officer may respond through an Other Inquiry per Section V.A.5.d.

## **1. Reporting**

Any person can report Prohibited Conduct, including anonymously. They can report to the Title IX Officer, to any Responsible Employee, or to another appropriate office such as the Academic Personnel Office, Student Affairs, Office of the Provost, or Human Resources Office. The person or office that receives the report must forward it 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 or office. Upon receipt of a report of Prohibited Conduct from a Responsible Employee, the Title IX Officer will attempt to contact the Complainant, if known, to inform them of their rights, options, and resources.

## **2. Timelines for Making Reports**

There is no time limit for reporting, and people should report incidents even if significant time has passed. However, the sooner the University receives a report, the better able it is to respond, investigate, remedy, and impose discipline if appropriate.

### **3. Initial Assessment of a Report / Immediate Health and Safety**

As soon as practicable after receiving a report, the Title IX Officer will make an initial assessment, including a limited factual inquiry when appropriate, to determine how to proceed.

The Title IX Officer will first assess the report to determine whether the alleged conduct is DOE-Covered Conduct and, if so, whether to begin a DOE Grievance Process or Alternative Resolution. This stage of the assessment is described in [Appendix IV](#).

If the alleged conduct is not DOE-Covered Conduct, then the Title IX Officer will next determine:

- whether the report on its face alleges an act of Prohibited Conduct as defined in Section II; and
- if so, whether the Prohibited Conduct is covered by this Policy, as described in Section III.B.

The Title IX Officer may consult with other offices as necessary. This may include Academic Personnel Offices for complaints involving faculty and other academic appointees, with Student Affairs Offices for complaints involving students, and with Human Resources or Employee and Labor Relations Offices for complaints involving staff.

The Title IX Officer, in coordination with the Case Management Team (see Section V.B.5.), and in consultation with the Complainant when possible, will:

- make an immediate assessment of the health and safety of the Complainant and the campus community,
- determine and oversee Supportive Measures that are immediately necessary (including no contact orders), and
- provide to the Complainant a written explanation of rights and reporting options (including the right to report to the police), and available campus and community resources.

Also see Location Responsibilities in Section V.B.11 and Appendix III. The Title IX Officer will also inform the Complainant of the range of possible outcomes of the report, including Supportive and Remedial measures and disciplinary actions, the procedures leading to such outcomes, and their right to make a DOE Formal Complaint.

### **4. Closure After Initial Assessment**

Not all reports the Title IX Officer receives are reports of Prohibited Conduct that can be resolved through a Resolution Process described below. This includes reports for which the Title IX Officer determines that:

- even if true, the alleged conduct is not Prohibited Conduct;
- the conduct is not covered by this Policy (see Section III.B);
- there is not enough information to carry out a Resolution Process (for example, the identities of the people involved);



- a Complainant's request that no investigation occur can be honored (see Section IV.A.5.b); or
- there is not enough nexus between the conduct and the University to carry out a Resolution Process (for example, the conduct did not occur in the context of a University program or activity and involved only third parties).

The Title IX Officer will close such matters per written guidelines issued by the Systemwide Title IX Office. The Title IX Officer will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. Such steps may include, for example, offering resources and Mitigating Measures to the Complainant and providing targeted preventive education (including to the Respondent) and training programs.

When the reported conduct is not Prohibited Conduct (such as stalking or harassment that is not sex-based), the Title IX Officer will, if appropriate, refer the matter to another office for review and resolution.

To determine whether there is enough nexus between the conduct and the University to carry out a Resolution Process, the Title IX Officer will consider factors such as:

- where and in what context the Prohibited Conduct allegedly occurred (meaning whether there is a connection between the conduct and University property or a University program or activity);
- whether the Complainant or Respondent were University community members when the Prohibited Conduct allegedly occurred;
- whether the Complainant or Respondent were University community members at the time of the report; and
- whether there is information indicating an ongoing threat to the University community.

## **5. Overview of Resolution Processes**

Reports of Prohibited Conduct that are not closed after the Title IX Officer's initial assessment may be addressed through Alternative Resolution, Formal Investigation, a DOE Grievance Process, a separate employee grievance or complaint process, or Other Inquiry. Each of these is described below. At the beginning of any Resolution Process, the Title IX Officer will inform parties of the University's rules of conduct during the process.

### **a. Alternative Resolution**

Alternative Resolution is not available when the Complainant is a student and the Respondent is an employee. In other cases, after an initial assessment of the alleged facts, the Title IX Officer may—if the Complainant and Respondent agree in writing—begin an Alternative Resolution process. The Title IX Officer will, if appropriate, begin the process in consultation with other offices depending on whether the Complainant and Respondent are faculty,

other academic appointees, staff, student employees, or students. Alternative Resolution may include, among other responses:

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

Alternative Resolution may be especially useful when:

- an investigation is not likely to lead to a resolution;
- both parties prefer an informal process; or
- a case involves less serious allegations.

The Title IX Officer has discretion to determine whether the complaint is appropriate for Alternative Resolution, to determine the type of resolution to pursue, and to stop the process at any time before its conclusion and move to a Formal Investigation or (if it applies) DOE Grievance Process.

Participation in Alternative Resolution is voluntary, meaning both the Complainant and the Respondent must agree to participate. If Alternative Resolution is selected, the Title IX Officer will provide timely written notice to both parties that includes:

- the allegations;
- the Title IX Officer has begun the process;
- the process is voluntary and will end upon either party's request;
- termination may result in Formal Investigation or (if it applies) a DOE Grievance Process (see Section V.A.5.b);
- they may be accompanied by an advisor throughout the process;
- the Title IX Officer will notify both parties of the process's outcome; and
- the process is private but not confidential, the Title IX Officer will maintain a record of the process and may share information with others if needed to carry out the resolution, and information shared by parties may be considered in any subsequent Resolution Process.

The Title IX Officer will oversee the Alternative Resolution process and, if other campus officials are involved in the process, maintain an appropriate level of involvement.

The Title IX Officer will complete the Alternative Resolution process promptly, typically within 30 to 60 business days of notifying the parties in writing of

starting the process. However, the Title IX Officer may extend past 60 days for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required will depend on the specific circumstances, including the complexity of the allegations and the nature of the alleged conduct. The Title IX Officer will consider, approve, and communicate extensions per written guidelines from the Systemwide Title IX Office.

Once the parties have agreed to the terms of an Alternative Resolution, the University will not conduct a Formal Investigation or (if it applies) DOE Grievance Process unless the Title IX Officer determines that the Respondent failed to satisfy the terms of the Alternative Resolution, or that the Alternative Resolution was unsuccessful in stopping the Prohibited Conduct or preventing its recurrence.

The Title IX Officer will keep records of all reports and conduct addressed through Alternative Resolution.

#### **b. Formal Investigation or DOE Grievance Process**

The Title IX Officer will begin a DOE Grievance Process when they determine it is necessary per [Appendix IV](#). This may happen after an Alternative Resolution to address DOE-Covered Conduct that ends before the parties agree on terms. The DOE Grievance Process begins with an investigation.

The Title IX Officer will begin a Formal Investigation when they decide not to close a report after their initial assessment, the alleged conduct is not DOE-Covered Conduct, and either (i) Alternative Resolution and Other Inquiry are not appropriate, or (ii) the parties do not agree to participate in Alternative Resolution or it ends before they agree on terms. In both Formal Investigations and DOE Grievance Process investigations:

The Title IX Officer may coordinate the investigation with other offices, depending on the identities of the Complainant and Respondent (that is, faculty, other academic appointees, staff, or students).

If the Complainant does not want an investigation, the Title IX Officer will seriously consider this preference. However, the Title IX Officer may determine an investigation is necessary to mitigate a risk to the campus community. If the Title IX Officer begins an investigation despite the Complainant's request, the Title IX Officer will provide the Complainant with all information required by this Policy unless the Complainant states in writing that they do not want it.

If the Title IX Officer does not begin an investigation, they will inform the Complainant that this limits possible remedies. The Title IX Officer will nonetheless provide Mitigating Measures as appropriate and consistent with Complainant's privacy and the absence of an investigation.

When the Title IX Officer begins an investigation, they will give the parties a written summary of the allegations, an explanation of their rights, the procedures

that will be followed, available resources, and this Policy. While the parties have the right to identify evidence and witnesses, the University bears the burden of proof and of gathering evidence sufficient to reach a determination regarding responsibility.

- i. *Timeframe.* The Title IX Officer will complete the investigation promptly, typically within 60 to 90 business days of notifying the parties in writing of the charges. However, the Title IX Officer may extend the timeframe past 90 days for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required depends on the specific circumstances, including the complexity of the matter and the severity and extent of the alleged conduct. The Title IX Officer will consider, approve, and communicate extensions per written guidelines from the Systemwide Title IX Office.

If the police are also investigating the alleged conduct, the Title IX Officer will coordinate with the police but must nonetheless act promptly without delaying the investigation until the end of the criminal investigation.

- ii. *Disclosure of Information.* The investigation generally includes interviews with the parties and any witnesses, and a review of evidence. The Title IX Officer will share information with witnesses only as reasonably necessary to conduct a fair and thorough investigation. They will also counsel witnesses about keeping information learned through the investigation private to protect both the people involved and the integrity of the investigation. They will inform witnesses that directly related information they provide and their identities will likely be disclosed to the Complainant and Respondent.
- iii. *Right to an Advisor.* The Complainant and Respondent may have an advisor present when they are interviewed and at meetings. They may have other support persons present under other policies. Other witnesses may have an advisor present at the discretion of the Title IX Officer or as required by University policy or a collective bargaining agreement.
- iv. *Academic Freedom/Merit.* When the investigation implicates academic merit or academic freedom, the Title IX Officer will consult with the appropriate academic officer for relevant academic judgment.
- v. *Initiation of Investigation by University.* The Title IX Officer may choose to begin and conduct an investigation without a Complainant when there is, for example:
  - information indicating an ongoing threat to the University community;
  - a pattern of alleged sexually harassing conduct toward multiple people by the same Respondent that would, in the aggregate, create a hostile environment (as defined in this Policy) for a reasonable person; or
  - allegations of Prohibited Conduct covered by this Policy in the public realm (such as reports in the news or social media).



- vi. *Administrative Closure.* The Title IX Officer may close an investigation before completing it if they determine that a significant change in circumstances has so substantially impaired the investigation that they cannot reach reasonably reliable conclusions about whether the alleged conduct occurred. The Title IX Officer will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. They will also offer as appropriate resources to the parties and Mitigating Measures to the Complainant.

**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 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, unless the applicable collective bargaining agreement provides otherwise. After completion of the process under this Policy, the grievance or complaint may be reactivated under the applicable grievance or complaint procedure.

**d. Other Inquiry**

When a report is not closed after initial assessment yet is not appropriate for Alternative Resolution, Formal Investigation or a DOE Grievance Process because there is no individual identifiable Respondent over whom the Title IX Officer has jurisdiction, the Title IX Officer will:

- conduct an inquiry to try to determine what occurred, and
- take prompt steps reasonably calculated to stop any substantiated conduct, prevent its recurrence, and, as appropriate, remedy its effects.

Such an inquiry may be appropriate when, for example, the Complainant alleges Prohibited Conduct by an organization, a person whose identity is unknown, or a third party, or alleges conduct by multiple people that rises to the level of Prohibited Conduct only when considered in the aggregate.

The extent of the inquiry and responsive steps will depend on the specific circumstances. This includes, for example:

- the nature and location of the alleged conduct,
- the University's relationship to the Complainant, and
- the University's relationship to and level of control over the organization or person alleged to have engaged in the conduct.

The Title IX Officer will complete the inquiry promptly (typically within 60 days, unless extended for good cause), and notify the Complainant of the outcome.

#### **e. Notifications and Documentation**

When engaging in a Resolution Process provided for in this Section V.A.5, the Title IX Officer will provide written notices to the parties and keep records per guidelines issued by the Systemwide Title IX Office. The guidelines will address, for example:

- information provided to the parties about their rights and options;
- notices provided to the parties at the beginning and end of a process;
- documentation of the parties' agreement to engage in Alternative Resolution;
- documentation of resolutions reached through Alternative Resolution, including documentation to be obtained from any other campus officials involved in the resolution; and
- the types of documentation to be kept at the end of a process.

#### **6. The Investigation Report and Outcome**

If either a Formal Investigation or DOE Grievance Process investigation is conducted, the Title IX Officer will prepare a written report that includes:

- the factual allegations and alleged policy violations;
- statements of the parties;
- a summary of the evidence;
- an explanation of why any proffered evidence was not relied upon;
- credibility determinations when appropriate;
- findings of fact; and
- an analysis of whether this Policy was violated.

The report will also include the Title IX Officer's determination of whether the Respondent violated this Policy. However, in a DOE Grievance Process, and any time the Respondent is a student, the determination is only preliminary. In determining whether this Policy was violated, the Title IX Officer will apply the preponderance of evidence standard.

At the end of the investigation, the Title IX Officer will simultaneously provide the parties the Investigation Report. The report may be redacted to protect privacy (see APM-160 and other University policies governing privacy). The Title IX Officer will also inform the parties in writing of the outcome of the investigation and its rationale, and of any available appeal rights.

In a DOE Grievance Process, and any time the Respondent is a student, the Title IX Officer will inform the parties of their right to contest or not accept the investigator's preliminary determination and have a hearing to determine whether this Policy was violated. If they do, the next stage of the DOE Grievance Process or Formal Investigation is a hearing. (See *Appendix E: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for Non-DOE-Covered Conduct*, *Interim Appendix F: Sexual Violence and Sexual*

*Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct; Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Senate and Non-Senate Faculty, and Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel.*)

## **7. Remedy**

- a. If the University finds Prohibited Conduct, the University will take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects. For examples of available remedial measures, see Appendix III.
- b. If the remedy has not already been provided, the Title IX Officer will oversee its implementation in consultation with appropriate administrators.

## **8. Discipline**

- a. The Title IX Officer will forward the Investigation Report (with attachments) to the appropriate administrator responsible for possible further action, including discipline.
- b. Any member of the University community who is found to have engaged in Prohibited Conduct may be subject to disciplinary action, up to and including dismissal per the applicable University disciplinary procedure (Appendix II: University Disciplinary Procedures) or other policy.
- c. At the end of any disciplinary proceeding the Complainant and the Respondent will be contemporaneously informed in writing of:
  - the outcome, including the final determination regarding the alleged offense, any discipline, and the rationale for the results;
  - any available appeal rights and procedures; and
  - any subsequent change to the results and when results become final.

The University tries to finalize and notify parties of disciplinary decisions reasonably promptly per applicable procedures, depending on the severity and extent of the Prohibited Conduct and the complexity of the matter.

## **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 this policy, including investigations, reports and remedies.
  - b. Coordinate with other responsible units to ensure that Supportive and Remedial measures determined necessary by the Title IX Officer are provided.





4. Provide a “Respondent Services Coordinator” who 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 per applicable State and federal law, and University policies.
7. Offer primary prevention programs and awareness campaigns to the University community to promote ongoing awareness of Sexual Violence. 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 Sexual Violence.
8. Follow University established and approved processes for investigation, adjudication, and discipline.
9. Provide comprehensive, regular training with a trauma-informed perspective for people 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. Publicize a location-specific process for reporting incidents of Prohibited Conduct.
11. 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 notifying law enforcement and campus authorities; the right to be assisted by campus authorities in notifying law enforcement, 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 alleged conduct to law enforcement.
  - g. Applicable procedures for institutional disciplinary action.
12. 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.

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## VI. RELATED INFORMATION

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

### Academic Personnel Manual

- A. [Academic Personnel Manual \(APM\) Section 015, The Faculty Code of Conduct](#)
- 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. [University of California Corrective Action PPSM 62](#)
- B. [University of California Investigatory Leave PPSM 63](#)
- C. [University of California Termination and Job Abandonment PPSM 64](#)

- D. [University of California Termination Appointment PPSM II-64](#)
- E. [University of California Complaint Resolution \(Senior Managers\) PPSM II-70](#)
- F. [University of California Complaint Resolution \(Staff Personnel\) PPSM 70](#)
- G. [University of California Discrimination, Harassment, and Affirmative Action in the Workplace](#)
- H. [Policy on Student Conduct and Discipline](#)
- I. [University of California Policies Applying to Campus Activities, Organizations, and Students](#)
- J. [Student-Related Policy Applying to Nondiscrimination on the Basis of Sex](#)
- K. [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#)
- L. [Business and Finance Bulletin RMP-2: Records Retention and Disposition: Principles, Processes, and Guidelines](#)
- M. [University of California Reporting Child Abuse and Neglect](#)
- N. [University of California Clery Act Policy – Campus Safety and Security Reporting](#)

#### **Federal and State Regulations**

- A. [Fair Employment and Housing Act, Gov't Code section 12952](#)
- B. [Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e](#)
- C. [Title IX of the Education Amendments Act of 1972, 20 U.S.C. section 1681](#)
- D. [Violence Against Women Reauthorization Act \(VAWA\) of 2013](#)

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## **VII. FREQUENTLY ASKED QUESTIONS**

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

An advisor may be any person, except another party or 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 and manner of the advisor's participation in the proceedings as long as the restrictions apply equally to Complainants and Respondents. At the beginning of any Resolution Process, the Title IX Officer will inform parties of the University's rules of conduct during the process, and potential consequences if an advisor does not meet those standards, including disqualification from further services as the advisor.

### **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 discipline imposed and the rationale for the result and the discipline.

**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 breasts at or below the areola.

**4. Why might some conduct prohibited by this Policy be sexual harassment in some cases but sexual violence or other prohibited behavior in others?**

This Policy prohibits a broad spectrum of conduct which may, depending on the circumstances, be appropriately charged as Sexual Harassment, Sexual Violence, or Other Prohibited Behavior. In deciding whether alleged conduct rises to the level of a Policy violation, and which Policy provision to charge, the Title IX Officer may consider both the specific conduct alleged and the surrounding circumstances, like:

- the severity of the conduct;
- where the conduct occurred (for example, a confined space or a public one);
- duration of the conduct;
- any contemporaneous statements or other behavior by the Respondent (for example lewd or threatening gestures, gender-based nonsexual conduct);
- whether contact occurred over or under clothing;
- the relationship between the parties (for example, whether there is a power imbalance);

and other relevant factors. For example, whether the Title IX Officer will charge a Respondent’s alleged touching of a Complainant’s buttocks as either Sexual Harassment or Sexual Assault – Contact will depend on the specific nature of the touching, and the context in which it occurred. Similarly, a Respondent’s alleged publication of sexually explicit photos of a Complainant that is not an Invasion of Sexual Privacy as defined in this Policy might still, depending on the circumstances, be charged as Sexual Harassment.

**5. Does Sexual Assault 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 California Penal Code. For additional 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. Can parties be asked not to discuss the allegations under investigation? Once the outcome of an investigation or disciplinary proceeding under this Policy is disclosed to the parties, can they be asked to keep this information confidential?**

The Complainant and Respondent can be advised of the private and sensitive nature of the allegations, personnel and student discipline, and other matters that arise under this Policy but should not be restricted from discussing the allegations or gathering evidence (provided their conduct is not Retaliation as defined in Section II), or from further disclosing information about outcomes.



**7. 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 someone violated criminal law. At the end of the criminal process the person 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 community members.

Because the purposes and the standards for criminal and Title IX investigations are different, the termination of a criminal investigation without an arrest or conviction does not affect the University'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 Complainants from doing so. Title IX does not require the University to report alleged conduct to law enforcement, but the University may have reporting obligations under laws such as the Clery Act and the California Child Abuse and Neglect Reporting Act (CANRA), and may report alleged conduct per memoranda of understandings between the University and the police.

**8. 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 Respondent's alleged conduct is also the subject of a criminal investigation, the Title IX Officer will coordinate its investigation with the police. The fact-finding portion of a Title IX investigation may be delayed temporarily during the evidence-gathering stage of the criminal investigation. During this delay, the University may put Interim Measures in place. The length of time for evidence gathering by criminal investigators will vary depending on the specific circumstances of each case.

**9. 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 learn of while attending public awareness events, such as “Take Back the Night,” and the University is not required to open investigations based on statements made during such events.

**10. Are Responsible Employees required to report disclosures about Prohibited Conduct received in the course of conducting Institutional Review Board–approved or certified exempt human subjects research?**

Responsible Employees are not required to report disclosures of Prohibited Conduct made by someone when participating in human subjects research that has either been approved by an Institutional Review Board (IRB) or certified as exempt from IRB review under one or more of the categories in 45 CFR 46.104. When conducting research that is designed, or likely, to elicit information about sexual violence or

sexual harassment, researchers are strongly encouraged to provide information about University and community resources to research participants.

Disclosures of incidents of alleged Prohibited Conduct made during a person's participation as a subject in an IRB-approved or certified exempt human subjects research protocol will not be considered notice to the University for purposes of triggering its obligation to investigate. The reporting exemption that this section describes (for disclosures made by a person when participating in IRB-approved or certified exempt human subjects research) does NOT apply to disclosures made to research personnel outside of the course of the research protocol (for example, to faculty during office hours or while providing academic advising).

This reporting exemption does not affect mandatory reporting obligations under federal, state, or local laws, such as the Clery Act and the California Child Abuse and Neglect Reporting Act (CANRA), and other policies or laws that require reporting to campus or local law enforcement, or Child Protective Services.

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

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

**12. What is the significance of the Title IX regulations issued by the U.S. Department of Education in 2020?**

The federal Title IX regulations that went into effect August 14, 2020 cover certain forms of sexual misconduct, if the conduct occurred in a University program or activity, while the Complainant was in the United States. They require the University to follow a specific grievance process that includes a live hearing with direct questioning by parties' advisors before disciplining a Respondent for conduct covered by the regulations. Though the University would prefer not to implement some components of the process, compliance with the regulations is a condition of receiving federal funds such as Federal Pell Grants for students. So, the University will implement the DOE Grievance Process, but only when required (in response to DOE-Covered Conduct). To investigate conduct not covered by the regulations, the University will continue following the Formal Investigation process in place before the regulations were issued. The Formal Investigation process may include a live hearing, but only when the respondent is a student—and the hearing does not include direct questioning by advisors. Though administering two separate processes for similar conduct is more difficult, the University believes this provides the most protection for our community. Alternative Resolution is also available in some cases, even if they are covered by the regulations. More information about DOE-Covered Conduct is in [Appendix IV](#).

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## VIII. REVISION HISTORY

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**August 14, 2020:** This Policy was updated on an interim basis to comply with federal Title IX regulations effective August 14, 2020.

**July 31, 2019:** Revised version reflecting comprehensive, systemwide review issued

**August 14, 2018:** Addition of FAQ #10 regarding the obligations of Responsible Employees when conducting Institutional Review Board—approved or certified exempt human subject research.

**June 5, 2018:** Technical revision: updated contact information.

**September 1, 2017:** Technical revisions:

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

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

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

**January 1, 2016:** This Policy updated the processes for reporting and responding to complaints and added a new definition of “responsible employees.”

**June 17, 2015:** This Policy was updated on an Interim basis effective until December 31, 2015.

**February 25, 2014:** This Policy was reformatted into the standard University policy template.

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

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

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## IX. APPENDICES

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### Appendix I: Applicable Complaint Resolution and Grievance Policies

#### Academic Personnel:

Members of the Academic Senate	<u>Senate Bylaw 335</u>
Non-Senate Academic Appointees	<u>APM - 140</u>
Exclusively Represented Academic Appointees	<u>Bargaining Units &amp; Contracts</u>

#### Students:

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

#### Staff Personnel:

Complaint Resolution (Senior Managers)	<u>PPSM II-70</u>
Complaint Resolution (Staff Personnel)	<u>PPSM 70</u>
Exclusively Represented Staff Personnel	<u>Bargaining Units &amp; Contracts</u>
Lawrence Berkeley National Laboratory Employees	<u>Applicable Laboratory policy</u>

#### All members of the University community:

The University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy) protects 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 Policies and Procedures

The following are the University's disciplinary policies and 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 be a violation of the Faculty Code of Conduct. The University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.



The *Sexual Violence and Sexual Harassment Senate and Non-Senate Faculty Adjudication Framework* sets forth the University's procedures for resolving complaints of sexual violence and sexual harassment where the Respondent is a member of the University faculty.

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

The *Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel* sets forth the University's procedures for resolving complaints against non-Senate academic appointees subject to APM-150.

- C. *Appendix E: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for Non-DOE-Covered Conduct* and *Interim Appendix F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct* of the Policies Applying to Campus Activities, Organizations, and Students sets forth these procedures when DOE-Covered Conduct of the Policies Applying to Campus Activities, Organizations, and Students sets forth the University's procedures for resolving complaints of sexual violence and sexual harassment where the parties are both students, including the discipline of students found in violation of University policy. See also, the policy on Student Conduct and Discipline.
- D. Provisions of the *Personnel Policies for Staff Members*, and the Lawrence Berkeley National Laboratory personnel policies (applicable to non-exclusively represented staff employees), and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct that violates University policy for sexual violence or sexual harassment and provide for disciplinary action for violating University policy.
- *PPSM-62: Corrective Action*
  - *PPSM-63: Investigatory Leave*
  - *PPSM-64: Termination and Job Abandonment*
  - *PPSM II-64: Termination of Appointment*

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

### **Appendix III: Supportive and Remedial Measures**

When determining Supportive and Remedial Measures (as defined in [Section II](#)), the Title IX Officer will assess how much the University can protect the parties' privacy while

also ensuring the measures are effective. The Title IX Officer will explain to the parties any limits on protecting their privacy.

In determining Supportive Measures, the Title IX Officer will tailor the measures to the circumstances of each case, minimize burdens on the parties, and avoid depriving the parties of educational and employment opportunities as much as practicable.

In matters involving DOE-Covered Conduct, the Title IX Officer will ensure Supportive Measures are non-disciplinary and non-punitive, and that they do not unreasonably burden a party.

In addition to Supportive and Remedial measures, the Title IX Officer may take other actions to stop reported conduct, prevent its escalation or recurrence, and address its effects.

Examples of services, accommodations, and other available measures include:

**i. *Campus Services Generally:***

Academic, employment, and other support including tutoring, counseling, disability services, health and mental health services, family planning services, survivor advocacy, housing assistance, legal assistance, referral to employee assistance program, 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. *Measures Available to Employees, Including Academic, Staff and 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.

**iii. *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.

**iv. *Campus Services Modified:***

- 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.

**v. *Additional Educational Measures for Students:***

- Change advisors, composition of dissertation committee, class sections and similar schedule adjustments.

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

**vi. *No Contact Options:***

- Complainant and Respondent Options:
  - The Title IX Officer will ensure the parties have been notified of options to avoid contact and assist them in changing, as appropriate, living, transportation, dining, and working situations, or academic and extracurricular activities;
  - Assist the parties in applying for no contact orders; and
  - Arrange for escort services to ensure that the parties can move safely to work, classes, and activities.
- Respondent's Restrictions:
  - Allow the Complainant to take regular sections of courses while arranging for the Respondent to take the courses online or through independent study;
  - Moving the Respondent to a different residence hall or work space;
  - Forbidding the Respondent to participate in specific athletic or extracurricular events or social clubs (including fraternities or sororities);
  - 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 work scheduling or class changes;
  - Prohibiting the Respondent from attending classes for a period of time, transferring the Respondent to another campus, or putting the Respondent on investigatory leave; and
  - Excluding the Respondent from the campus or workplace.

**vii. *Other Measures Devised by the Title IX Officer or Other Administrator.***

## Appendix IV: DOE-Covered Conduct

**Summary:** Per the federal Title IX regulations effective August 14, 2020 (DOE Regulations), the University cannot discipline a Respondent for DOE-Covered Conduct unless it follows the DOE Grievance Process. The DOE Grievance Process is triggered only by a DOE Formal Complaint that alleges DOE-Covered Conduct. Only a qualified Complainant (Section A.1, below) or the Title IX Officer (Section A.4, below) can make a DOE Formal Complaint. Instead of a DOE Grievance Process, the Title IX Officer could in some cases potentially open an Alternative Resolution in response to such a complaint. The DOE Grievance Process and Alternative Resolution are described in Section V.A.5 of this Policy.

When allegations of DOE-Covered Conduct in a DOE Formal Complaint and allegations of other Prohibited Conduct or of violations of other University policies arise out of the same facts or circumstances, then the University will address all allegations together through either the DOE Grievance Process procedures or Alternative Resolution.

When allegations do not include DOE-Covered Conduct, then the Title IX Officer will determine whether to open a different Resolution Process per the Initial Assessment process in Section V.A.3 of the Policy.

To ensure the University provides a DOE Grievance Process when (and only when) required, and otherwise complies with the DOE Regulations, the Title IX Officer will follow the Initial Assessment process outlined in Section A upon receiving a report. The Title IX Officer will document their decision-making per written guidelines issued by the Systemwide Title IX Office.

### Process:

- A. Initial Assessment. The Title IX Officer will assess the report to determine whether to open a DOE Grievance Process, Alternative Resolution, or other Resolution Process.
  1. *Formal Complaint from a Qualified Complainant*. The Title IX Officer will first determine whether they received a DOE Formal Complaint from a qualified Complainant. To be such, the report must:
    - allege conduct that occurred on or after August 14, 2020;
    - be in writing;
    - be made by the person who allegedly experienced the harassment, and not by a third party;
    - be made by a person qualified to make it under the DOE Regulations, meaning someone participating or attempting to participate in a University program or activity;
    - be against an identified Respondent;
    - request an investigation; *and*
    - allege DOE Sex-Based Misconduct, as defined in Section B (DOE-Covered Conduct) below.



Yes DOE Formal Complaint: If the report is a DOE Formal Complaint from a qualified Complainant, the Title IX Officer must next determine whether they are required to “dismiss” it (*Required Dismissal of Formal Complaint*, below).

No DOE Formal Complaint: If the report is not a DOE Formal Complaint from a qualified Complainant, the Title IX Officer must still determine whether the alleged conduct is DOE-Covered Conduct (*DOE-Covered Conduct*, below); if it is, the Title IX Officer may need to themselves “sign” a DOE Formal Complaint (*Decision to Open or Close*, below). Note: Before signing themselves, the Title IX Officer will inform a qualified Complainant of how to make a DOE Formal Complaint, and give them that opportunity.

2. *Required Dismissal of Formal Complaint.* If the report is a DOE Formal Complaint from a qualified Complainant, the Title IX Officer will next determine whether they must “dismiss” the complaint or any of its allegations. They must “dismiss” the complaint if the conduct, even if true, is not DOE-Covered Conduct, as defined in Section B (*DOE-Covered Conduct*, below).

This “dismissal” is required by the DOE regulations, and means the Title IX Officer will no longer consider the allegations DOE-Covered Conduct. It does not necessarily mean the Title IX Officer will close the matter. Rather, the Title IX Officer will decide whether and how to continue resolution of the dismissed allegations, as explained in Section C, below.

No Dismissal: If dismissal is not required, the Title IX Officer will begin either a DOE Grievance Process or Alternative Resolution.

Yes Dismissal: If dismissal is required, the Title IX Officer will “dismiss” the complaint per Section C (*Required Dismissal of Formal Complaint*, below).

3. *DOE-Covered Conduct.* If the report is not a DOE Formal Complaint from a qualified Complainant, the Title IX Officer will determine whether the report is nonetheless of DOE-Covered Conduct, as defined in Section B (*DOE-Covered Conduct*, below).

No DOE-Covered Conduct: If the conduct is not DOE-Covered Conduct, this is the end of the DOE process. The Title IX Officer will continue their assessment under Section V.A.3 of the Policy and decide whether to open a different Resolution Process.

Yes DOE-Covered Conduct: If the conduct is DOE-Covered Conduct, the Title IX Officer will decide whether to close the matter or, instead, open a DOE Grievance Process, Alternative Resolution, or Other Inquiry (*Decision to Close or Open*, below).

4. *Decision to Close or Open.* If the Title IX Officer did not receive a DOE Formal Complaint from a qualified Complainant, yet the alleged conduct is DOE-Covered Conduct, then they must either:
- close the matter,
  - “sign” a DOE Formal Complaint themselves and open either a DOE Grievance Process or Alternative Resolution, *or*
  - open an Other Inquiry (if it applies).

Decision to Close. The Title IX Officer may decide to close the matter when, for example, the Complainant does not want an investigation and the Title IX Officer determines one is not necessary.

Decision to Sign. The Title IX Officer may decide to sign a DOE Formal Complaint themselves when, for example:

- the Complainant does not want an investigation, but the Title IX officer determines one is necessary (see Section V.A.5.b)
- the Complainant does want an investigation, but is not qualified to make a DOE Formal Complaint themselves because they are not participating or attempting to participate in a University program or activity (for example, they are a former employee or student, or third party)
- the Complainant’s identity is unknown (for example, when the Complainant reported anonymously or a third party report did not identify the Complainant)

Decision to Open Other Inquiry. The Title IX Officer may decide to open an Other Inquiry when the University cannot discipline the Respondent—for example, when the Respondent is not an employee or a student.

Complainant Rights. If the Title IX Officer signs the DOE Formal Complaint, they will notify the person who allegedly experienced the conduct, if known, who will be and have all rights of a Complainant in the Resolution Process.

- B. DOE-Covered Conduct. Conduct is DOE-Covered Conduct if all of the below are true:

1. *Date:* The alleged conduct occurred on or after August 14, 2020.
2. *Territoriality.* The Complainant was in the United States when the conduct allegedly occurred.
3. *Program or Activity.* The conduct occurred in a University program or activity, meaning the location was either:
  - on-campus, *or*
  - off-campus, and the conduct occurred:
    - in the context of University operations;

- at a location, event or circumstance over which the University exercised substantial control over the Respondent and the context in which the conduct occurred; *or*
  - at a building owned or controlled by a student organization that is officially recognized by the University.
4. *DOE Sex-Based Misconduct.* The alleged conduct is DOE Sex-Based Misconduct, meaning it is any of the following:
- a. conduct by an employee that meets the definition of *Quid Pro Quo* Sexual Harassment in Section II of the Policy;
  - b. unwelcome sexual or other sex-based conduct (as defined in Section II of the Policy) that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University’s programs or activities;
  - c. conduct that meets the definition of Sexual Assault-Penetration;
  - d. intentionally touching Complainant’s intimate body part (genitals, anus, groin, breast, or buttocks) without the Complainant’s consent (as defined in Section II of the Policy);
  - e. conduct that meets the definition of Relationship Violence in Section II of the Policy;
  - f. conduct that meets the definition of Stalking in Section II of the Policy;
  - g. sexual intercourse with a person under the age of 18; *or*
  - h. conduct that meets the definition of Invasion of Sexual Privacy in Section II of the Policy, and that a reasonable person would determine was so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University’s programs or activities.
- C. Required Dismissal of Allegations. The Title IX Officer must “dismiss” allegations in a DOE Formal Complaint if:
- they determine during the Initial Assessment that the alleged conduct, even if true, is not DOE-Covered Conduct, as defined in Section B (*DOE-Covered Conduct*, below), *or*
  - they determine during the investigation that the alleged conduct, even if true, did not occur in a University program or activity or that the Complainant was not in the United States at the time of the alleged conduct.
1. *Significance of Dismissal.* As noted above, “dismissal” means the Title IX Officer will no longer consider the allegations DOE-Covered Conduct. It does not necessarily mean the Title IX Officer will close the matter. Rather, the Title IX Officer will decide whether and how to continue resolution of the dismissed allegations.

If as a result of dismissal there are no allegations of DOE-Covered Conduct, then any further investigation will be as Formal Investigation (see Section V.A.5 of this Policy).

If after the dismissal there are still other allegations of DOE-Covered Conduct, then the Title IX Officer will continue following the procedures in the DOE Grievance Process for all allegations, per Section D.2 (*Consolidation of DOE-Covered Conduct Allegations with other Prohibited Conduct Allegations*); that is, the Title IX Officer will notify the parties that the dismissed allegations are not covered by the DOE Regulations, but will still process all allegations under the DOE Grievance Process for clarity and consistency.

If the matter is in Alternative Resolution, the Title IX Officer may continue with that process, but will notify the parties which allegations were dismissed and which (if any) continue to be considered DOE-Covered Conduct.

2. *Notice of Dismissal.* If the Title IX Officer is required to “dismiss” allegations from a DOE Formal Complaint, they will notify the parties in writing:
  - a. of the allegations dismissed and the reasons;
  - b. whether they will continue resolution of the dismissed allegations and, if so, under what Resolution Process;
  - c. that the parties can appeal the dismissal on the grounds listed below;
  - d. that the parties will be notified in writing if the other party appeals;
  - e. that the parties will have equal rights during any appeal process, including the opportunity to submit a written statement in support of, or challenging, the dismissal;
  - f. that a written decision on the appeal and the rationale will be issued simultaneously to both parties;
  - g. contact information for the appeal officer; and
  - h. that this Policy prohibits Retaliation.
3. *Grounds for Appeal of Dismissal.* The appeal should identify the reason the party is challenging the dismissal on one or more of the available grounds:
  - a. there was procedural error that affected the decision to dismiss; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;
  - b. there is new evidence that was not reasonably available at the time of the decision to dismiss that could affect the decision; or
  - c. the Title IX Officer or investigator had a conflict of interest or bias that affected the decision.
4. *Commencing an Appeal of Dismissal.* An appeal must be submitted to the appeal officer within 5 business days after notice of dismissal. The appeal must identify the grounds for appeal and contain specific arguments supporting each ground. The appeal officer will notify the other party of the appeal and that the other party can submit a written statement in response to the appeal, within three business days.



5. *Standards for Deliberation.* The appeal officer will decide whether the appealing party has proven the asserted grounds for appeal. They will consider the notice of dismissal, the appeal statements of the parties, and any additional information from the Title IX Officer.
  6. *Decision by Appeal Officer.* The appeal officer may:
    - a. uphold the dismissal;
    - b. overturn the dismissal; or
    - c. in appeals alleging new evidence, send the case back to the Title IX Officer with a request to determine whether the new evidence affects the dismissal and report back to the appeal officer.
  7. *Notice of Decision.* Within 10 business days of receiving the appeal, the appeal officer will provide their written decision to the parties and the Title IX Officer, to include:
    - a. a statement of the grounds identified on appeal;
    - b. a summary of the information considered by the appeal officer; and
    - c. the decision of the appeal officer and the rationale for the decision.
- D. Case Consolidation. The following provisions apply when the University opens a DOE Grievance Process.
1. *Consolidation of DOE Formal Complaints.* The Title IX Officer may consolidate allegations of DOE-Covered Conduct against multiple respondents, by multiple complainants, or by one party against the other party, when the allegations arise out of the same facts or circumstances.
  2. *Consolidation of DOE-Covered Conduct Allegations with other Prohibited Conduct Allegations.* When allegations of DOE-Covered Conduct and allegations of other Prohibited Conduct or of violations of other University policies arise from the same facts or circumstances, the Title IX Officer will process all allegations under the DOE Grievance Process procedures for clarity and consistency. The Title IX Officer will clearly document and inform the parties of which allegations are and are not DOE-Covered Conduct.

**UC SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY  
INITIAL ASSESSMENT UNDER APPENDIX IV: DOE-COVERED CONDUCT**

**Did the Title IX Officer receive a “DOE Formal Complaint” from a qualified Complainant? The report must:**

- allege conduct that occurred on or after August 14, 2020
  - be in writing
  - be made by the person who allegedly experienced the harassment
  - be made by a person participating or attempting to participate in a University program or activity
  - be against an identified Respondent
  - request an investigation
- AND
- allege DOE Sex-Based Misconduct (as defined in Appendix IV)

**YES**

**Must the Title IX Officer “dismiss” the DOE Formal Complaint?**

Dismissal is required if the alleged conduct is not DOE-Covered Conduct, meaning it:

- doesn’t meet the definition of DOE Sex-Based Misconduct after all, *or*
- did not occur in a program or activity, *or*
- did not occur while Complainant was in the U.S.

**Dismissal required**

Title IX Officer will decide whether and how to continue resolution of dismissed allegations

**Dismissal not required**

Title IX Officer will open DOE Grievance Process or Alternative Resolution

**NO**

**Is the alleged conduct nonetheless DOE-Covered Conduct?**

- occurred on or after August 14, 2020
- meets the definition of DOE Sex-Based Misconduct
- occurred in a program or activity AND
- occurred while Complainant was in the U.S.

**YES**

**NO**

End of DOE process. Title IX Officer will continue initial assessment under SVSH Policy.

**Decision to Close**

The Title IX Officer may decide to close the matter when, for example, the Complainant does not want an investigation and the Title IX Officer determines one is not necessary.

**Decision to Sign**

The Title IX Officer may decide to “sign” a DOE Formal Complaint themselves when:

- Complainant does not want investigation but Title IX Officer determines it is necessary
- Complainant wants investigation, but cannot make DOE Formal Complaint because not participating in a program or activity (or trying to)
- Complainant’s identity is unknown

**Decision to open Other Inquiry**

The Title IX Officer may decide to open an Other Inquiry when the University cannot discipline the Respondent—for example, when the Respondent is not an employee or a student.

# **Appendix B**

UC Davis

**Policy on Sexual Violence and Sexual Harassment  
(PPM Section 400-20)**

## UC Davis Policy and Procedure Manual

### Chapter 400, Campus Climate

#### Section 20, Sexual Violence and Sexual Harassment

Date: 3/16/2020

Supersedes: 4/1/16, rev. 3/17/17, 9/8/17

Responsible Department: Compliance and Policy

Source Document: UC Policy on Sexual Violence and Sexual Harassment

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#### I. Purpose

- A. This section provides guidance to those who believe they have been subject to sexual violence or sexual harassment, or have been accused of sexual violence or sexual harassment, as defined by the [UC Policy on Sexual Violence and Sexual Harassment](#), and describes the University's actions to address those complaints through administrative channels.
- B. It supplements the UC Policy on Sexual Violence and Sexual Harassment. To the extent this policy is inconsistent with the UC Policy on Sexual Violence and Sexual Harassment, the UC policy controls.

#### II. Policy

- A. The University 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.
- B. When allegations of sexual violence or sexual harassment are brought to the University's attention, those allegations are promptly reviewed and addressed under the UC Policy on Sexual Violence and Sexual Harassment.
- C. This policy applies to allegations that occur:
  - 1. on University properties;
  - 2. in connection with University employment or in the context of a University employment or education program, activity or service; or
  - 3. off-campus or outside of University employment or educational program, activity or service, when the alleged conduct affects the complainant's employment or access to University programs and activities, or that would violate other policies had it occurred on campus.
- D. Violations of this policy will be handled following the appropriate adjudication and disciplinary procedures (see VIII.A, below).
- E. Employees who are in or enter into a consensual relationship with another employee where they have supervisory, decision-making, oversight, evaluative, or advisory responsibilities, must follow the reporting guidelines set forth in [Section 380-13](#).
- F. No provision of this policy is interpreted to prohibit conduct that is legitimately related to:
  - 1. course content, teaching methods, scholarship, or public commentary of an individual faculty member; or
  - 2. the educational, political, artistic, or literary expression of students in classrooms or public forums.
- G. 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.



### III. Prohibited Conduct

- A. The following conduct is prohibited by this policy:
1. Sexual harassment
  2. Sexual violence
    - a. Sexual assault, including penetration and other sexual contact
    - b. Relationship violence, including domestic violence and dating violence
    - c. Stalking
  3. Invasion of sexual privacy
    - a. Viewing, allowing others to view, recording or photographing nudity or sexual acts without consent where the individual(s) viewed, recorded or photographed has a reasonable expectation of privacy
    - b. Extorting something of value from a person by using recordings or photographs of that person's nudity or sexual activity
  4. Exposing one's genitals in a public place for the purpose of sexual gratification
  5. Sexual intercourse with a person under the age of 18
  6. Failure to comply with a no-contact order, a suspension of any length, or any order of exclusion issued under the UC Policy on Sexual Violence and Sexual Harassment
  7. Retaliation
- B. Specific definitions of prohibited activities are provided in the [UC Policy on Sexual Violence and Sexual Harassment](#).

### IV. Consent and Incapacitation

- A. An affirmative, conscious, voluntary agreement by each participant to engage in sexual activity is required in order to gain consent.
- B. Consent is revocable and can be withdrawn at any time during the activity.
1. Affirmative consent must be ongoing throughout the sexual activity.
  2. The existence of a dating relationship or past sexual relations between the parties alone is not an indicator of consent.
  3. A subsequent dating relationship or sexual relations alone are not indicators of consent for prior conduct.
- C. Consent is not possible when the complainant is incapacitated.
- D. The respondent's belief that the complainant consented is not 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 to ascertain whether the complainant affirmatively consented, or
  3. the respondent knew or should have known the complainant was incapacitated.
- E. Additional information regarding the definitions of consent and incapacitation is available in the [UC Policy on Sexual Violence and Sexual Harassment](#).

## V. Options for Consultations and Reporting

### A. Confidential consultations

1. Individuals seeking confidential assistance or support related to prohibited conduct may consult with the following departments:
  - a. Center for Advocacy Resources and Education (CARE) (530-752-3299 Davis Campus; 916-734-3799 UC Davis Health); (<https://care.ucdavis.edu>).
  - b. Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual Resource Center (LGBTQIARC) (530-752-2452); (<https://lgbtqia.ucdavis.edu/>).
  - c. Ombuds Office (530-754-7233; 916-734-1600); (<https://ombuds.ucdavis.edu/>).
  - d. Women's Resources and Research Center (WRRC) (530-752-3372); (<https://wrrc.ucdavis.edu/>).
2. Individuals seeking confidential assistance or support related to prohibited conduct may also consult with licensed counselors and licensed healthcare providers and those employees who report directly to such providers at Student Health and Counseling Services (SHCS) 530-752-0871; <https://shcs.ucdavis.edu/counseling-services> and Academic and Staff Assistance Program (ASAP) 530-752-2727; 916-734-2727; <https://www.hr.ucdavis.edu/departments/asap>. When receiving reports of prohibited conduct within the course and scope of providing care to a patient, these individuals are confidential resources under this policy.
3. Disclosures to confidential resources will not automatically lead to an investigation or other University response unless the individual chooses to make an official report as described below.

### B. Official reporting to the University

1. Individuals who wish to report behavior that may be considered prohibited conduct under this policy, including third-party or anonymous reports, may report the behavior to the following:
  - a. Harassment & Discrimination Assistance and Prevention Program (HDAPP) (Davis campus, 530-747-3864 UC Davis Health, 916-734-3417).
  - b. Title IX Officer (530-752-9466).
  - c. Any responsible employee (identified in VI.C, below).
2. Responsible employees who are made aware of any behavior that may be considered prohibited conduct must report the behavior to HDAPP, Title IX Officer, or their offices.
3. All reports of sexual harassment and sexual violence are reviewed by the Title IX Officer and HDAPP to determine the appropriate University response. The University generally responds either by alternative resolution or by initiating a formal investigation. Both processes are discussed in more detail in section V.A.5 of the [University of California Sexual Violence and Sexual Harassment Policy](#). When the respondent is a third party, the University's ability to take appropriate responsive action depends on its relationship and level of control over the third party, if any.
4. Reporting prohibited conduct to the University will not automatically lead to a criminal report or criminal investigation; individuals who wish to pursue a criminal investigation into

prohibited conduct as defined under III.A.2, 3, 4, and 5 above must report the incident to the appropriate police department.

5. Additional information regarding reporting and University response to sexual violence complaints is available at <https://sexualviolence.ucdavis.edu>.

## VI. Roles and Responsibilities

### A. Title IX Officer

1. Develops and implements procedures for prompt and effective responses to reports of sexual violence and sexual harassment.
2. Oversees a prompt and equitable response to reports of prohibited conduct.
3. Initiates formal investigations into prohibited conduct.
4. With HDAPP, identifies and addresses any patterns or systemic problems that arise during the review of complaints of prohibited conduct.
5. Ensures the University offers prevention education and awareness programs to all incoming students and new employees, and ongoing training to the University community.
6. Ensures all individuals conducting formal investigations or hearings on sexual violence issues receive annual training related to sexual violence.

### B. HDAPP

1. Plans and manages sexual violence and sexual harassment prevention education and training programs to ensure:
  - a. Wide dissemination of this policy to the University community.
  - b. Educational and training materials to promote compliance with the policy and familiarity with campus reporting procedures.
  - c. Coordination of training required by state law and University policy.
2. Receives reports of prohibited conduct and ensures that timelines, procedures, rights, and remedies are met.
3. Coordinates and implements the alternative resolution process.
4. Ensures that individuals making reports receive notifications as required by V.A.3 of the [UC Policy on Sexual Violence and Sexual Harassment](#).
5. In accordance with University records retention policies, maintains records of reports of prohibited activities and actions taken in response to reports, including records of investigations, alternative resolutions, and disciplinary action as appropriate.

### C. Responsible Employees

1. Individuals are identified as Responsible Employees as follows:
  - a. With regard to student complaints of prohibited conduct, all University employees (including student employees) who are not confidential resources as identified in V.A. above and who in the course of employment receive information that a student may have been subjected to prohibited conduct are Responsible Employees.
  - b. With regard to all other reports of prohibited conduct, the following are identified as Responsible Employees:

- 1) Campus Police
  - 2) Human Resource Administrators, Academic Affairs and Title IX Professionals
  - 3) Managers and supervisors including Deans, Department Chairs, Directors of Organized Research Units and other academic appointees with managerial responsibilities.
  - 4) Faculty members.
2. Are responsible for all of the following:
- a. Supporting and contributing to a work or educational environment free from all forms of harassment or discrimination.
  - b. Immediately consulting with HDAPP or the Title IX Officer following notice of prohibited conduct.
  - c. In consultation with HDAPP or the Title IX Officer, implementing appropriate interim actions.
  - d. Participating in training as required by University policy and state law.
3. Responsible employees who fail to forward reports of possible prohibited conduct may be subject to corrective action, including potential disciplinary action.
- D. Title IX Investigators
1. Act as neutral fact-finders in conducting a full, fair, and thorough investigation into prohibited conduct as charged by the Title IX Officer.
  2. Complete investigations in a timely manner.
  3. Request extension when needed for good cause, in order to complete a full, fair, and thorough investigation.
  4. Participate in annual training on sexual violence.
- E. The Director—Student Judicial Affairs is responsible for imposing disciplinary sanctions on students who are found responsible for violating this policy.
- F. The Chief Human Resources Officer is responsible for overseeing the disciplinary process when a staff member is found in violation of this policy.
- G. The Vice Provost—Academic Affairs is responsible for overseeing the disciplinary process when a faculty member or a non-faculty academic appointee is found in violation of this policy.
- H. CARE
1. Provides advocacy and support services to individuals who have experienced sexual violence or harassment, including but not limited to:
    - a. Confidential crisis intervention.
    - b. Accompaniment to forensic medical examinations.
    - c. Accompaniment to investigation interviews and hearings.
    - d. Assistance with securing no-contact orders or restraining orders.
    - e. Providing referrals to other campus and community services.



2. Coordinates with HDAPP to provide training and prevention programs.
- I. Respondent Services Coordinator
    1. Facilitates fair and equitable services for the respondent.
    2. Provides information regarding the University's administrative processes to the respondent.
    3. Makes referrals to appropriate campus and community resources.
  - J. Case Management Teams
    1. Sexual Violence Case Management Team (SVCMT)
      - a. Meets at least biweekly to coordinate timely responses to allegations of sexual violence and student-student sexual harassment, and to monitor such allegations through the resolution process.
      - b. Members include the Title IX Officer, HDAPP, and representatives from, CARE, the Office of Student Support and Judicial Affairs, the UC Davis Police Department and other members as required.
    2. Sexual Harassment Case Management Team (SHCMT)
      - a. Meets regularly to coordinate timely responses to employee allegations of sexual harassment and to monitor such allegations through the resolution process.
      - b. Members include the Title IX Officer; HDAPP; and representatives from Human Resources, Academic Affairs, CARE and other members as required.
  - K. Campus Community Review Team (CCRT)
    1. Meets at least quarterly and serves in an advisory capacity to campus leadership and community members about best practices in policies, education, prevention and response to sexual violence.
    2. Is composed of campus and community stakeholders involved in sexual violence response and prevention efforts.

## VII. Further Information

- A. HDAPP provides information and assistance to the Davis campus (530-747-3864, <https://hdapp.ucdavis.edu>); and provides information and assistance to UC Davis Health (916-734-3417).
- B. CARE is a confidential resource that provides information and assistance regarding sexual violence and sexual harassment to students, staff, faculty, and other University affiliates (530-752-3299 at Davis; 916-734-3799 at UC Davis Health; <https://care.ucdavis.edu>).
- C. The following agencies may serve as neutral fact finders to facilitate the voluntary resolution of complaints against the University. Contact information for the nearest office is available on the agencies' websites.
  1. The federal [Equal Employment Opportunity Commission \(EEOC\)](#) and the [California Department of Fair Employment and Housing](#) investigate complaints of discrimination, including unlawful sexual harassment in employment.
  2. The [U.S. Department of Education Office for Civil Rights](#) investigates complaints of discrimination, including unlawful sexual harassment of students in educational programs or activities.

## VIII. References and Related Resources

- A. Disciplinary frameworks and procedures:
  - 1. [Policies Applying to Campus Activities, Organizations, and Students, Section 100.00, Policy on Student Conduct and Discipline](#) and [Appendix E: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework](#).
  - 2. [UC Davis Administration of Student Discipline](#).
  - 3. [Investigation and Adjudication Framework for Senate and Non-Senate Faculty](#).
  - 4. [Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel](#).
  - 5. [Academic Personnel Manual](#):
    - a. [Section 016, University Policy on Faculty Conduct and the Administration of Discipline](#) and [UCD 016, Procedures for Faculty Discipline](#).
    - b. [Section 150, Non-Senate Academic Appointees/Corrective Action and Dismissal](#).
  - 6. [Personnel Policies for Staff Members, Policy](#) and [UCD Procedure 62, Corrective Action](#).
  - 7. [UC Collective Bargaining Agreements](#).
- B. Office of the President:
  - 1. [University of California Policy on Sexual Violence and Sexual Harassment](#).
  - 2. [Policies Applying to Campus Activities, Organizations, and Students, Section 110.00, Policy on Student Grievance Procedures](#).
- C. [Title VII of the Civil Rights Act of 1964, 42 US Code 2000e et seq.](#)
- D. [EEOC Guidelines on Discrimination Because of Sex, 29 CFR 1604.11](#).
- E. Title IX, Educational Amendments of 1972, 20 US Code [1681](#) and [1687](#).
- F. [Title IX Regulations, 34 CFR Part 106](#).
- G. [California Fair Employment and Housing Act, Government Code 12900 et seq.](#)
- H. UC Davis Policy and Procedure Manual:
  - 1. [Section 320-20, Privacy of and Access to Personal Information](#).
  - 2. [Section 380-13, Near Relatives and Consensual Relationships](#).
- I. [Section 400-01, Freedom of Expression](#).
  - 1. [Section 400-05, Fraud Risk Management](#).
  - 2. [Section 400-15, Complaints of Discrimination and Harassment](#).
- J. [Academic Personnel Manual](#):
  - 1. [Section 010, Academic Freedom](#).
  - 2. [Section 015, Faculty Code of Conduct](#) and [UCD-015, Procedures for Faculty Misconduct Allegations](#).
  - 3. [Section 035, Affirmative Action and Nondiscrimination in Employment](#).
  - 4. [Section 140](#) and [UCD-140, Non-Senate Academic Appointees/Grievances](#).

- K. [Academic Senate Bylaw 335](#) and [Davis Division Bylaw 87](#).
- IX.** [Personnel Policies for Staff Members Policy](#) and [UCD Procedure 70, Complaint Resolution](#).
  - A. [Resident Medical Staff Personnel Policy and Procedure](#):
    1. Policy 200, Nondiscrimination.
    2. Policy 440, Grievances.
  - B. [UC Davis Principles of Community](#).

# **Appendix C**

## **Sexual Violence Support Services and Reporting Options Brochure**



## Sexual Violence Support Services and Reporting Options

The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. The University prohibits sexual violence, including sexual assault, relationship violence, and stalking; such behavior violates University policy and may also violate the law.

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

You have the right to choose whether you want to report an incident of sexual violence to the University, to local law enforcement agencies, to either, or to both. You also have the right not to file a report. This handout provides a brief description of reporting options and the resources available for support regardless of whether you choose to report the incident.

UC Davis does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, pregnancy (including pregnancy, childbirth, and medical conditions related to pregnancy or childbirth), physical or mental disability, age, medical condition (cancer related or genetic characteristics), ancestry, marital status, citizenship, sexual orientation, or service in the uniformed services (includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services) status as a Vietnam-era veteran or special disabled veteran, in accordance with all applicable state and federal laws, and with University policy. As required by Title IX, the University of California, Davis, does not discriminate on the basis of sex in its educational programs, admissions, employment, or other activities.

Inquiries related to Title IX and to Section 34 CFR § 106.9 may be referred to the Title IX Coordinator: Wendi Delmendo / Mrak Hall, Fifth Floor / One Shields Ave, Davis, CA 95616 / 530-752-9466 / [wjdelmendo@ucdavis.edu](mailto:wjdelmendo@ucdavis.edu)

Inquiries may also be directed to: Assistant Secretary for Civil Rights of the Department of Education / San Francisco Office / U.S. Department of Education / 50 Beale Street, Suite 7200 / San Francisco, CA 94105-1813 / 415-486-5555 / [OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)



# SEXUAL VIOLENCE SUPPORT SERVICES AND REPORTING OPTIONS



## Support Services Available On and Off-Campus

### Confidential campus resources:

**CARE (Center for Advocacy, Resources and Education)**  
530-752-3299 [care.ucdavis.edu](http://care.ucdavis.edu)

CARE is the advocate office for sexual and gender-based violence and sexual misconduct. CARE provides free, confidential crisis intervention, advocacy and accompaniment services to any survivor of sexual harassment, sexual assault, intimate partner violence, or stalking, regardless of their decision to formally report the matter. The CARE unit serves in an advocacy role for your interests and needs, and will discuss rights, options and procedures regarding safety planning, reporting, academic and financial aid assistance, housing, transportation and employment accommodations, and counseling and medical needs. Services are available to UC Davis students, staff, academic appointees, and faculty.

**Counseling Services**  
530-752-2349 [shcs.ucdavis.edu/services/counseling.html](http://shcs.ucdavis.edu/services/counseling.html)  
Counseling Services offers free, confidential short-term individual counseling to all registered UC Davis students.

**ASAP (Academic & Staff Assistance Program)**  
530-752-2727 [www.hr.ucdavis.edu/worklife-wellness/ASAP](http://www.hr.ucdavis.edu/worklife-wellness/ASAP)  
ASAP offers free, confidential assessment, intervention, consultation and referral services to all UC Davis faculty, staff and their immediate families.

**WRRC (Women's Resources and Research Center)**  
530-752-3372 [wrrc.ucdavis.edu](http://wrrc.ucdavis.edu)  
The WRRC spaces, programs, and services are open to all. The WRRC offers confidential support and referrals on a wide range of topics, including sexual assault and dating violence.

**LGBTQIA (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual Resource Center)**  
530-752-2452 [lgbtqia.ucdavis.edu](http://lgbtqia.ucdavis.edu)  
The LGBTQIA Resource Center provides an open, safe, inclusive and confidential space and community for all individuals.

**Office of the Ombuds**  
530-754-7233 or 916-734-1600 [ombuds.ucdavis.edu](http://ombuds.ucdavis.edu)  
The UC Davis Ombuds Office is a confidential, independent, impartial, and informal problem-solving and conflict management resource for all members of the UC Davis campus community.

**Family Protection and Legal Assistance Clinic**  
530-752-6942  
[law.ucdavis.edu/clinics/family-protection-clinic.html](http://law.ucdavis.edu/clinics/family-protection-clinic.html)  
The Family Protection and Legal Assistance Clinic provides free legal representation to victims of domestic violence seeking restraining orders in Yolo and Sacramento County.

**ASUCD Legal Services**  
530-752-1990 [asucd.ucdavis.edu/units/legal-services](http://asucd.ucdavis.edu/units/legal-services)  
ASUCD legal services provide each UC Davis undergraduate student a free fifteen minute consultation with an attorney.

**Additional campus resources (non-confidential)**  
**HDAPP (Harassment & Discrimination Assistance and Prevention Program)**  
[hdapp.ucdavis.edu](http://hdapp.ucdavis.edu)  
530-747-3864 (Davis) or 916-734-3417 (UCD Health)  
Anonymous Call Lines: 530-747-3865 (Davis) or 916-734-2255 (UCD Health)  
HDAPP assists individuals and campus units with resolving sexual harassment, sexual violence and discrimination complaints. HDAPP can help you understand what your options are and connect you with other support services and resources. You may consult with HDAPP anonymously if you choose. However, if you provide identifying information about yourself or the person who engaged in the sexual harassment or sexual violence, the University may have an obligation to take action.

**Office of Student Support and Judicial Affairs**  
530-752-1128 [sja.ucdavis.edu](http://sja.ucdavis.edu)  
The Office of Student Support and Judicial Affairs serves the campus by enforcing student conduct standards, upholding student rights, and assisting students in need.

**Title IX Officer: Wendi Delmendo**  
530-752-9466 [wjdelmendo@ucdavis.edu](mailto:wjdelmendo@ucdavis.edu)  
The Title IX Officer is responsible for coordinating the University's response to reports of sexual violence and sexual harassment.

## Off-campus confidential resources:

### Empower Yolo

530-662-1133 or 916-371-1907 [empoweryolo.org](http://empoweryolo.org)

Empower Yolo provides confidential crisis intervention, advocacy and accompaniment services to survivors of violence in Yolo County.

### Women Escaping a Violent Environment, (WEAVE)

916-920-2952 or 866-920-2952 (toll free)

[www.weaveinc.org](http://www.weaveinc.org)

WEAVE is the primary provider of crisis intervention services for survivors of domestic violence and sexual assault in Sacramento County.

### My Sister's House

916-428-3271 [www.my-sisters-house.org](http://www.my-sisters-house.org)

My Sister's House provides culturally specific domestic/dating violence services to the Asian/Pacific Islander community.

**Non-citizens who experience sexual violence may need specialized assistance with concerns related to their immigration status. These resources may be able to help:**

### Services for International Students and Scholars

530-752-0864 [siss.ucdavis.edu](http://siss.ucdavis.edu) (non-confidential)

### Center for International Education

530-757-8686

<https://cie.ucdavis.edu/resources-and-support/visa-information>

(non-confidential)

### California Rural Legal Assistance Foundation, Inc.

916-446-7904 [www.crlaf.org](http://www.crlaf.org) (confidential)

### Opening Doors, Inc.

916-492-2591 [www.openingdoorsinc.org](http://www.openingdoorsinc.org) (non-confidential)

## Reporting Sexual Violence to the University

You can report an incident of sexual harassment or sexual violence to the University by contacting the Harassment & Discrimination Assistance and Prevention Program (HDAPP) at 530-747-3864. If you would like a victim advocate to accompany you when making a report, you may also contact the Center for Advocacy, Resources and Education (CARE) at 530-752-3299. All reports are reviewed by the Title IX Officer. After receiving a report, HDAPP will provide you with information about University resources available to you and the processes that may be available to respond to your report, including Investigation or Alternative Resolution.

## Alternative Resolution

Alternative Resolution is a flexible, voluntary, and binding process that seeks to stop the prohibited conduct, prevent its recurrence, and meet the needs of the complainant, without a determination of whether the accused violated the SVSH Policy. Both you and the accused must agree to participate in the process. Alternative Resolution may include separating the parties; referring the parties to counseling; an agreement between the parties; and/or targeted preventive education and training programs. Once the parties have agreed to the terms of an Alternative Resolution, the University will not conduct an Investigation unless the Title IX Officer determines that the accused failed to satisfy the terms of the Alternative Resolution, or that it was unsuccessful in stopping the prohibited conduct or preventing its recurrence.

## Investigation

If an investigation is warranted, the Title IX Officer will appoint a University Investigator. Both you and the accused individual will be notified of the investigation, and each of you will have the same rights during it, including, but not limited to, the right to: (1) be accompanied by an adviser and support person of your choice at any investigatory interview, and (2) be simultaneously informed in writing of the outcome of the investigation. The University investigator will separately meet with you, the accused individual, and other potential witnesses, to gather information. When the fact-gathering portion of the investigation is complete, the investigator will prepare and submit a report addressing whether the allegations are substantiated and make either a recommendation or finding on whether University policy was violated. The specific post-investigation resolution process that will be used depends on several factors, such as the affiliation of the accused to the University and the nature of the allegations. You will be informed of the specific post-investigation resolution process applicable to your situation prior to the start of the investigation. More detailed information about the different post-investigation resolution processes and frameworks can be found on the Sexual Violence Prevention and Response website at <https://sexualviolence.ucdavis.edu> or by contacting HDAPP at 530-747-3864 or [hdapp@ucdavis.edu](mailto:hdapp@ucdavis.edu).

## Reporting to Law Enforcement

You may report an incident to law enforcement at any time. In the event of an emergency where you need immediate assistance, dial 9-1-1 to be connected with the nearest police department. If there is no emergency, you can file a police report in the jurisdiction where the assault occurred. You can reach the UC Davis Police Department at 530-754-2677 (campus) or 916-734-2555 (UCD Medical Center), or the City of Davis Police Department at 530-747-5400. A victim advocate from CARE can assist you with filing a police report with any jurisdiction.

## Supportive and Protective Measures

Whether you choose to report the incident or not, you are encouraged to contact CARE where all intervention services are confidential, free, and available to any UC Davis student, staff, or faculty. A victim advocate can discuss supportive or protective measures you may want to consider, which may include the following:

- Obtaining orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts. These orders would be honored both on and off-campus and the victim advocate could assist with making any necessary accommodations to enforce an order.
- Creating a plan to limit or prevent contact between you and the other person. This may include making changes to class, work situations, transportation, or housing arrangements for you or the accused, regardless of whether the crime is reported to campus police or local law enforcement.
- Taking steps to increase your sense of safety and security while you continue with your classes, work and other activities. Depending upon the circumstances of the case, the University may consider other interim measures. If the accused is a student and if the circumstances warrant it, the University may decide that an interim suspension is necessary.

## Confidentiality

The University will protect the privacy of everyone involved in a report of sexual harassment and sexual violence to the greatest degree possible under the law and University policy. All University employees, including student employees, are required to report all incidents of sexual harassment and sexual violence against students to the Title IX Office. Additionally, certain University officials – supervisors, faculty, coaches and other officials – are required to report all incidents of sexual harassment and sexual violence. If you prefer to seek assistance that will not lead to a report, consider talking with one of the University's confidential resources before making an official complaint. Confidential resources for the campus include CARE, Counseling Services, ASAP, WRRRC, LGBTQIA, and the Ombuds Office.

## Timing and Preservation of Evidence

If you decide you would like to report an incident, you are encouraged to file a report as soon as possible. Delays in reporting may make gathering evidence more difficult which may in turn affect criminal prosecutions and University investigations. Regardless of whether the incident is reported to the police, it is important to seek immediate medical attention, even if there is no evidence of serious injury. A medical examination is important to check for sexually transmitted diseases or other infection/injuries,

and for pregnancy. A CARE advocate can help you find an appropriate medical provider.

You are encouraged to preserve all physical evidence if you are a victim of sexual assault (i.e. do not bathe, douche, change clothing, clean the bed/linen/area where assault occurred). If the sexual assault happened within 5 days, you may have the option to have an evidentiary exam in order to collect evidence of the assault. The CARE victim advocate can help you to arrange this exam even if you have not decided whether you want to report the incident.

Victims of sexual assault, relationship violence, and stalking are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police.

## Additional Information

The following resources provide more information on sexual harassment and sexual violence:

- Website for information on sexual assault, domestic violence, dating violence and stalking, <http://sexualviolence.ucdavis.edu>
- Website for Center for Advocacy Resources and Education (CARE), <http://care.ucdavis.edu>
- Website for Harassment and Discrimination Assistance and Prevention Program (HDAPP), <http://hdapp.ucdavis.edu>
- The UCD sexual violence and sexual harassment policy PPM 400-20, <https://ucdavispolicy.ellucid.com/documents/view/41/active/>

## **Appendix D**

**Policies Applying to Campus Activities, Organizations and, Students  
(PACAOS) – Appendix E:  
University of California Sexual Violence and Sexual Harassment  
Student Investigation and Adjudication Framework**



# PACAOS-Appendix-E: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for Non-DOE-Covered Conduct

[PACAOS-Anexo-E: Marco de investigación y resolución para estudiantes respecto de la violencia sexual y el acoso sexual](#)

[PACAOS-附錄-E : 性暴力與性騷擾學生調查及裁定架構](#)

[PACAOS-Apendiks-E: Imbestigasyon sa Seksuwal na Karahasan at Seksuwal na Panliligalig ng Estudyante at Balangkas ng Paghatol](#)

<b>Responsible Officer:</b>	VP - Student Affairs
<b>Responsible Office:</b>	SA - Student Affairs
<b>Issuance Date:</b>	8/14/2020
<b>Effective Date:</b>	8/14/2020
<b>Last Review Date:</b>	8/14/2020
<b>Scope:</b>	Consistent with PACAOS 12.00, these Policies and the campus regulations implementing them apply to all campuses and properties of the University and to functions administered by the University, unless in special circumstances the President directs otherwise.

<b>Contact:</b>	Eric Heng
<b>Title:</b>	Acting Director, Student Policies & Governance
<b>Email:</b>	Eric.Heng@ucop.edu
<b>Phone:</b>	(510) 987-0239

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## **I. POLICY SUMMARY**

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Consistent with the University *Policy on Sexual Violence and Sexual Harassment (SVSH Policy)* (see Section V.A.5.b. (“Formal Investigation”) and V.A.6. (“The Investigation Report and Outcome”)), the following describes the University’s procedures for resolving non-DOE-Covered Conduct, as defined by the *SVSH Policy* where the responding parties are students, including the sanctioning of students who are found in violation of the *SVSH Policy*. *Appendix F* describes the University’s procedures for resolving Department of Education (DOE) Formal Complaints of DOE-Covered Conduct, as defined in the *SVSH Policy*, where the responding parties are students, including the sanctioning of students who are found responsible for DOE-Covered Conduct in violation of the *SVSH Policy*.

Campuses will also apply these procedures to resolve reports of other violations of University policies that apply to students (herein, “student conduct policies”) that occur in connection with violations of the *SVSH Policy*.

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## **II. DEFINITIONS**

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Applicable definitions for the *SVSH Policy* can be found at <https://policy.ucop.edu/doc/4000385/SVSH>.

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.

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## **III. POLICY TEXT**

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### **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, Sexual Harassment, and other conduct prohibited under the *SVSH Policy* (collectively, “Prohibited Conduct”).

Consistent with its legal obligations, including those 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 Prohibited Conduct under the *SVSH Policy*, and takes appropriate action to stop, prevent, remedy, and when necessary, to discipline behavior that violates the *SVSH Policy*. The University’s student disciplinary procedures emphasize education, personal growth, accountability, and ethical behavior – upholding standards of responsible conduct to protect the welfare of the University community.



The procedures are designed to provide a prompt, fair, and impartial resolution of the matter.

The following describes the University's formal investigation and adjudication (together, "resolution") procedures for resolving complaints of non-DOE-Covered Conduct under the *SVSH Policy* or related student conduct policy violations where the responding parties ("Respondents" as defined in the *SVSH Policy*) are students, including the sanctioning of students where policy violations are determined to have occurred. Consistent with the *Policies Applying to Campus Activities, Organizations, and Students (PACAOS) – 101.00*, of the *Policy on Student Conduct and Discipline*, these procedures also apply to (1) 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 their official enrollment; and (2) former students for offenses committed while a student.

## **II. RESOURCES RELATING TO SEXUAL VIOLENCE AND SEXUAL HARASSMENT (STAGE ONE)**

The University has a Title IX office at each campus that is responsible for receiving and responding to reports of Prohibited Conduct under the *SVSH Policy*. Confidential Resources, as defined by the *SVSH Policy*, also are available at each campus both before and after a person communicates with the Title IX office about potential violations of the *SVSH Policy*. Confidential Resources are also available to a person who chooses not to communicate with the Title IX office. These Confidential Resources are not required to report Prohibited Conduct to the Title IX office.

## **III. REPORT OF AND RESPONSE TO PROHIBITED CONDUCT (STAGE ONE)**

- A. Consistent with the *SVSH Policy*, the University may consider any person who reportedly experienced Prohibited Conduct a "Complainant," whether or not they make a report or participate in the resolution process.
- B. The University will strive to honor the stated wishes of the Complainant concerning whether to move forward with an investigation. In accordance with the *SVSH Policy*, if the Complainant requests that no investigation occur, the Title IX Officer will determine whether the allegations, nonetheless, require an investigation to mitigate a potential risk to the campus community. If the Title IX Office begins a Formal Investigation despite the Complainant's request, it will provide Complainant with all information required by this and the *SVSH Policy* unless Complainant states in writing that they do not want it.
- C. Throughout this resolution process, the University will offer support services for Complainants (through the CARE Advocate) and Respondents (through the Respondent Services Coordinator).
- D. The University will consider and implement interim measures throughout the process 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: 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 this process, the Complainant and Respondent (also known as the parties) have the right to an advisor and/or a support person of their choosing. The advisor and/or the support person may be any person (including an advocate, attorney, friend, or parent) who is not otherwise a party or a witness. The advisor's primary role is to provide guidance through the process. The support person's primary role is to provide emotional support. The advisor and/or the support person may not speak on behalf of a student or otherwise disrupt any meetings or proceedings in any manner. The University reserves the right to exclude an advisor and/or support person who does not abide by these procedures.
- F. Neither the Complainant nor the Respondent is required to participate in the resolution process outlined in these procedures. 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 or hearing officer will reach findings and conclusions based on the information available. However, when a party selectively participates in the process – such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation – an investigator or hearing officer may consider the selective participation in evaluating the party's credibility. In doing so, they should try to discern reasonable non-adverse explanations for the selective participation, including from the parties' own explanations, and determine whether the information available supports those explanations.
- G. In all cases, including where the Complainant chooses not to participate or where there is no Complainant as provided for in the *SVSH Policy* (II.C.1.) and this policy (III.A.), the University's role is neutral, and it will conduct any factfinding and sanctioning without taking the position of either party.
- H. The campus Case Management Team (CMT) will track all stages of the resolution process under these procedures.
- I. All University officials involved in this resolution process will be trained to carry out their roles in an impartial manner in keeping with trauma-informed practices.
- J. The standard of proof for factfinding and determining whether a policy violation(s) occurred is Preponderance of Evidence, as defined by the *SVSH Policy*. A Respondent will not be found responsible for a violation of the *SVSH Policy* and/or other student conduct policies unless the evidence establishes it is more likely than not that they violated the *SVSH Policy* and/or other student conduct policies.
- K. The Title IX Officer may extend any deadlines contained herein consistent with the *SVSH Policy* as applicable, and for good cause shown and documented. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.

- L. The Title IX Office will consider requests from parties and witnesses for disability-related accommodations.
- M. The Title IX Office will consider requests from parties and witnesses for language interpretation.

#### IV. FORMAL INVESTIGATION OF REPORT OF PROHIBITED CONDUCT (STAGE TWO)

- A. Commencing a Formal Investigation.** Upon receipt of information about alleged Prohibited Conduct, the Title IX Officer will determine, consistent with the University's *SVSH Policy*, whether to initiate a Formal Investigation (see *SVSH Policy*, Sections V.A.4 and 5 for the alternate paths that the Title IX Officer may instead determine to be appropriate).
- B. Notice of Charges.** If a Formal Investigation will be conducted, the Title IX Officer, after consulting with Student Conduct, will send written notice of the charges to the Complainant and Respondent. The written notice will include:
  - 1. A summary of the reported conduct that potentially violated the *SVSH Policy* and, where applicable, other student conduct policy;
  - 2. the identities of the parties involved;
  - 3. the date, time, and location of the reported incident(s) (to the extent known);
  - 4. the specific provisions of the *SVSH Policy* and/or any other student conduct policy potentially violated;
  - 5. a statement that the investigative report, when issued, will make factual findings and a preliminary determination regarding whether there has been a violation of the *SVSH Policy* and/or other student conduct policy;
  - 6. a statement that the parties will each have an opportunity during the investigation to propose questions for the investigator to ask of the other party and witnesses;
  - 7. a statement that the factual findings and preliminary determination will be based on a Preponderance of Evidence standard;
  - 8. a summary of the resolution process, including the possible hearing, and the expected timeline;
  - 9. an admonition against Retaliation; and
  - 10. a summary of rights and resources available to the Complainant and Respondent.

At any point during the investigation, the Title IX Officer may amend the notice to add additional charges identified during the investigation. Any amended notice should include all the information described above. If the additional charges identified during the investigation include DOE-Covered Conduct, as defined in the *SVSH Policy*, then the Title IX Officer will notify the parties that the case will now proceed per the University's procedures (*Appendix F*) for resolving DOE Formal Complaints of DOE-Covered Conduct, as defined in the *SVSH Policy*.

### C. Investigation Process.

The Title IX Officer will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation. Absent an extension for good cause, the Title IX Office will typically complete its investigation within 60 to 90 business days from the date of the notice of charges.

1. During the investigation, the Complainant and Respondent will be provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party and witnesses. The investigator has discretion to determine which witnesses to interview and what questions to ask, and may decline to ask questions that are, for example, repetitive, harassing or not relevant to whether the reported violation(s) occurred.
2. The investigator will meet separately with the Complainant, Respondent, and witnesses, and will gather other available and relevant evidence. The investigator may follow up with the Complainant, the Respondent, and witnesses as needed to clarify any inconsistencies or evidence gathered during the course of the investigation.
3. The investigator will generally consider all evidence they determine to be relevant and reliable. The investigator may determine and weigh the relevance of any witness or other evidence to the findings and may exclude evidence that is irrelevant or immaterial.
  - a. The investigator will generally consider direct observations and reasonable inferences from the facts.
  - b. The investigator will generally not consider statements of personal opinion as to anyone's general reputation or any character trait.
  - c. The investigator may consider prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct or other conduct prohibited by student conduct policies by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of an *SVSH Policy* or other policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct or related student conduct policy violation under investigation.
  - d. The investigator will not, as a general rule, consider the sexual history of a Complainant or Respondent. However, in limited circumstances, sexual history may be directly relevant to the investigation.
    - i. For example, while the investigator will never assume that a past sexual relationship between the parties means the Complainant consented to the specific conduct under investigation, evidence of how the parties communicated consent in past consensual encounters may help the investigator understand whether the Respondent reasonably believed consent was given during the encounter under investigation. Sexual history might also be relevant to explain an injury, show a

pattern of behavior by Respondent in accordance with Section IV.C.3.c, or resolve another issue of importance in the investigation.

- ii. Sexual history evidence that is offered to show a party's reputation or character will never be considered for that purpose.
- iii. The investigator will consider proffered evidence of sexual history, and provide it to the parties for review under Section IV.E. below, only if the investigator determines it is directly relevant. The investigator will inform the parties of this determination.

**D. Coordination with Law Enforcement.** When a law enforcement agency is conducting its own investigation, the investigator should coordinate their factfinding efforts with the law enforcement investigation in accordance with the *SVSH Policy* (See *SVSH Policy* Section V.A.5.b.i and *SVSH Policy* FAQs 7 and 8). A reasonable delay resulting from such coordination may be good cause for extending the timelines to complete the investigation. If so, the delay will be communicated and documented in accordance with the *SVSH Policy*.

**E. Opportunity to Review and Respond.** Before the investigator concludes the investigation and finalizes a written report, both Complainant and Respondent will have an equal opportunity to review and respond to the evidence that the investigator has deemed relevant, including relevant evidence that weighs against finding a policy violation(s). This is true regardless of whether a party has participated in the investigation. This review will also include a summary of relevant statements made by the parties and any witnesses. The Title IX Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties. The Title IX Officer will designate a reasonable time for this review and response by the parties that, absent good cause found by the Title IX Officer, will not exceed 5 business days.

**F. Investigation Report.** The investigator will prepare a written report that includes the factual allegations and alleged policy violations, statements of the parties and witnesses, a summary of the evidence the investigator considered, findings of fact, credibility determinations when appropriate, an analysis of whether a policy violation has occurred, and a preliminary determination regarding whether there are any policy violations. The investigator may consult with Student Conduct on the preliminary determinations regarding violations of student conduct policies other than the *SVSH Policy*. If credibility determinations were not necessary to reach the findings and preliminary policy determinations, the report will so note and explain why. If the Complainant or Respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation of why it was not considered. The investigation report should also indicate when and how the parties were given an opportunity to review the evidence (see Section E above). If the findings of fact indicate that DOE-Covered Conduct occurred, but was not charged as such in the notice of investigation, then the investigator will reach preliminary determinations regarding whether a policy violation occurred and the Title IX Officer will notify the parties that the case will now proceed per the University's procedures (*Appendix F*) for resolving DOE Formal Complaints of DOE-Covered Conduct, as defined in the *SVSH Policy*.



### **G. Issuance of Notice and Report.**

1. Upon completion of the Title IX Investigation, the Title IX Officer will provide to the Complainant and the Respondent (a) written notice of the factual findings and preliminary determinations, and (b) the investigation report. The investigation report may be redacted to protect privacy. The Title IX Officer will provide Student Conduct with the written notice and an unredacted copy of the investigation report.
2. The notice of the factual findings and preliminary determinations will include the following:
  - a. A summary statement of the factual findings and preliminary determinations regarding whether the *SVSH Policy* or other student conduct policies have been violated;
  - b. In cases where the investigator preliminarily determines a policy violation(s) occurred, an explanation of how the proposed sanction will be determined, including that each party will have an opportunity to provide input on sanctions through a meeting with Student Conduct and/or written statement (see Section V);
  - c. A statement that if either party contests the investigator's preliminary determinations as to policy violation(s), or is presumed to contest, there will be a factfinding hearing to determine whether the *SVSH Policy* or other student conduct policies have been violated, after which Student Conduct will determine any sanctions;
  - d. An explanation of the procedures and timeline for contesting the preliminary determination (see Section VI);
  - e. A statement that if neither party contests the preliminary determination, they still will have the right to appeal the sanction, if any;
  - f. An admonition against Retaliation; and
  - g. An explanation of any interim measures that will remain in place.

**H. Access to Certain Investigation Records.** After issuance of the investigator's written report, the investigation file, consisting of the investigation report and any evidence deemed relevant by the investigator (as documented in the investigation report), must be retained by the Title IX Officer and made available to the parties for inspection upon request. It may be redacted to protect privacy.

**V. PROPOSED SANCTION (STAGE TWO)** In cases where the investigator preliminarily determines a policy violation occurred:

**A. Party Input.** Either party may schedule a meeting with or submit a written statement to Student Conduct to provide input on sanctions. A party intending to do so will, within three days of receiving the notice of preliminary determination, either contact Student Conduct to schedule the meeting or submit the written statement to that office.

**B. Student Conduct Proposal.** Student Conduct will review the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, respondent's prior conduct record, any comment on sanctions from

the parties (received either in person or in writing), and any other information relevant to the factors described in Section IX, and will determine a proposed sanction. Student Conduct will propose a sanction in all cases where there is a preliminary determination that the policy was violated, regardless of whether the preliminary determination is contested.

**C. Notification.** Student Conduct will notify the parties of the proposed sanction and supporting rationale within 15 business days of the notice of investigative findings and preliminary determination.

**D. Student Conduct Meeting.** When possible, a party's meeting with Student Conduct to provide input on sanctions will be combined with the meeting contemplated in Section VI.A.

## **VI. OPPORTUNITY TO CONTEST THE PRELIMINARY DETERMINATION (STAGE THREE)**

If either party contests the investigator's preliminary determinations as to whether or not the policy was violated, there will be a factfinding hearing to determine whether the *SVSH Policy* or other student conduct policies have been violated, after which Student Conduct will determine any sanctions.

### **A. Opportunity to Discuss Options.**

If either party wishes to discuss the possibility of contesting and the implications of contesting or not contesting the preliminary determination, including the hearing that will result if either party contests, they may discuss their options with Student Conduct (even if the investigator's preliminary determination was that no policy violation occurred). If either party wishes to meet with Student Conduct, they will contact Student Conduct within 3 business days of receiving the notice of preliminary determination to schedule the meeting.

### **B. Preliminary Determination That Policy Violation Occurred and Presumption That Respondent Contests in Certain Cases.** When the investigator preliminarily determines that a policy violation(s) occurred:

1. Either party may contest the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. If either party contests within this time period, then the matter will proceed to a hearing to determine if a policy violation occurred.
2. In cases where Student Conduct proposes suspension or dismissal:
  - a. Respondent is presumed to contest the preliminary determination unless Respondent provides Student Conduct with a written acknowledgment stating that Respondent does not contest, accepts the preliminary determination, and waives their right to a hearing.
  - b. If Respondent does not provide Student Conduct the written acknowledgment during the 20 business days, then the matter will proceed to a hearing to determine if a policy violation occurred.
  - c. If Respondent does provide the written acknowledgment, and Complainant does not contest during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and

Student Conduct will impose the proposed sanction, and the parties will have the right to appeal the sanction.

- d. If Respondent does provide the written acknowledgment, and Complainant contests during the 20 business days, then the matter will proceed to a hearing to determine if a policy violation occurred.
3. In cases where Student Conduct does not propose suspension or dismissal:
  - a. If either party informs Student Conduct that they contest during the 20 business days, the matter will proceed to a hearing to determine if a policy violation occurred.
  - b. If neither party informs Student Conduct that they contest during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and Student Conduct will impose the proposed sanction, and the parties have the right to appeal the sanction.
4. A party wishing to affirmatively contest the preliminary determination must notify Student Conduct of their decision within the 20 business days, even if the other party has already contested or is presumed to contest.

### **C. Preliminary Determination That No Policy Violation Occurred.**

When the investigator does not preliminarily determine that there was a policy violation(s):

1. Either party may contest the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. If either party informs Student Conduct that they contest during this time period, then the matter will proceed to a hearing to determine if a policy violation(s) occurred.
2. A party wishing to contest the preliminary determination must notify Student Conduct of their decision within the 20 business days, even if the other party has already contested.
3. If neither party informs Student Conduct that they contest during the 20 business days period, then the preliminary determination that no policy violation occurred becomes final.

### **D. Consideration of Consolidation of Related Cases**

Where a case arises out of substantially the same set of factual allegations as another case in the student resolution process (for example, where multiple Complainants or Respondents are involved in the same incident), or where it involves the same Complainant and Respondent, the Title IX officer has discretion to coordinate or combine the investigation and/or adjudication of those cases.

### **E. Notice of Hearing or No Hearing**

1. If any party contests the preliminary determination, Student Conduct will notify both parties within 5 business days that there will be a hearing. The other party will still have the remainder of the allotted 20 business days to also contest the determination (or, in a case where the presumption of a hearing

- applies, to indicate that they do not want a hearing). After the allotted 20 business days for contesting has elapsed, or each party has indicated their position on contesting, whichever comes first, Student Conduct will notify the parties that there will be a hearing. The notice of hearing will indicate each party's position on contesting and include a summary of the hearing procedures described in Section VII.
2. Alternatively, if no party contests or is presumed to contest the preliminary determination, Student Conduct will notify the parties that there will be no hearing. This notice will indicate that the Title IX office's preliminary determination as to policy violation(s) is final, and that Student Conduct is imposing the proposed sanction (if any); and that the parties have the right to appeal the sanction.

## **VII. HEARING TO DETERMINE POLICY VIOLATIONS (STAGE FOUR)**

**A. Factfinding Hearing.** If either party contests, or is presumed to contest, the investigator's preliminary determinations, there will be a factfinding hearing before a single hearing officer. The hearing is to determine whether a violation of the *SVSH Policy* (and any non-*SVSH Policy* violations charged in conjunction with them) occurred. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

### **B. Hearing Officer.**

1. The hearing officer may be a University employee or outside contractor. Regardless, they will be appropriately trained, with such training coordinated by the Title IX Officer.
2. The hearing coordinator will inform the parties of the hearing officer's identity. Within 5 business days after the notification, the parties may request the hearing officer's disqualification on the basis of bias or conflict of interest.
  - a. For example, involvement in the case or knowledge of the allegations at issue prior to being selected as the hearing officer, or a close personal relationship with a party or expected witness in the proceeding could, depending on the circumstances, warrant disqualification of the hearing officer.
  - b. Employment by the University, or prior work for the University as a contractor, on its own, does not warrant disqualification.
  - c. The hearing officer's gender, gender identity, race, ethnicity, religion, sexual orientation or similar identifying characteristic, or the fact that they differ from those of any party, do not, on their own, warrant disqualification.
3. Student Conduct will decide any request for disqualification of the hearing officer and inform both parties of their decision and, if they determine to change hearing officers, the name of the new hearing officer.

**C. Hearing Coordinator.** Each hearing will have a hearing coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

**D. Pre-Hearing Procedures.**

1. When a hearing is required under these procedures, the hearing officer and hearing coordinator will hold a separate meeting with each party, to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive and fair hearing.
  - a. No later than 5 business days before the pre-hearing meeting, each party will submit to the hearing officer a preliminary statement of what issues, if any, each considers to be disputed and relevant to the determination of whether a policy violation occurred, and the evidence they intend to present on each issue, including all documents to be presented, the names of all requested witnesses, and a brief summary of such witnesses' expected testimony. The parties will later have an additional opportunity to submit proposed evidence, see Section VII.D.3 below.
  - b. At the pre-hearing meeting, the hearing officer and party will discuss the evidence the party has provided, to help identify and refine the issues to be decided at the hearing, which will inform the hearing officer's determination of the scope of the hearing.
  - c. Each party should also come to the pre-hearing meeting prepared to schedule dates for the hearing.
  - d. The hearing officer and/or coordinator will explain what to expect at the hearing, see Section VII.E. below.
  - e. The hearing officer and/or coordinator will also discuss measures available to protect the well-being of parties and witnesses at the hearing, as appropriate.
  - f. Any party contesting (or presumed to contest) the investigator's preliminary determination regarding policy violation(s) is required to participate in the pre-hearing meeting.
  - g. If a contesting (or presumed to be contesting) party does not participate in the pre-hearing meeting (or does not let the hearing coordinator know they need to reschedule in advance), the hearing coordinator will notify the party that they have 2 business days to contact the hearing coordinator to reschedule. Absent extenuating circumstances, if the party does not contact the hearing coordinator within the 2 business days, they will be presumed to no longer contest the investigator's preliminary determination. If the other party has not contested, there will be no hearing, and Student Conduct will notify the parties that the investigator's preliminary determination is final, and impose the proposed sanction (see Section V). If the other party has contested, the hearing will proceed but the non-appearing party will be presumed to agree with the definition of the scope of the hearing.





not be limited to those questions at the hearing. These questions will not be shared with the other party or witnesses.

### **E. Hearing Procedures**

1. The hearing will be conducted in a respectful manner that promotes fairness and accurate factfinding. The parties and witnesses will address only the hearing officer, and not each other. Only the hearing officer may question witnesses and parties.
2. Courtroom rules of evidence and procedure will not apply. The hearing officer will generally consider all evidence they determine to be relevant and reliable. The hearing officer may determine and weigh the relevance of any witness testimony or other evidence to the findings. The hearing officer will also follow the evidentiary principles in Section IV.C.3. Throughout the hearing, the hearing officer will:
  - a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive,
  - b. Decide any procedural issues for the hearing, and/or
  - c. Make any other determinations necessary to promote an orderly, productive, and fair hearing.
3. All witnesses other than the parties will attend the hearing only for their own testimony.
4. The investigation file will be entered as evidence at the hearing. The hearing officer generally will rely on any finding in the report that is not disputed.
5. In cases where the credibility of a witness is not central to the determination of a particular disputed issue and the witness does not appear at the hearing, the hearing officer may determine what weight to give to their statements from the investigation report.
6. The Hearing Officer will not draw adverse inferences from a party's decision to not participate in the hearing, or to remain silent during the hearing. However, they may consider a party's selective participation -- such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation – when assessing credibility. See Section III.F.
7. The hearing officer will implement measures they deem appropriate to protect the well-being of parties and witnesses. For example, the hearing officer will allow separation of the parties, breaks, and the participation of support persons in accordance with these procedures.
8. The hearing officer will allow the parties and/or witnesses to be visually or physically separated during the 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. To assess credibility, the hearing officer must have sufficient access to the Complainant,

Respondent, and any witnesses presenting information; if the hearing officer is sighted, then the hearing officer must be able to see them.

9. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the hearing officer. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the hearing officer has discretion to accept or exclude additional evidence presented at the hearing.
10. The parties have the right to hear (or, if deaf or hard of hearing, to access through auxiliary aids for services) testimony of all individuals who testify at the hearing and to propose questions to be asked of all individuals who testify at the hearing. The parties may propose questions at the hearing by submitting them to the hearing officer.
11. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.
12. The hearing officer will determine the order of questioning. Unless they determine re-phrasing is necessary, the hearing officer will ask the questions as they are submitted by the parties and will not change them. The hearing officer may find it necessary to rephrase questions to, for example, prevent them from being harassing or for clarity. The hearing officer may also exclude questions that are unduly repetitive, clearly not relevant, harassing, or unduly time consuming. Whenever practical, the hearing officer will briefly state their reasons for excluding or rephrasing questions submitted by the parties.
13. The University will audio record the hearing.
14. The parties may have their advisors and support persons present throughout the hearing. See Section III.E.

#### **F. Determination of Policy Violation**

1. *Standards for Deliberation.* The hearing officer will decide whether a violation of the *SVSH Policy* (or related non-*SVSH Policy* violation) occurred based on a Preponderance of Evidence standard.
2. *Information Considered.* The hearing officer will take into account the investigative file and the evidence presented and accepted at the hearing. See also the principles in Section IV.C.3. On any disputed and material issue, the hearing officer should make their own findings and credibility determinations based on all of the evidence before them.

**G. Sanction.** If the hearing officer decides that any policy violation has occurred, they will send their determination and findings to Student Conduct within 10 business days of the hearing. Based on the hearing officer's findings and determinations, and other information relevant to sanctioning (see Section IX.D.), Student Conduct will determine an appropriate sanction.

**H. Notice of Determination and Sanction.** Within 15 business days of the hearing, the hearing coordinator will send written notice to the Complainant and Respondent (with a copy to the Title IX Officer and Student Conduct) setting forth the hearing officer's determination on whether the *SVSH Policy* and/or other

student conduct policies have been violated, and, if so, Student Conduct's determination of any sanctions to be imposed. The written notice will include the following:

1. The determinations of whether the *SVSH Policy* and/or other student conduct policies have been violated,
2. If so, a description of the sanctions;
3. The findings on each disputed, material fact and an analysis of the evidence supporting the findings;
4. A summary of the facts found by the investigator that the parties did not dispute.
5. The rationale for the determination of each charge;
6. The rationale for any sanctions;
7. A statement of the right to appeal, grounds and timeframe for the appeal, the office to which the appeal must be submitted, and the procedure that the University will follow in deciding the appeal; and
8. An explanation that both the parties will receive a copy of any appeal submitted in accordance with these procedures.

- I. Documentation of Hearing.** Throughout the pre-hearing and hearing process, the hearing coordinator will document the process's compliance with the procedures (including timeframes) in this section. After the notice of policy violation determination and any sanction has been finalized, the hearing coordinator will provide this documentation, along with all documents relating to the hearing, and the recording of the hearing, to the Title IX Officer.

## **VIII. APPEAL PROCESS (STAGE FIVE)**

- A. Equal Opportunity to Appeal.** The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The University administers the appeal process, but is not a party and does not advocate for or against any appeal.
- B. Grounds for Appeal.** A party may appeal only on the grounds described in this section. The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the available grounds.
1. In cases where there was a hearing, the following grounds for appeal apply:
    - a. There was procedural error in the hearing process that materially affected the outcome;
    - b. The determination regarding policy violation was unreasonable based on the evidence before the hearing officer; this ground is available only to a party who participated in the hearing; and
    - c. The sanctions were disproportionate to the hearing officer's findings.
  2. In cases where there was no hearing, the parties may appeal on only one ground: that the sanctions were disproportionate to the investigator's preliminary determination regarding policy violations.

### C. Commencing an Appeal.

1. In cases where there was a hearing, an appeal must be submitted to the hearing coordinator within 10 business days following issuance of the notice of the hearing officer's determination and, if imposed, the disciplinary sanctions (see Section VII.H.). The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. Student Conduct will notify the other party of the appeal and, if the appeal includes the ground that the sanction is disproportionate, that they have an opportunity to meet with the appeal officer to discuss the proportionality of the sanction.
2. In cases where there was no hearing, an appeal must be submitted in writing to Student Conduct within 10 business days following Student Conduct's notice to the parties that the preliminary determination was final and that Student Conduct would impose the proposed sanction (see Section VI.E.2). Student Conduct will notify the other party of the appeal and, if the appeal is on the ground that the sanction is disproportionate, that they have an opportunity to meet with the appeal officer to discuss the proportionality of the sanction.

### D. Appeal Decision

1. *Standards for Deliberation.* The appeal officer will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented at the hearing, the investigation file, and the appeal statements of the parties. In disproportionate sanction appeals, they may also consider any input parties provide in a meeting per Section VIII.D.2, below. They will not make their own factual findings, nor any witness credibility determinations.
2. *Disproportionate Sanction Appeals – Opportunity for Meeting.* In cases where a ground of appeal is disproportionate sanction, the parties may meet separately with the appeal officer for the limited purpose of providing input on their desired outcomes as to sanctions only.
3. *Decision by Appeal Officer.* The appeal officer may:
  - a. Uphold the findings and sanctions;
  - b. Overturn the findings or sanctions;
  - c. Modify the findings or sanctions; or
  - d. In appeals alleging material procedural error (ground (a) above), send the case back to the hearing officer for further factfinding if needed.
4. *Written Report.* The appeal officer will summarize their decision in a written report that includes the following:
  - a. A statement of the grounds identified on appeal;
  - b. A summary of the information considered by the appeal officer; and
  - c. The decision of the appeal officer 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, or how the procedural error materially affected the outcome.

5. *Distribution of Written Decision.* Within 10 business days of receiving the appeal, the appeal officer will send their written decision to Complainant and Respondent (with copies sent to the Title IX Officer and Student Conduct).
  - a. Unless the appeal officer remands the matter, they will inform the Respondent and the Complainant that the matter is closed with no further right to appeal.
  - b. If the appeal officer remands the matter, they will specify what further factfinding should occur or what additional information should be considered and request that the hearing officer report back to the appeal officer on their additional factfinding. After receiving the hearing officer's additional factual findings, the appeal officer will issue their decision within 10 business days. This decision will be final.

## IX. PRINCIPLES, OPTIONS, AND FACTORS IN STUDENT SANCTIONS

### A. Introduction

These standards are intended to promote the consistent and proportionate application of disciplinary sanctions by the University 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)*.<sup>1</sup> The following describes the University's principles, options, and factors to consider in assigning sanctions when the Respondent is a student.

### B. Principles

1. The administration of student discipline will be consistent with the *Policy on Student Conduct and Discipline*.
2. When a student is found responsible for violating the University's *SVSH Policy* or other student conduct policies, the University will assign sanctions that are proportionate and appropriate to the violation, taking into consideration the context and seriousness of the violation. The University is also committed to providing appropriate remedial measures to Complainant, as described in the *SVSH Policy*.
3. When a student is found not responsible for violating the University's *SVSH Policy* and other student conduct policies, 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.

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<sup>1</sup> This supplements the *Policies Applying to Campus Activities, Organizations, and Students (PACAOS, 5/10/2012)*. In the event of any conflict this document takes precedence.

## University of California – Policy PACAOS-Appendix-E

PACAOS-Appendix-E: SVSH Student Investigation and Adjudication Framework for Non-DOE-Covered Conduct

4. Sanctions are designed to hold a student accountable for violating University standards of conduct and to promote personal growth and development. Sanctions also serve the purpose of stopping Prohibited Conduct under the *SVSH Policy*, and preventing its recurrence.
5. The University recognizes that acts of Sexual Violence, Sexual Harassment and other forms of Prohibited Conduct are contrary to its goals of providing an educational environment that is safe and equal for all students.
6. University of California campuses are encouraged to inform other UC campuses of a student's disciplinary record for violating the University's *SVSH Policy* and other student conduct policies.

### C. Sanctioning Options

1. University sanctions include, but are not limited to:
  - a. Dismissal from the University of California;
  - b. Suspension from the University of California;
  - c. Exclusion from areas of the campus and/or from official University functions;
  - d. Loss of privileges and/or 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 sanctions are found in *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 sanctions on academic transcripts will follow University policy as defined in *PACAOS*, Section 106.00 of the *Policy on Student Conduct and Discipline*.

### D. Factors Considered In Determining Sanctions

1. In all cases, when determining the appropriate and proportionate sanction, the following factors will be taken into account when applicable:
  - 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; use of authority to abuse trust or confidence; presence of weapons; use of force or violence; physical injury; menace; duress; deliberately causing or taking advantage of a person's incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.
  - 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; planned or predatory conduct; 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. Whether the conduct is aggravated, as defined in the *SVSH Policy*.
- d. 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.
- e. Disciplinary history: unrelated prior violations; related prior violations.
- f. Impact on others: input from the Complainant; protection or safety of the Complainant or the community.

#### **E. Sanctions for Certain Conduct**

1. Sanctions will be assigned as follows:
  - a. Sexual Assault – Penetration or Sexual Assault – Contact that is aggravated as defined in the *SVSH Policy* will result in a minimum sanction of suspension for two calendar years.
  - b. Sexual Assault – Penetration, Domestic or Dating Violence, or Stalking will result in a minimum sanction of suspension for two calendar years unless there are exceptional circumstances.
  - c. Sexual Assault – Contact will result in a minimum sanction of suspension for one calendar year, unless there are exceptional circumstances.
  - d. Sexual Harassment and Other Prohibited Behavior, as defined by the *SVSH Policy*, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified in Section D above.
2. Assigned sanctions for each case will be documented and reported to the Systemwide Title IX Director on a regular basis. The report is to ensure a reasonable level of consistency from campus to campus.

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## **IV. COMPLIANCE/RESPONSIBILITIES**

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

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## **V. PROCEDURES**

The President will consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and University wide advisory committees prior to amending these Policies. Chancellors will 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 University wide

advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these Policies.)

Chancellors will 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 will 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, will 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.)

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## **VI. RELATED INFORMATION**

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[Sexual Harassment and Sexual Violence](#)

[Policies Applying to Campus Activities, Organizations, and Students \(PACAOS\)](#)

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## **VII. FREQUENTLY ASKED QUESTIONS**

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Not Applicable

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## **VIII. REVISION HISTORY**

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**August 14, 2020:** Updated to reflect the issuance of PACAOS Appendix F: Sexual Violence and Sexual Harassment Student Adjudication for DOE-Covered Conduct in response to the U.S. Department of Education Title IX regulations issued on May 6, 2020.

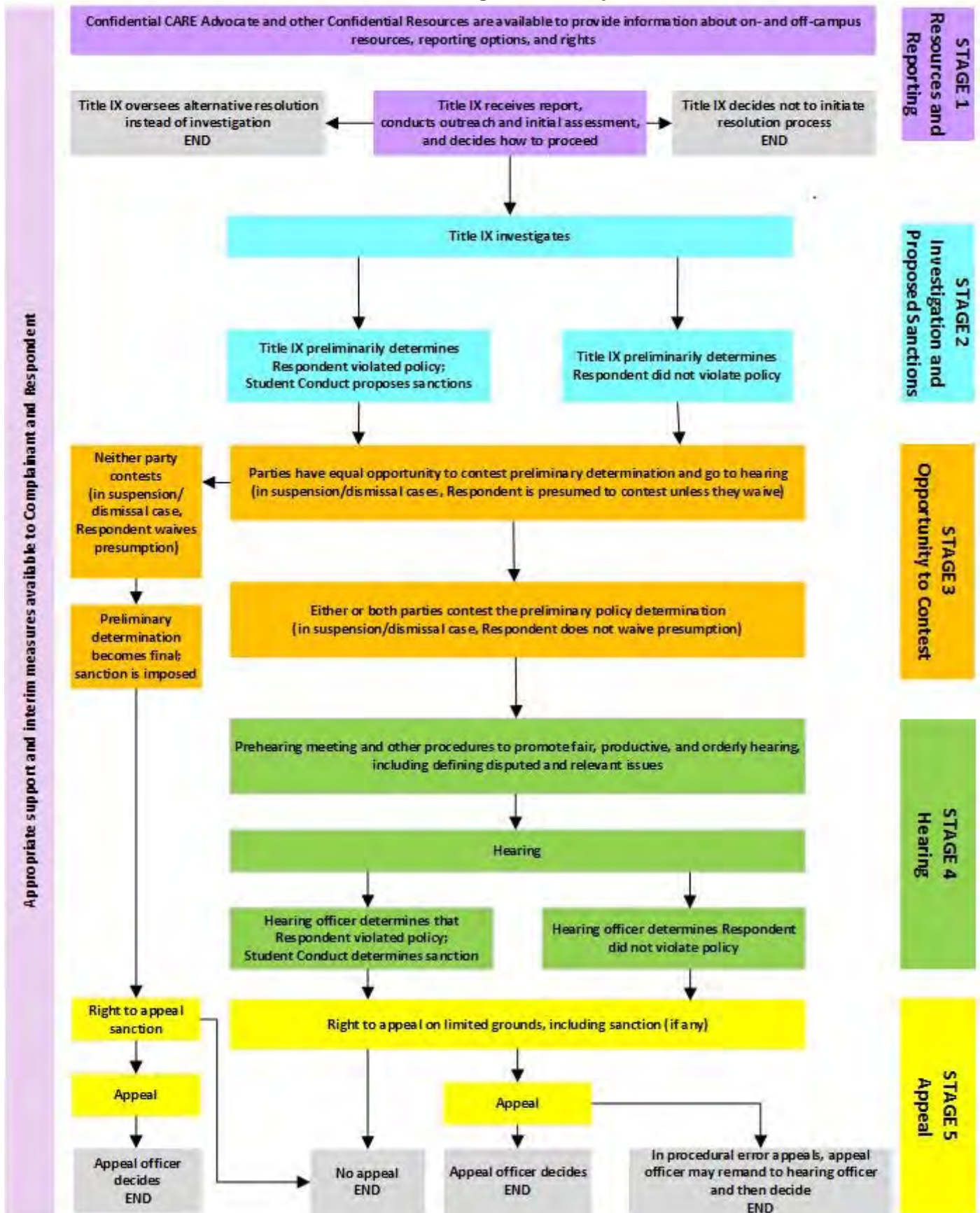
**July 31, 2019:** Revised version incorporating a hearing into adjudication issued. This Policy was remediated to meet Web Content Accessibility Guidelines (WCAG) 2.0.

**March 1, 2019:** Interim revisions issued

**January 1, 2016:** Initial issuance

## IX. APPENDIX

**PACAOS APPENDIX E Student Investigation and Adjudication Process Flowchart**



\*Please see the PACAOS Appendix E for full procedural details



# **Appendix E**

**Interim PACAOS-Appendix-F:  
Sexual Violence and Sexual Harassment Student Investigation and  
Adjudication Framework for DOE-Covered Conduct**



# Interim PACAOS-Appendix-F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct

[Provisional PACAOS-Anexo-F: Marco de investigación y resolución para el Estudiante sobre Violencia Sexual y Acoso Sexual por una Conducta Cubierta por el DOE](#)

[臨時PACAOS-附錄-F: 針對教育部規定行為的性暴力和性騷擾學生調查和裁決框架](#)

[Pansamantalang PACAOS-Apendiks-F: Imbestigasyon sa Seksuwal na Karahasan at Seksuwal na Panliligalig ng Estudyante at Balangkas ng Paghatol para sa Asal na Saklaw ng DOE](#)

<b>Responsible Officer:</b>	VP - Student Affairs
<b>Responsible Office:</b>	SA - Student Affairs
<b>Issuance Date:</b>	8/14/2020
<b>Effective Date:</b>	8/14/2020
<b>Last Review Date:</b>	8/14/2020
<b>Scope:</b>	Consistent with PACAOS 12.00, these Policies and the campus regulations implementing them apply to all campuses and properties of the University and to functions administered by the University, unless in special circumstances the President directs otherwise.

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## I. POLICY SUMMARY

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Consistent with the University *Policy on Sexual Violence and Sexual Harassment (SVSH Policy)* (see Section V.A.5. (“Overview of Resolution Processes”) and V.A.6. (“The Investigation Report and Outcome”)), the following describes the University’s procedures for resolving DOE Formal Complaints of DOE-Covered Conduct, as defined in the *SVSH Policy*, where the responding parties are students, including the sanctioning of students who are found responsible for DOE-Covered Conduct in violation of the *SVSH Policy*. *Appendix E* describes the University’s procedures for resolving reports of other conduct prohibited by the *SVSH Policy*, where the responding parties are students.

Campuses will also apply these procedures to resolve reports of other violations of University policies that apply to students (herein, “student conduct policies”) that occur in connection with alleged DOE-Covered Conduct in violation of the *SVSH Policy* (see Appendix IV).

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## II. DEFINITIONS

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Applicable definitions for the *SVSH Policy* can be found at <https://policy.ucop.edu/doc/4000385/SVSH>.

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.

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## III. POLICY TEXT

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### 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, Sexual Harassment, and other conduct prohibited under the *SVSH Policy* (collectively, “Prohibited Conduct”). Consistent with its legal obligations, including those 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 Prohibited Conduct under the *SVSH Policy*, and takes appropriate action to stop, prevent, remedy, and when necessary, to discipline behavior that violates the *SVSH Policy*. The University’s student disciplinary procedures emphasize education, personal growth, accountability, and ethical behavior – upholding standards of responsible conduct to protect the

welfare of the University community. The procedures are designed to provide a prompt, fair, and impartial resolution of the matter.

The following describes the University’s investigation and adjudication (together, “resolution”) procedures for resolving Formal Complaints of DOE-Covered Conduct under the *SVSH Policy* or related student conduct policy violations where the responding parties (“Respondents” as defined in the *SVSH Policy*) are students, including the sanctioning of students where such policy violations are determined to have occurred. These procedures also apply to 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 their official enrollment.

## II. RESOURCES RELATING TO SEXUAL VIOLENCE AND SEXUAL HARASSMENT (STAGE ONE)

The University has a Title IX office at each campus that is responsible for receiving and responding to reports of Prohibited Conduct under the *SVSH Policy*. Confidential Resources, as defined by the *SVSH Policy*, also are available at each campus both before and after a person communicates with the Title IX office about potential violations of the *SVSH Policy*. Confidential Resources are also available to a person who chooses not to communicate with the Title IX office. These Confidential Resources are not required to report Prohibited Conduct to the Title IX office.

## III. REPORT OF AND RESPONSE TO PROHIBITED CONDUCT (STAGE ONE)

- A. Consistent with the *SVSH Policy*, the University may consider any person who reportedly experienced Prohibited Conduct a “Complainant,” whether or not they make a report or participate in the resolution process.
- B. The University will strive to honor the stated wishes of the Complainant concerning whether to move forward with an investigation. In accordance with the *SVSH Policy*, if the Complainant requests that no investigation occur, the Title IX Officer will determine whether the allegations, nonetheless, require an investigation to mitigate a potential risk to the campus community. See *SVSH Policy* Section V.A.5.b. If the Title IX Office begins an investigation despite the Complainant’s request, it will provide Complainant with all information required by this and the *SVSH Policy* unless Complainant states in writing that they do not want it.
- C. **University-Provided Support Services.** Throughout this resolution process, the University will offer support services for Complainants (through the CARE Advocate) and Respondents (through the Respondent Services Coordinator).
- D. **Supportive Measures.** The University will consider and implement Supportive Measures, including Interim Measures, throughout the process as appropriate to protect the safety of the Complainant, the Respondent, or the University community; to restore or preserve a party’s access to a University program or activity; or to deter Prohibited Conduct. See *SVSH Policy* II.C.3. and Appendix

III. The Title IX Officer will ensure that Supportive Measures are non-disciplinary and non-punitive, and that they do not unreasonably burden a party.

- E. Interim Suspension.** The University may place the Respondent on an Interim Suspension consistent with the *Policies Applying to Campus Activities, Organizations, and Students (PACAOS)* – 105.08 of the *Policy on Student Conduct and Discipline*, except its second sentence, which describes the standards for determining whether an interim suspension is appropriate. For cases involving DOE-Covered Conduct, this standard shall apply instead: A student shall be restricted only to the minimum extent necessary when, based on an individualized safety and risk analysis, there is reasonable cause to believe that the Respondent'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 physical health or safety of any person on University property or at official University functions.
- F. Advisors and Support Persons.** At all stages of this process, the Complainant and Respondent (also known as the parties) have the right to an advisor of their choosing, as well as the right to a support person of their choosing. The advisor and/or the support person may be any person (including an advocate, attorney, friend, or parent) who is not otherwise a party or a witness.
1. The advisor's primary role is to provide guidance through the process and, during the hearing, an advisor is required to ask a party's questions of the other party and witnesses in accordance with Section VII.E.5 below. The only instance in which an advisor may speak on behalf of a party is to ask the party's questions of the other party or witnesses during the hearing.
  2. If a party does not have an advisor available at any point during the hearing, the University will assign a person, without cost to the party, to fulfill the role of asking the party's questions for them. See Section VII.D.9.
  3. The support person's primary role is to provide emotional support. Generally, the support person may not speak on behalf of a party.
  4. Advisors and support persons may not disrupt any meetings or proceedings in any manner. At all stages of the process, advisors and support persons must comply with the University's rules of conduct for participants in this process ("rules of conduct"). The University reserves the right to exclude an advisor and/or support person who does not abide by all these procedures.
- G. Party Participation.** Neither the Complainant nor the Respondent is required to participate in the resolution process outlined in these procedures. 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 or hearing officer, in the investigation or the hearing respectively, will reach findings and conclusions based on the information available. However, parties should bear in mind that, as discussed below, at the hearing stage, on any disputed and material issue, a hearing officer may not rely on any statement of a party about which the party refuses to answer



questions at the hearing.

- H. Selective Participation.** When a party selectively participates in the process – such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation – an investigator or hearing officer may consider the selective participation in evaluating the party’s credibility (and, as noted in Section III.G, a hearing officer may not rely on statements about which a party refuses to answer questions at the hearing). In doing so, they should try to discern reasonable non-adverse explanations for the selective participation, including from the parties’ own explanations, and determine whether the information available supports those explanations.
- I. University’s Neutral Role.** In all cases, including where the Complainant chooses not to participate or where there is no Complainant as provided for in the *SVSH Policy* (II.C.1.) and this policy (III.A.), the University’s role is neutral, and it will conduct any factfinding and sanctioning without taking the position of either party.
- J. Case Management Team.** The campus Case Management Team (CMT) will track all stages of the resolution process under these procedures.
- K. Training.** All University officials involved in this resolution process will be trained to carry out their roles in an impartial manner in keeping with trauma-informed practices.
- L. Standard of Proof.** The standard of proof for factfinding and determining whether a policy violation(s) occurred is Preponderance of Evidence, as defined by the *SVSH Policy*. A Respondent will not be found responsible for a violation of the *SVSH Policy* and/or other student conduct policies unless the evidence establishes it is more likely than not that they violated the *SVSH Policy* and/or other student conduct policies.
- M. Extension of Deadlines.** The Title IX Officer may extend any deadlines contained herein consistent with the *SVSH Policy* as applicable, and for good cause shown and documented. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.
- N. Disability-Related Accommodations.** The Title IX Office will consider requests from parties and witnesses for disability-related accommodations.
- O. Requests for Language Interpretation.** The Title IX Office will consider requests from parties and witnesses for language interpretation.
- P. Dismissal of DOE-Covered Conduct Charges.** If at any time during the investigation the Title IX Officer determines that the alleged conduct did not occur in the University’s program or activity or that the Complainant was not in the United States at the time of the alleged conduct, the Title IX Officer must dismiss the DOE-Covered Conduct charges regarding that conduct from the DOE Grievance Process and proceed as set forth in the *SVSH Policy* Appendix IV.

#### IV. INVESTIGATION OF FORMAL COMPLAINT OF DOE-COVERED CONDUCT (STAGE TWO)

**A. Commencing a DOE Grievance Process.** Upon receipt of information about alleged Prohibited Conduct, the Title IX Officer will determine, consistent with the University's *SVSH Policy*, whether to initiate a DOE Grievance Process (see *SVSH Policy*, Sections V.A.4 and 5 for the alternate paths that the Title IX Officer may instead determine to be appropriate). When the University opens an investigation of allegations of DOE-Covered Conduct and other Prohibited Conduct that arise out of the same facts or circumstances, it will address all allegations together through the DOE Grievance Process procedures.

**B. Notice of Charges.** If a DOE Grievance Process will be conducted, the Title IX Officer, after consulting with Student Conduct, will send written notice of the charges to the Complainant and Respondent. The written notice will be sent at least three business days before a party's requested interview date, to allow sufficient time for the party to prepare for the interview. The notice will include:

1. A summary of the reported conduct that potentially violated the *SVSH Policy* and, where applicable, other student conduct policy;
2. the identities of the parties involved;
3. the date, time, and location of the reported incident(s) (to the extent known);
4. the specific provisions of the *SVSH Policy*, including the DOE- Covered Conduct and any other Prohibited Conduct, and/or any other student conduct policy potentially violated;
5. a statement that each party may have an advisor and a support person of their choice throughout the process, as described in Section III.F above.
6. a statement that the investigative report, when issued, will make factual findings and a preliminary determination regarding whether there has been a violation of the *SVSH Policy* and/or other student conduct policy;
7. a statement that the parties will each have an opportunity during the investigation to propose questions for the investigator to ask of the other party and witnesses;
8. a statement that it is a violation of University policy to furnish false information to the University, but that an investigative preliminary determination or a hearing officer's determination regarding responsibility that is inconsistent with the information that a party furnished does not, in and of itself, indicate that that information was false;
9. a statement that the parties will each have an opportunity, before the completion of the investigation, to review all the evidence submitted that is directly related to whether a policy violation occurred;
10. a statement that the factual findings and preliminary determination will be

based on a Preponderance of Evidence standard;

11. a statement that a determination of whether a policy violation has occurred will be made only after the process is complete and therefore there is, at the outset, no presumption that the Respondent is responsible for a policy violation;
12. when applicable, a statement that if it is preliminarily determined that a DOE-Covered Conduct violation did not occur, the investigator will still make a preliminary determination in the investigative report of whether other violations of the *SVSH Policy* occurred;
13. a summary of the resolution process, including the possible hearing, and the expected timeline;
14. an admonition against Retaliation; and
15. a summary of rights and resources available to the Complainant and Respondent.

At any point during the investigation, the Title IX Officer may amend the notice to add additional charges identified during the investigation. Any amended notice should include all the information described above.

**C. Investigation Process.** The Title IX Officer will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation. The burden of gathering evidence sufficient to reach a preliminary determination regarding whether violation(s) of the SVSH Policy occurred rests with the investigator. Absent an extension for good cause, the Title IX Office will typically complete its investigation within 60 to 90 business days from the date of the notice of charges

1. During the investigation, the Complainant and Respondent will be provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party and witnesses. The investigator has discretion to determine which witnesses to interview based on the relevance of the evidence they allegedly would offer, and to determine what questions to ask, and may decline to ask questions that are, for example, repetitive, harassing, or not relevant to whether the reported violation(s) occurred.
2. The investigator will meet separately with the Complainant, Respondent, and witnesses, and will gather other available and relevant evidence. The investigator may followup with the Complainant, the Respondent, and witnesses as needed to clarify any inconsistencies or evidence gathered during the course of the investigation.
3. The investigator will generally consider, that is rely on, all evidence they determine to be relevant and reliable, including evidence that weighs in favor of and against a determination that a policy violation occurred. The

investigator may determine the relevance and weigh the value of any witness or other evidence to the findings and may exclude evidence that is irrelevant or immaterial.

- a. The investigator will generally consider direct observations and reasonable inferences from the facts.
- b. The investigator will generally not consider statements of personal opinion as to anyone's general reputation or any character trait.
- c. The investigator may consider prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct or other conduct prohibited by student conduct policies by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of an *SVSH Policy* or other policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct or related student conduct policy violation under investigation.
- d. **Sexual history.** The investigator will not, as a general rule, consider the sexual history of a Complainant or Respondent. However, in limited circumstances, sexual history may be directly relevant to the investigation.
  - i. As to Complainants: While the investigator will never assume that a past sexual relationship between the parties means the Complainant consented to the specific conduct under investigation, evidence of how the parties communicated consent in past consensual encounters may help the investigator understand whether the Respondent reasonably believed consent was given during the encounter under investigation. Further, evidence of specific past sexual encounters may be relevant to whether someone other than respondent was the source of relevant physical evidence.
  - ii. As to Respondents: Sexual history of a Respondent might be relevant to show a pattern of behavior by Respondent in accordance with Section IV.C.3.c, or resolve another issue of importance in the investigation.
  - iii. Sexual history evidence that shows a party's reputation or character will never be considered relevant on its own.
  - iv. The investigator will consider proffered evidence of sexual history, and provide it to the parties for review under Section IV.E. below, only if the investigator determines it is directly relevant. The investigator will inform the parties of this determination.
- e. **Clinical records.** During the investigation, the investigator will not access, review, consider, disclose, or otherwise use a complainant's or

respondent's medical or behavioral health records that are made in connection with treatment without the party's voluntary written consent.

- f. **Privileged records.** During the investigation, the investigator will not access, review, consider, disclose, or otherwise use evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege without the party's voluntary written consent.
- g. **Expert evidence.** The parties may present evidence from expert witnesses if it would be relevant to the determination of whether a policy violation occurred.
  - i. If a party wishes for such evidence to be considered, they will make a written request to the Title IX officer, indicating the person(s) they wish to present as, and who has agreed to be, their expert witness; the issue(s) on which the person(s) would provide expert evidence; why they believe that the issue(s) require an expert opinion for resolution; and any prior relationship, including personal and business relationships, between the party and the person(s).
  - ii. The Title IX officer will grant the request for the proposed expert to provide evidence if the proposed evidence is relevant, and will deny the request if the proposed evidence is not relevant. Proposed expert evidence is not relevant if it is not pertinent to proving whether the facts material to the allegations under investigation are more or less likely to be true. For example, proposed expert evidence is not relevant if it offers opinions about the Title IX regulations or the DOE Grievance Process; if it offers opinions that do not require expertise to form; or if the proposed expert has a bias or conflict of interest so strong that their opinion would not assist the factfinder in determining whether the facts material to the allegations under investigation are more or less likely to be true.
  - iii. If the Title IX officer grants a request for proposed expert evidence, they will notify both parties. The other party may then request to present a proposed expert on the same issue (as well as to present their own expert evidence on other relevant issues). The Title IX office may also retain its own expert on any issue on which one or both parties will be presenting expert evidence; the Title IX office will ensure that any such expert does not have bias or conflict of interest and will notify the parties of any expert it intends to retain.
  - iv. As part of the evidence they present, any expert witness will provide the investigator information about their qualifications; the factual bases for their assertions; and their principles and methods and the reliability thereof. These factors will contribute to the assessment of the weight and credibility of the expert witness's evidence.



- v. In general, parties may not later request proposed expert witnesses to testify at the hearing unless those witnesses have provided evidence during the investigation.

**D. Coordination with Law Enforcement.** When a law enforcement agency is conducting its own investigation, the investigator should coordinate their factfinding efforts with the law enforcement investigation in accordance with the *SVSH Policy* (See *SVSH Policy* Section V.A.5.b.i and *SVSH Policy* FAQs 7 and 8). A reasonable delay resulting from such coordination may be good cause for extending the timelines to complete the investigation. If so, the delay will be communicated and documented in accordance with the *SVSH Policy*.

**E. Opportunity to Review and Respond.** Before the investigator concludes the investigation and finalizes a written report, both Complainant and Respondent will have an equal opportunity to review and respond in writing to the evidence that the investigator has deemed directly related – a standard broader than relevance – including evidence that weighs against finding a policy violation(s) and evidence on which the investigator does not intend to rely, whether obtained from a party or another source. This is true regardless of whether a party has participated in the investigation. This review will also include a summary of directly related statements made by the parties and any witnesses. The Title IX Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties. The Title IX Officer will designate a reasonable time for this review and response by the parties that, absent good cause found by the Title IX Officer, of at least 10 business days.

**F. Investigation Report.** The investigator will prepare a written report that includes the factual allegations and alleged policy violations, statements of the parties and witnesses, a summary of the evidence the investigator considered, findings of fact, credibility determinations when appropriate, an analysis of whether a policy violation has occurred, and a preliminary determination regarding whether there are any policy violations. The investigator may consult with Student Conduct on the preliminary determinations regarding violations of student conduct policies other than the *SVSH Policy*. If credibility determinations were not necessary to reach the findings and preliminary policy determinations, the report will so note and explain why. If the Complainant or Respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation of why it was not considered. The investigation report should also indicate when and how the parties were given an opportunity to review the evidence (see Section E above). The investigation report will include an analysis and preliminary determination of each charge included in the notice of charges.

**G. Issuance of Notice and Report.**

1. Upon completion of the Title IX Investigation, the Title IX Officer will provide to the Complainant and the Respondent (a) written notice of the factual findings and preliminary determinations, and (b) the investigation report. The investigation report may be redacted to protect privacy. The Title IX Officer will provide Student Conduct with the written notice and an unredacted copy

of the investigation report.

2. The notice of the factual findings and preliminary determinations will include the following:
  - a. A summary statement of the factual findings and preliminary determinations regarding whether the *SVSH Policy* or other student conduct policies have been violated;
  - b. In cases where the investigator preliminarily determines a policy violation(s) occurred, an explanation of how the proposed sanction will be determined, including that each party will have an opportunity to provide input on sanctions through a meeting with Student Conduct and/or written statement (see Section V);
  - c. A statement that each party may provide a written response to the investigation report indicating whether they accept or do not accept the preliminary determination, see Section VI;
  - d. A statement that, unless both parties accept the preliminary determination as to policy violation(s), there will be a factfinding hearing to determine whether the *SVSH Policy* or other student conduct policies have been violated, after which Student Conduct will determine any sanctions;
  - e. An explanation of the procedures and timeline for accepting the preliminary determination (see Section VI);
  - f. A statement that if both parties accept the preliminary determination, they still will have the right to appeal the sanction, if any;
  - g. An admonition against Retaliation; and
  - h. An explanation of any Supportive Measures that will remain in place.

**H. Access to Certain Investigation Records.** After issuance of the investigator’s written report, the investigation file, consisting of the investigation report and any evidence deemed directly related by the investigator (as documented in the investigation report), must be retained by the Title IX Officer and made available to the parties for inspection upon request. It may be redacted to protect privacy.

**V. PROPOSED SANCTION (STAGE TWO)** In cases where the investigator preliminarily determines a policy violation occurred:

**A. Party Input.** Either party may schedule a meeting with or submit a written statement to Student Conduct to provide input on sanctions. A party intending to do so will, within three days of receiving the notice of preliminary determination, either contact Student Conduct to schedule the meeting or submit the written statement to that office.

**B. Student Conduct Proposal.** Student Conduct will review the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, respondent’s prior conduct record, any comment on

sanctions from the parties (received either in person or in writing), and any other information relevant to the factors described in Section IX, and will determine a proposed sanction. Student Conduct will propose a sanction in all cases where there is a preliminary determination that the policy was violated.

- C. Notification.** Student Conduct will notify the parties of the proposed sanction and supporting rationale within 15 business days of the notice of investigative findings and preliminary determination.
- D. Student Conduct Meeting.** When possible, a party's meeting with Student Conduct to provide input on sanctions will be combined with the meeting contemplated in Section VI.A.

## **VI. OPPORTUNITY TO ACCEPT THE PRELIMINARY DETERMINATION (STAGE THREE)**

Unless both parties accept the investigator's preliminary determinations as to whether or not the policy was violated, there will be a factfinding hearing to determine whether the *SVSH Policy* or other student conduct policies have been violated, after which Student Conduct will determine any sanctions.

**A. Opportunity to Discuss Options.** If either party wishes to discuss the possibility of accepting and the implications of accepting or not accepting the preliminary determination, including the hearing that will result if either party does not accept the preliminary determination, they may discuss their options with Student Conduct (even if the investigator's preliminary determination was that no policy violation occurred). If either party wishes to meet with Student Conduct, they will contact Student Conduct within 3 business days of receiving the notice of preliminary determination to schedule the meeting.

### **B. Accepting the Preliminary Determination**

1. Either party may accept the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. Unless both parties accept the preliminary determination within this time period, then the matter will proceed to a hearing to determine if a policy violation occurred.
2. A party may accept the preliminary determination by providing Student Conduct with a written response stating that the party accepts the preliminary determination, and wishes not to proceed with a hearing. A party may also provide Student Conduct with a written response stating that the party does not accept the preliminary determination.
3. If both parties provide a written response that they do not wish to proceed with a hearing during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and Student Conduct will impose the proposed sanction, and the parties will have the right to appeal the sanction.

### **C. Consideration of Consolidation of Related Cases**

Where a case arises out of substantially the same set of factual allegations as another case in the student resolution process (for example, where multiple Complainants or Respondents are involved in the same incident), or where it involves the same Complainant and Respondent, the Title IX officer has discretion to coordinate or combine the investigation and/or adjudication of those cases.

### **D. Notice of Hearing or No Hearing**

1. Unless both parties accept the preliminary determination by the end of the 20 business days, Student Conduct will notify the parties that there will be a hearing. The notice of hearing will include a summary of the hearing procedures described in Section VII.
2. Alternatively, if both parties accept the preliminary determination, Student Conduct will notify the parties that there will be no hearing. This notice will indicate that the preliminary determination as to policy violation(s) that the parties chose to accept is final, and that Student Conduct is imposing the proposed sanction (if any); and that the parties have the right to appeal the sanction

## **VII. HEARING TO DETERMINE POLICY VIOLATIONS (STAGE FOUR)**

**A. Factfinding Hearing.** Unless both parties accept the investigator's preliminary determinations, there will be a factfinding hearing before a single hearing officer. The hearing is to determine whether a violation of the *SVSH Policy* (and any non-*SVSH Policy* violations charged in conjunction with them) occurred. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

### **B. Hearing Officer.**

1. The hearing officer may be a University employee or outside contractor, and may not be the same person as the Title IX Officer or the investigator. Regardless, they will be appropriately trained, with such training coordinated by the Title IX Officer.
2. The hearing coordinator will inform the parties of the hearing officer's identity. Within 5 business days after the notification, the parties may request the hearing officer's disqualification on the basis of bias or conflict of interest.
  - a. For example, involvement in the case or knowledge of the allegations at issue prior to being selected as the hearing officer, or a close personal relationship with a party or expected witness in the proceeding could, depending on the circumstances, warrant disqualification of the hearing officer.

- b. Employment by the University, or prior work for the University as a contractor, on its own, does not warrant disqualification.
  - c. The hearing officer's gender, gender identity, race, ethnicity, religion, sexual orientation or similar identifying characteristic, or the fact that they differ from those of any party, do not, on their own, warrant disqualification.
3. Student Conduct will decide any request for disqualification of the hearing officer and inform both parties of their decision and, if they determine to change hearing officers, the name of the new hearing officer.

**C. Hearing Coordinator.** Each hearing will have a hearing coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

**D. Pre-Hearing Procedures.**

1. When a hearing is required under these procedures, the hearing officer and hearing coordinator will hold a separate meeting (in person or remotely) with each party, to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive and fair hearing.
  - a. The hearing coordinator will provide written notice to each party of their prehearing meeting, including time, location (or if remote, call instructions), and purpose of the meeting, at least 10 business days before the pre-hearing meeting.
  - b. No later than 5 business days before the pre-hearing meeting, each party will submit to the hearing officer a preliminary statement of what issues, if any, each considers to be disputed and relevant to the determination of whether a policy violation occurred, and the evidence they intend to present on each issue, including all documents to be presented, the names of all requested witnesses, and a brief summary of such witnesses' expected testimony. The parties will later have an additional opportunity to submit proposed evidence, see Section VII.D.3 below.
  - c. At the pre-hearing meeting, the hearing officer and party will discuss the evidence the party has provided, to help identify and refine the issues to be decided at the hearing, which will inform the hearing officer's determination of the scope of the hearing.
  - d. Each party should also come to the pre-hearing meeting prepared to schedule dates for the hearing.
  - e. The hearing officer and/or coordinator will explain what to expect at the hearing, see Section VII.E. below.
  - f. The hearing officer and/or coordinator will also discuss measures available to protect the well-being of parties and witnesses at the hearing,





3. Within 5 business days after receiving the hearing officer's definition of scope, the parties may then submit additional information about the evidence, including witness testimony, that they would like to present.
4. Not less than 10 business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.
5. The hearing coordinator will ensure that the Title IX investigator (or if not available, a representative from that office) will be available to testify during the hearing. Testimony by the Title IX investigator may be appropriate to help resolve disputes about the authenticity of evidence summarized in the investigation report and at issue at the hearing, or whether the investigator accurately memorialized a party's or witness's statement in the investigation. The Title IX investigator should not be questioned about their assessment of party or witness credibility, nor the investigative process generally, nor their preliminary determination of whether policy violations occurred, because the hearing officer will make their own credibility determinations and determination of policy violation(s) so this information would not be relevant.
6. Based on the hearing officer's determination, the hearing coordinator will request the attendance of all witnesses whose testimony is determined to be within the scope of the hearing. The University cannot compel parties or witnesses to testify in the hearing and their decision not to testify will not be a reason to cancel or postpone a hearing.
7. At least 2 business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence; copies of all the evidence that will be considered at the hearing that the hearing officer has received, including the investigation file and any other documents that will be considered; the names of expected witnesses and a summary of their expected testimony. If the hearing officer has excluded evidence (including witness testimony) that a party has requested to present, they will explain why that evidence was not relevant. The hearing officer will also notify the parties of any procedural determinations they have made regarding the hearing. This material will also be provided to the Title IX Officer.
8. The parties are encouraged to submit any questions for the other party and any expected witnesses to the hearing coordinator and hearing officer before the hearing, but will not be limited to those questions at the hearing. These questions will not be shared with the other party or witnesses.
9. At any point before the hearing, if a party anticipates that they will not have an advisor available at the hearing to ask their questions for them, they should let the hearing coordinator know, to allow the University to plan for assigning the party a person to ask the party's questions at the hearing ("Reader"). Even without notice or during a hearing in progress, however, the University will provide such a resource if a party does not have one. If any party does not have an advisor available at the hearing for the purpose of

asking their questions for them, the hearing coordinator will assign a person to fulfill the sole and specific function of asking the party's questions (and not of serving as their advisor more generally), without cost to the party

## E. Hearing Procedures

1. The hearing will be conducted in a respectful manner that promotes fairness and accurate factfinding and that complies with the rules of conduct. The parties and witnesses will address only the hearing officer, and not each other. Only the hearing officer and the parties' advisors (or Readers if they do not have advisors), consistent with paragraph 5 below, may question witnesses and parties.
2. The hearing will be conducted remotely, with any modifications the hearing coordinator has made in response to a party's request for assistance, see Section VII.D.1.g above.
3. Courtroom rules of evidence and procedure will not apply. The hearing officer will generally consider, that is rely on, all evidence they determine to be relevant and reliable. The hearing officer may determine the relevance and weigh the value of any witness testimony or other evidence to the findings, subject to paragraph 7 below. The hearing officer will also follow the evidentiary principles in Section IV.C.3. Throughout the hearing, the hearing officer will:
  - a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive, and require rephrasing of questions that violate the rules of conduct,
  - b. Decide any procedural issues for the hearing, and/or
  - c. Make any other determinations necessary to promote an orderly, productive, and fair hearing that complies with the rules of conduct.
4. Parties will be able to see and hear (or, if deaf or hard of hearing, to access through auxiliary aids for services) all questioning and testimony at the hearing, if they choose to. Witnesses (other than the parties) will attend the hearing only for their own testimony.
5. *Questioning at the Hearing.* The hearing officer may ask questions of all parties and witnesses that are relevant, including those that are relevant to assessing credibility. Each party's advisor may ask questions of the other party (not their party) and witnesses that are relevant, including those that are relevant to assessing credibility. As noted in Section VII.D.9. above, the University will assign a person to ask a party's questions whenever a party does not have an advisor at the hearing. The evidentiary principles in Section IV.C.3 will apply throughout.
  - a. The hearing officer will determine the order of questioning of the parties

- and witnesses. For each party or witness, the hearing officer will ask their own questions first.
- b. Each party will prepare their questions, including any followup questions, for the other party and witnesses, and will provide them to their advisor. The advisor will ask the questions as the party has provided them, and may not ask questions that the advisor themselves have developed without their party.
  - c. If a party does not attend the hearing, the hearing will still proceed, and they may still have their advisor - or if they do not have one, a University-assigned Reader – ask the questions that they have prepared.
  - d. When a party’s advisor is asking questions of the other party or a witness, the hearing officer will determine whether each question is relevant before the party or witness answers it and will exclude any that are not relevant or unduly repetitive, and will require rephrasing of any questions that violate the rules of conduct. If the hearing officer determines that a question should be excluded as not relevant, they will explain their reasoning.
  - e. At any time, the hearing officer may ask followup questions of the parties and witnesses.
  - f. Any expert witnesses identified during the investigation, see Section IVC.3.f, will be subject to these same questioning procedures.
6. The investigation file will be entered as evidence at the hearing. The hearing officer generally will rely on any finding in the report that is not disputed.
  7. The principles in Sections III.G and H shall apply.
  8. The hearing officer will implement measures they deem appropriate to protect the well-being of parties and witnesses. For example, the hearing officer will allow separation of the parties, breaks, and the participation of support persons in accordance with these procedures.
  9. The hearing officer will allow the parties and/or witnesses to be visually separated during the hearing except as noted in paragraph 4 above. This may include, but is not limited to, videoconference and/or any other appropriate technology. To assess credibility, the hearing officer must have sufficient access to the Complainant, Respondent, and any witnesses presenting information; if the hearing officer is sighted, then the hearing officer must be able to see them.
  10. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the hearing officer. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the hearing officer has discretion to accept or exclude additional evidence presented at the hearing.

11. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.
12. The University will audio record the hearing and make the recording available for the parties' review at their request.
13. The parties may have their advisors and support persons present throughout the hearing. See Section III.E

#### **F. Determination of Policy Violation**

1. *Standards for Deliberation.* The hearing officer will decide whether a violation of the *SVSH Policy* (or related non-*SVSH Policy* violation) occurred based on a Preponderance of Evidence standard.
2. Information Considered.
  - a. The hearing officer will take into account the investigative file and the evidence presented and accepted at the hearing. The evidentiary principles in Section IV.C.3 shall also apply. On any disputed and material issue, the hearing officer should make their own findings and credibility determinations based on all of the evidence before them, subject to paragraph b below.
  - b. On any disputed and material issue, the hearing officer may not consider any statement about which a party or witness has refused, in whole or in part, to answer questions posed by a party (through their advisor or a University-assigned Reader) and allowed as relevant by the hearing officer. For purposes of these procedures, a statement is anything that constitutes a person's intent to make factual assertions.

**G. Sanction.** If the hearing officer decides that any policy violation has occurred, they will send their determination and findings to Student Conduct within 10 business days of the hearing. Based on the hearing officer's findings and determinations, and other information relevant to sanctioning (see Section IX.D.), Student Conduct will determine an appropriate sanction.

**H. Notice of Determination and Sanction.** Within 15 business days of the hearing, the hearing coordinator will send simultaneous written notice to the Complainant and Respondent (with a copy to the Title IX Officer and Student Conduct) setting forth the hearing officer's determination on whether the *SVSH Policy* and/or other student conduct policies have been violated, and, if so, Student Conduct's determination of any sanctions to be imposed. The written notice will include the following:

1. A summary of the allegations that would constitute DOE-Covered Conduct and other Prohibited Conduct under the *SVSH Policy*, and any other related student conduct violations.
2. The determinations of whether the *SVSH Policy* and/or other student conduct



policies have been violated,

3. If so, a description of the sanctions;
4. That the Title IX Officer will determine whether Complainant will be provided additional remedies, and will inform Complainant of that determination;
5. A description of the procedural history of the complaint;
6. The findings on each disputed, material fact and an analysis of the evidence supporting the findings;
7. A summary of the facts found by the investigator that the parties did not dispute.
8. The rationale for the determination of each charge;
9. If the hearing officer determines that DOE-Covered Conduct did not occur, an analysis of whether other charged conduct, including other *SVSH Policy* violations, occurred;
10. The rationale for any sanctions;
11. A statement of the right to appeal, grounds and timeframe for the appeal, the office to which the appeal must be submitted, and the procedure that the University will follow in deciding the appeal; and
12. An explanation that both the parties will receive a copy of any appeal submitted in accordance with these procedures.

- I. **Documentation of Hearing.** Throughout the pre-hearing and hearing process, the hearing coordinator will document the process's compliance with the procedures (including timeframes) in this section. After the notice of policy violation determination and any sanction has been finalized, the hearing coordinator will provide this documentation, along with all documents relating to the hearing, and the recording of the hearing, to the Title IX Officer

## VIII. APPEAL PROCESS (STAGE FIVE)

- A. **Equal Opportunity to Appeal.** The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The University administers the appeal process, but is not a party and does not advocate for or against any appeal.
- B. **Grounds for Appeal.** A party may appeal only on the grounds described in this section. The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the available grounds.
  1. In cases where there was a hearing, the following grounds for appeal apply:
    - a. There was procedural error in the hearing process that materially affected the outcome; procedural error refers to alleged deviations from University

- policy, and not challenges to policies or procedures themselves;
- b. There is new evidence that was not reasonably available at the time of the hearing and that could have materially affected the outcome;
  - c. The hearing officer had a conflict of interest or bias that affected the outcome;
  - d. The determination regarding policy violation was unreasonable based on the evidence before the hearing officer; this ground is available only to a party who participated in the hearing; and
  - e. The sanctions were disproportionate to the hearing officer's findings.
2. In cases where there was no hearing because the parties both decided to accept the preliminary determination (see Section VI), the parties may appeal on only one ground: that the sanctions were disproportionate to the preliminary determination regarding policy violations that was accepted.

### **C. Commencing an Appeal.**

1. In cases where there was a hearing, an appeal must be submitted to the hearing coordinator within 10 business days following issuance of the notice of the hearing officer's determination and, if imposed, the disciplinary sanctions (see Section VII.H.). The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. Student Conduct will notify the other party of the appeal and that the other party will have an opportunity to submit a written statement in response to the appeal, within three business days. If the appeal includes the ground that the sanction is disproportionate, Student Conduct will also inform that parties that they have an opportunity to meet with the appeal officer to discuss the proportionality of the sanction.
2. In cases where the parties accepted the preliminary determination, an appeal must be submitted in writing to Student Conduct within 10 business days following Student Conduct's notice to the parties that the preliminary determination was final and that Student Conduct would impose the proposed sanction (see Section VI.E.2). Student Conduct will notify the other party of the appeal and that the other party will have an opportunity to submit a written statement in response to the appeal, within five business days. Student Conduct will also inform the parties that they have an opportunity to meet with the appeal officer to discuss the proportionality of the sanction.

### **D. Appeal Decision**

1. *Standards for Deliberation.* The appeal officer, who will not be the same person as the Title IX Officer or investigator, or hearing officer or hearing coordinator, will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented at the hearing, the investigation file, and the appeal statements of the parties. In disproportionate sanction appeals, they may also consider any input parties

provide in a meeting per Section VIII.D.2, below. They will not make their own factual findings, nor any witness credibility determinations.

2. *Disproportionate Sanction Appeals – Opportunity for Meeting.* In cases where a ground of appeal is disproportionate sanction, the parties may meet separately with the appeal officer for the limited purpose of providing input on their desired outcomes as to sanctions only.
3. Decision by Appeal Officer. The appeal officer may:
  - a. Uphold the findings and sanctions;
  - b. Overturn the findings or sanctions;
  - c. Modify the findings or sanctions; or
  - d. In appeals alleging material procedural error or new evidence (Section VII.D.1(a) or (b) above), send the case back to the hearing officer for further factfinding if needed, for example on the issue of whether the alleged error or new evidence would have materially affected the outcome.
4. *Written Report.* The appeal officer will summarize their decision in a written report that includes the following:
  - a. A statement of the grounds identified on appeal;
  - b. A summary of the information considered by the appeal officer; and
  - c. The decision of the appeal officer and the rationale for the decision including, where the findings or sanctions are overturned or modified, an explanation of why the ground(s) for appeal were proven.
5. *Distribution of Written Decision.* Within 10 business days of receiving the appeal, the appeal officer will send their written decision to Complainant and Respondent (with copies sent to the Title IX Officer and Student Conduct).
  - a. Unless the appeal officer remands the matter, they will inform the Respondent and the Complainant that the matter is closed with no further right to appeal.
  - b. If the appeal officer remands the matter, they will specify what further factfinding should occur or what additional information should be considered and request that the hearing officer report back to the appeal officer on their additional factfinding. After receiving the hearing officer's additional factual findings, the appeal officer will issue their decision within 10 business days. This decision will be final.

## **IX. PRINCIPLES, OPTIONS, AND FACTORS IN STUDENT SANCTIONS**

### **A. Introduction**

These standards are intended to promote the consistent and proportionate

application of disciplinary sanctions by the University 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*).<sup>1</sup> The following describes the University's principles, options, and factors to consider in assigning sanctions when the Respondent is a student.

## **B. Principles**

1. The administration of student discipline will be consistent with the *Policy on Student Conduct and Discipline*.
2. When a student is found responsible for violating the University's *SVSH Policy* or other student conduct policies, the University will assign sanctions that are proportionate and appropriate to the violation, taking into consideration the context and seriousness of the violation. The University is also committed to providing appropriate remedial measures to Complainant, as described in the *SVSH Policy*.
3. When a student is found not responsible for violating the University's *SVSH Policy* and other student conduct policies, 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. Sanctions are designed to hold a student accountable for violating University standards of conduct and to promote personal growth and development. Sanctions also serve the purpose of stopping Prohibited Conduct under the *SVSH Policy*, and preventing its recurrence.
5. The University recognizes that acts of Sexual Violence, Sexual Harassment and other forms of Prohibited Conduct are contrary to its goals of providing an educational environment that is safe and equal for all students.
6. University of California campuses are encouraged to inform other UC campuses of a student's disciplinary record for violating the University's *SVSH Policy* and other student conduct policies.

## **C. Sanctioning Options**

1. University sanctions include, but are not limited to:
  - a. Dismissal from the University of California;
  - b. Suspension from the University of California;

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<sup>1</sup> This supplements the *Policies Applying to Campus Activities, Organizations, and Students* (PACAOS, 5/10/2012). In the event of any conflict this document takes precedence.

- c. Exclusion from areas of the campus and/or from official University functions;
- d. Loss of privileges and/or exclusion from activities;
- e. Restitution;
- f. Probation;
- g. Censure/Warning; and/or
- h. Other actions as set forth in University policy and campus regulations.

In contrast to Supportive Measures, which may not be disciplinary or punitive and may not unreasonably burden a party, sanctions may impose greater burdens on a Respondent found responsible for SVSH Policy violations.

2. The definitions of sanctions are found in *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 sanctions on academic transcripts will follow University policy as defined in *PACAOS*, Section 106.00 of the *Policy on Student Conduct and Discipline*.

#### **D. Factors Considered In Determining Sanctions**

1. In all cases, when determining the appropriate and proportionate sanction, the following factors will be taken into account when applicable:
  - 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; use of authority to abuse trust or confidence; presence of weapons; use of force or violence; physical injury; menace; duress; deliberately causing or taking advantage of a person's incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.
  - 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; planned or predatory conduct; 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. Whether the conduct is aggravated, as defined in the SVSH Policy.
  - d. 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.
  - e. Disciplinary history: unrelated prior violations; related prior violations.
  - f. Impact on others: input from the Complainant; protection or safety of the



Complainant or the community.

### **E. Sanctions for Certain Conduct**

1. Sanctions will be assigned as follows:
  - a. Sexual Assault – Penetration or Sexual Assault – Contact that is aggravated as defined in the *SVSH Policy* will result in a minimum sanction of suspension for two calendar years.
  - b. Sexual Assault – Penetration, Domestic or Dating Violence, or Stalking will result in a minimum sanction of suspension for two calendar years unless there are exceptional circumstances.
  - c. Sexual Assault – Contact will result in a minimum sanction of suspension for one calendar year, unless there are exceptional circumstances.
  - d. Sexual Harassment and Other Prohibited Behavior, as defined by the *SVSH Policy*, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified in Section D above.
2. Assigned sanctions for each case will be documented and reported to the Systemwide Title IX Director on a regular basis. The report is to ensure a reasonable level of consistency from campus to campus.

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## **IV. COMPLIANCE / RESPONSIBILITIES**

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

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## **V. PROCEDURES**

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The President will consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and University wide advisory committees prior to amending these Policies. Chancellors will 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 University wide advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these Policies.)

Chancellors will 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 will 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, will 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.)

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## **VI. RELATED INFORMATION**

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[Sexual Harassment and Sexual Violence](#)

[Policies Applying to Campus Activities, Organizations, and Students \(PACAOS\)](#)

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## **VII. FREQUENTLY ASKED QUESTIONS**

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Not Applicable

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## **VIII. REVISION HISTORY**

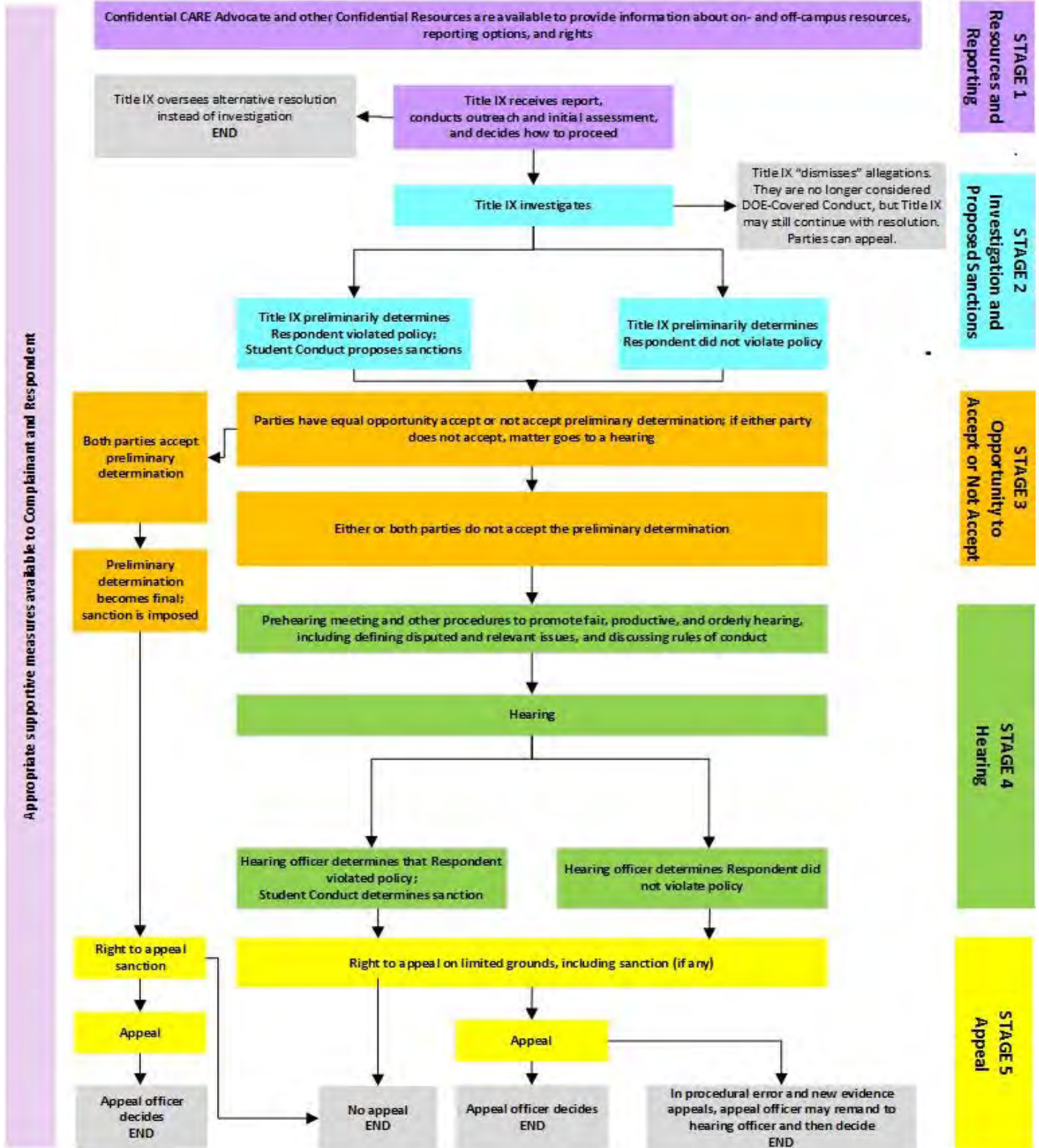
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**August 14, 2020:** Initial issuance

This Policy is also reformatted to meet Web Content Accessibility Guidelines (WCAG) 2.0

## IX. APPENDIX

### APPENDIX F – Student Investigation and Adjudication Process Flowchart for DOE-Covered Conduct



\*Please see the PACAOS Appendix F for full procedural details

# **Appendix F**

## **Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel**

## INTRODUCTION

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

The Title IX regulations issued by the US Department of Education (“DOE”) that went into effect August 14, 2020 require the University to follow a specific grievance process (“DOE Grievance Process”) in response to conduct covered by the regulations (“DOE-Covered Conduct”). The University advocated strongly for DOE to change some components of the DOE Grievance Process before issuing the regulations; DOE did not. Because compliance with the regulations is a condition of federal funding, the University has revised its policies to fully implement them. The Title IX Officer will determine during their initial assessment of a report whether it alleges DOE-Covered Conduct and, if so, whether to open a DOE Grievance Process. Alleged conduct is DOE-Covered Conduct if it is a type of misconduct covered by the regulations (“DOE Sex-Based Misconduct”) that occurred in a University program or activity while the complainant was in the United States. This assessment is described in detail in Appendix IV of the SVSH Policy. The following, read with the attached [DOE Addendum](#), describes the process for investigating and adjudicating alleged violations of the SVSH Policy that include DOE-Covered Conduct.

A flow chart illustrating the processes for complaints against PPSM covered employees can be found in Attachments 1 and 1.A. A flow chart illustrating the process for complaints against non-faculty academic appointees can be found in Attachments 2 and 2.A.

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

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

The SVSH Policy is available at <http://policy.ucop.edu/doc/4000385/SVSH>. The PPSM manual is available at <http://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html>. The

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<sup>1</sup> For all represented staff and academic personnel who are covered by a Memorandum of Understanding with an exclusive bargaining agent, where there is a conflict with their collective bargaining agreement and this Investigation and Adjudication Framework, the collective bargaining agreement provision will apply, except as required by Federal law and regulations. When the respondent is represented, please refer to the relevant complaint resolution, investigation, grievance, and disciplinary procedures contained in the represented respondent’s collective bargaining agreement in conjunction with this Framework.



APM is accessible at <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/general-university-policy-regarding-academic-appointees/index.html>.

## **I. REPORTING OPTIONS AND RESOURCES (Stage 0)**

These reporting options and resources are available for any conduct prohibited by the SVSH Policy (“Prohibited Conduct”), including DOE-Covered Conduct.

### **A. Reporting Options**

Any person may make a report, including anonymously, of Prohibited Conduct to the Title IX Office. The Title IX Office is responsible for receiving and responding to reports of Prohibited Conduct.

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

While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible.

A complainant may choose to make a report to the University and may also choose to make a report to law enforcement. A complainant may pursue either or both of these options at the same time. Anyone who wishes to report to law enforcement can contact the UC Police Department at their location.

### **B. Confidential Resources**

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

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

## **II. INITIAL ASSESSMENT (Stage 1)**

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

The initial assessment process described below is for all reports of Prohibited Conduct, including DOE-Covered Conduct. A special dismissal provision that applies specifically to complaints of DOE-Covered Conduct is in the DOE Addendum.

#### **A. Supportive Measures**

The University will also consider and implement Supportive Measures, including Interim Measures, as appropriate to protect the safety of the parties or the University community; to restore or preserve a party's access to a University program or activity; or to deter Prohibited Conduct per the SVSH Policy.

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

#### **B. Written Rights & Options**

The Title IX Officer will ensure that the complainant, if their identity is known, is provided a written explanation of rights and available options as outlined in the SVSH Policy, including:

1. How and to whom to report alleged violations;
2. Options for reporting to and/or notifying law enforcement and campus authorities;
3. Information regarding confidential resources;
4. The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts;
5. The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order;
6. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community;
7. Options for a change to academic, living, transportation, and working situations if the complainant requests and if such options are reasonably available—regardless of whether the complainant chooses to report the crime to law enforcement; and
8. The range of possible outcomes for the report, including supportive and remedial measures and disciplinary actions, the procedures leading to such outcomes, and their right to make a DOE Formal Complaint.

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

The below provisions for investigation and resolution of reports cover investigations of DOE-Covered Conduct and other Prohibited Conduct. Provided the University has sufficient information to respond, and in accordance with the SVSH Policy, the University may resolve reports of alleged Prohibited Conduct by respondents covered by this Framework through Alternative Resolution, Formal Investigation, or a DOE Grievance Process. Throughout the resolution process, the complainant and the respondent may be accompanied by an advisor. In addition, the University will offer to

provide support services for complainants and for respondents. The Title IX Office will consider requests from parties and witnesses for language interpretation and, in consultation with the campus disability management office when appropriate, for disability-related accommodations.

#### **A. Alternative Resolution**

After a preliminary inquiry into the facts, if the complainant and respondent agree in writing, the Title IX Officer may initiate an Alternative Resolution in accordance with the [SVSH Policy](#). Alternative Resolution is not available when the complainant is a student and the respondent is an employee.

#### **B. Investigation**

In cases where Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may conduct an investigation per the Formal Investigation or DOE Grievance Process provisions in the SVSH Policy.

When the University opens an investigation of allegations of DOE-Covered Conduct and other Prohibited Conduct that arise out of the same facts or circumstances, it will address all allegations together through the DOE Grievance Process procedures.

##### **1. Notification**

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

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

##### **2. Notice of Investigation**

When a Formal Investigation or DOE Grievance Process will be conducted, the Title IX Office will send written notice of the charges to the complainant and the respondent.

The written notice will be sent at least three business days before a party's requested interview date, to allow sufficient time for the party to prepare for the interview. The written notice will include:

- a. A summary of the allegations and potential violations of the SVSH Policy;
- b. The identities of the parties involved;
- c. The date, time, and location of the reported incident(s) (to the extent known);
- d. The specific provisions of the SVSH Policy potentially violated;

University of California  
Sexual Violence and Sexual Harassment  
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- e. A statement that the investigative report, when issued, will make factual findings and a determination (in a Formal Investigation) or preliminary determination (in a DOE Grievance Process) whether there has been a violation of the SVSH Policy;
  - f. A statement that the parties will each have an opportunity during the investigation to propose questions for the investigator to ask of the other party and witnesses;
  - g. A statement that the parties will each have an opportunity, before the completion of the investigation, to review all the evidence submitted that is directly related – a standard broader than relevant - to whether a policy violation occurred;
  - h. A statement that the findings under the SVSH Policy will be based on the preponderance of the evidence standard;
  - i. A statement that a determination of whether a policy violation has occurred will only be made after an investigation or hearing (if required) and therefore there is, at the outset, no presumption that the respondent is responsible for a policy violation;
  - j. Where applicable, a statement that if it is preliminarily determined that a DOE-Covered Conduct violation did not occur, the investigator will in the investigative report make a preliminary determination of whether other violations of the SVSH Policy occurred;
  - k. A summary of the investigation and discipline processes, including the expected timeline;
  - l. A summary of the rights of the complainant and respondent, including the right to an advisor of their choosing, who may be any person, including an attorney, who is not otherwise a party or a witness;
  - m. A description of the resources available to complainant and respondent; and
  - n. An admonition against intimidation or retaliation.
3. Investigative Process

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

a. Overview:

During the investigation, the complainant and respondent will be provided an equal opportunity to meet with the investigator, submit information, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party and witnesses.

The investigator will meet separately with the complainant, the respondent, and the third party witnesses who may have relevant information, and will gather other available and relevant information. The investigator may follow up with the complainant or the respondent as needed to clarify any inconsistencies or new information gathered during the course of the investigation. The investigator will generally consider, that is rely on, all

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evidence they determine to be relevant and reliable, including evidence that weighs in favor of and against a determination that a policy violation occurred. The investigator may determine the relevance and weigh the value of any witness or other evidence to the findings and may exclude evidence that is irrelevant or immaterial.

Disclosure of facts to persons interviewed will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be counseled about keeping information private to protect the integrity of the investigation.

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

b. Coordination with Law Enforcement:

When a law enforcement agency is conducting its own investigation into the alleged conduct, the Title IX investigator will make every effort to coordinate their fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed temporarily to meet specific needs of the criminal investigation.

c. Specific Types of Evidence:

*Sexual history of complainant.*

The investigator will not, as a general rule, consider the complainant's sexual history. However, in limited circumstances, the complainant's sexual history may be directly relevant to the investigation. While the investigator will never assume that a past sexual relationship between the parties means the complainant consented to the specific conduct under investigation, evidence of how the parties communicated consent in past consensual encounters may help the investigator understand whether the respondent reasonably believed consent was given during the encounter under investigation. Further, evidence of specific past sexual encounters may be relevant to whether someone other than respondent was the source of relevant physical evidence. Sexual history evidence that shows a party's reputation or character will never be considered relevant on its own. The investigator will consider proffered evidence of sexual history, and provide it to the parties for review under Section III.B.4. below, only if the investigator determines it is directly relevant. The investigator will inform the parties of this determination.

*Expert witnesses.*

The parties may present evidence from expert witnesses if it would be relevant to the determination of whether a policy violation occurred. If a party wishes for such evidence to be considered, they will make a written request to the



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Title IX officer, indicating the person(s) they wish to present as, and who has agreed to be, their expert witness; the issue(s) on which the person(s) would provide expert evidence; why they believe that the issue(s) require an expert opinion for resolution; and any prior relationship, including personal and business relationships, between the party and the person(s).

The Title IX officer will grant the request for the proposed expert to provide evidence if the alleged evidence is relevant, and will deny the request if the proposed evidence is not relevant. Proposed expert evidence is not relevant if it is not pertinent to proving whether the facts material to the allegations under investigation are more or less likely to be true. For example, proposed expert evidence is not relevant if it offers opinions about the Title IX regulations or the DOE Grievance Process; if it offers opinions that do not require expertise to form; or if the proposed expert has a bias or conflict of interest so strong that their opinion would not assist the factfinder in determining whether the facts material to the allegations under investigation are more or less likely to be true.

If the Title IX officer grants a request for proposed expert evidence, they will notify both parties. The other party may then request to present a proposed expert on the same issue (as well as to present their own expert evidence on other relevant issues). The Title IX office may also retain its own expert on any issue on which one or both parties will be presenting expert evidence; the Title IX office will ensure that any such expert does not have bias or conflict of interest and will notify the parties of any expert it intends to retain.

As part of the evidence they present, any expert witness will provide the investigator information about their qualifications; the factual bases for their assertions; and their principles and methods and the reliability thereof. These factors will contribute to the assessment of the weight and credibility of the expert witness's evidence.

In general, parties may not later request proposed expert witnesses to testify at the hearing unless those witnesses have provided evidence during the investigation.

*Clinical records.*

The investigator will not during the investigation access, review, consider, disclose, or otherwise use a complainant's or respondent's medical or other behavioral health records that are made in connection with treatment without the party's voluntary written consent.

*Privileged Records.*

During the investigation, the investigator will not access, review, consider, disclose, or otherwise use evidence that constitutes, or seeks disclosure of,

information protected under a legally recognized privilege without the party's voluntary written consent.

d. Evidence Review:

Before the investigator concludes the investigation and finalizes a written report, both Complainant and Respondent will have an equal opportunity to review and respond in writing to the evidence that the investigator has deemed directly related, including evidence that weighs against finding a policy violation(s) and evidence on which the investigator does not intend to rely, whether obtained from a party or another source. This is true regardless of whether a party has participated in the investigation. This review will also include a summary of directly related statements made by the parties and any witnesses. The Title IX Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties. The Title IX Officer will designate a reasonable time for this review and response by the parties that, absent good cause found by the Title IX Officer, of at least 10 business days.

4. Investigation Report and Determination or Preliminary Determination

Following conclusion of the investigation, the Title IX investigator will prepare a written report. The written investigation report will include a statement of the allegations and issues, statements of the parties and witnesses, and a summary of the evidence the investigator considered. The investigation report will include findings of fact and a preliminary determination (in a DOE Grievance Process) and a determination (in a Formal Investigation) regarding whether, applying the preponderance of the evidence standard, there is sufficient evidence to conclude that respondent violated the SVSH Policy.

If the complainant or respondent offered witnesses or other evidence that was not relied upon by the investigator, the investigation report will explain why it was not relied upon. The investigation report will also indicate when and how the parties were given an opportunity to review the evidence (see Section 2.c above).

If the findings of fact indicate that DOE-Covered Conduct occurred, but was not charged as such in the notice of investigation, then the investigator will reach preliminary determinations regarding whether a policy violation occurred and the Title IX Officer will notify the parties that the case will now proceed per the DOE Grievance Process.

If instead, the investigator preliminarily determines that conduct charged as DOE-Covered Conduct does not meet that definition, the report will include (if indicated in the Notice of Investigation) analysis and a preliminary determination both of whether respondent engaged in DOE-Covered Conduct and the other Prohibited Conduct.

5. Notice of Investigation Outcome

Upon completion of the investigation report, the Title IX Officer or designee will send to the complainant and the respondent a written notice of investigation outcome regarding the investigator's preliminary determination or determination (whichever applies) of whether there was a violation of the SVSH Policy. The notice of investigation outcome will generally be accompanied by a copy of the investigation report, which may be redacted as necessary to protect privacy rights.

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

- a. In all cases, the notice of investigation outcome will include:
  - A summary statement of the factual findings and determinations (in a Formal Investigation) or preliminary determinations (in a DOE Grievance Process) regarding whether respondent violated the SVSH Policy;
  - An admonition against intimidation or retaliation;
  - An explanation of any Supportive Measures that will remain in place;
  - A statement that the complainant and respondent have an opportunity to respond in writing and/or in person to the Chancellor's designee and supervisor or other appropriate administrative authority;
  - A statement indicating whether it appears that further investigation by another appropriate body may be necessary to determine whether violations of other policies occurred, separate from any allegations of Prohibited Conduct that were investigated under the SVSH Policy.
- b. If in a Formal Investigation process the investigator determined that respondent violated the SVSH Policy, the notice of investigation outcome will also include:
  - For matters involving PPSM-covered respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the supervisor will propose a resolution, which may include corrective action as defined by PPSM-62 or termination in accordance with PPSM-64, and that the proposal will be subject to review and approval by the Chancellor's designee;
  - For matters involving non-faculty academic respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the supervisor or other appropriate administrative authority will propose a resolution, which may include corrective action or dismissal as described in APM-150, and that the proposal will be subject to review and approval by the Chancellor's designee;
  - A statement that the complainant and the respondent will be informed of the final resolution of the matter, including any discipline imposed, and a statement of the anticipated timeline.

- c. In a DOE Grievance Process, the notice of investigation outcome will also include:
  - If the investigator preliminarily determined that the respondent violated the SVSH Policy, a statement that the supervisor or other appropriate administrative authority will provide the parties an opportunity to respond to the findings, and will propose a resolution to be reviewed and approved by the Chancellor's designee.
  - A statement that, unless both parties accept the preliminary determination and any proposed resolution, there will be a fact-finding hearing to determine whether the SVSH Policy has been violated, after which the supervisor or other appropriate administrative authority will propose a resolution and submit to the Chancellor's designee for review and approval; and
  - An explanation of the procedures and timeline for accepting the preliminary determination (see the DOE Addendum).

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

The notice of investigation outcome and accompanying investigation report will be issued promptly, typically within sixty (60) to ninety (90) business days of initiation of the Formal Investigation or DOE Grievance Process, unless extended by the Title IX Officer for good cause, with written notice to the complainant and the respondent of the reason for the extension and the projected new timeline.

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

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

The steps outlined below for assessment and consultation apply to investigations of DOE-Covered Conduct and other Prohibited Conduct. After this assessment and consultation, matters investigated through Formal Investigation will go through Stage 3 (Decision on Sanctions) below. Matters investigated under the DOE Grievance Process will go to Stage 2.A (Opportunity to Accept the Preliminary Determination) in the DOE Addendum.

At the conclusion of a Formal Investigation, the respondent's supervisor or other appropriate administrative authority has the responsibility to propose and implement action in response to the findings of the investigation report. The proposed decision by the supervisor or other appropriate administrative authority will be reviewed and approved by the Chancellor's designee. The supervisor or other appropriate administrative authority may determine that additional investigation is required to determine whether violations of other policies occurred, but will not reinvestigate allegations of Prohibited Conduct investigated by the Title IX Office.

At the conclusion of a DOE Grievance Process investigation, the parties have the opportunity to accept or not accept the preliminary determination. When the preliminary determination is that the respondent engaged in DOE-Covered Conduct, or both DOE-Covered Conduct and other Prohibited Conduct, the supervisor or other appropriate administrative authority will propose a resolution that will be reviewed and approved by the Chancellor's designee, and the parties will have the opportunity to review the proposed resolution before deciding whether to accept the preliminary determination and proposed resolution.

The Chancellor's designee, as well as the supervisor or other appropriate administrative authority, may consult with the Title IX Office, Staff Human Resources, or the Academic Personnel Office, or any other appropriate entities at any time during the decision-making process.

#### **A. Opportunity to Respond**

The complainant and the respondent will have an opportunity to respond to the notice of investigation outcome and accompanying investigation report through a written statement and/or in-person meeting that will be submitted to the respondent's supervisor or other appropriate administrative authority and the Chancellor's designee. The parties will have five business days after the Title IX Officer sends the investigation report to respond.

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

#### **B. Decision Proposal and Submission for Approval**

In the event that the investigation determines (in a Formal Investigation) or preliminarily determines (in a DOE Grievance Process) that a respondent is responsible for violating the SVSH Policy, the respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor's designee for review and approval.

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

In the event the Chancellor's designee approves the proposed decision, they will inform the supervisor or other appropriate administrative authority who will take steps to implement (in a Formal Investigation), or inform the Title IX Office and either Staff Human Resources or the Academic Personnel Office of (in a DOE Grievance Process), the approved decision.

This proposal and approval process will occur in all cases where the investigation has determined or preliminarily determined the respondent violated the SVSH Policy pursuant to these procedures. Staff Human Resources or the Academic Personnel Office will be consulted throughout the process. Additionally, the Chancellor's designee will consult with the campus Title IX Officer on the appropriateness of the proposed decision before approving or disapproving it.

**V. CORRECTIVE OR OTHER ACTIONS (Stage 3)**

The below provisions apply when a respondent is found in violation of the SVSH Policy following a Formal Investigation, or following a hearing and any appeal (per Section IV.C of the DOE Addendum) in a DOE Grievance Process.

**A. PPSM Covered Staff: Decision Approval and Implementation**

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

1. No Further Action

The supervisor may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated to both the complainant and the respondent.

2. Action Not Requiring Notice of Intent

The supervisor may propose corrective or remedial actions that do not amount to corrective action as defined by PPSM 62 or termination under PPSM 64. The proposed actions will be reviewed by the Chancellor's designee for approval.

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

3. Notice of Intent

The supervisor may propose to issue a notice of intent to institute corrective action in accordance with PPSM-62 or notice of intent to terminate in accordance with PPSM-64. The proposed terms of the notice of intent will be reviewed by the Chancellor's designee for approval. In the event it is approved, the decision will be implemented by the supervisor and the notice of intent will issue.

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

**B. Non-Faculty Academic Personnel: Decision Approval and Implementation**

Following approval by the Chancellor's designee, the respondent's supervisor or



other appropriate administrative authority will implement the approved action in accordance with APM-150.

1. No Further Action

The supervisor or appropriate administrative authority may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated to both the complainant and the respondent.

2. Informal Resolution

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

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

3. Notice of Intent

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

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

**C. Timeframe for Implementation of Decision; Extension for Good Cause**

The supervisor or other appropriate administrative authority should implement their approved decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, a notice of intent will be issued.

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

**VI. PROCESS FOLLOWING ACTION TAKEN**

The below provisions apply when a respondent is found in violation of the SVSH Policy following a Formal Investigation, or following a hearing and any appeal (per Section IV.B and Section IV.C of the DOE Addendum) in a DOE Grievance Process.

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

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

Subsequent to any final decision, the Chancellor's designee will promptly inform the complainant and the respondent of the decision, including any final decision on discipline, and its rationale.

**DOE ADDENDUM  
TO INVESTIGATION AND ADJUDICATION FRAMEWORK  
FOR STAFF AND NON-FACULTY ACADEMIC PERSONNEL**

**INTRODUCTION**

In general, the Staff and Non-Faculty Academic Personnel Framework (“Framework”) applies to both DOE-Covered Conduct and other Prohibited Conduct. Special provisions that apply to specifically to DOE-Covered Conduct are described below.

**I. REPORTING AND RESOURCES (Stage 0)**

Reporting options and resources are as described in corresponding numbered section in the Framework.

**II. INITIAL ASSESSMENT (Stage 1)**

The initial assessment, including Supportive Measures and written rights and options are as described in the corresponding numbered section of the Framework. The additional provision below on Dismissal of Formal Complaints is specific to DOE-Covered Conduct.

**A. Supportive Measures**

Supportive measures are as described in the corresponding numbered section of the Framework.

**B. Written Rights and Options**

Written rights and options are as described in the corresponding numbered section of the Framework.

**C. Required Dismissal**

The Title IX Officer must “dismiss” allegations in a DOE Formal Complaint if:

- they determine during the Initial Assessment that the alleged conduct, even if true, is not DOE-Covered Conduct, as defined in the *SVSH Policy*, or
- they determine during the investigation that the alleged conduct, even if true, did not occur in a University program or activity or that the Complainant was not in the United States at the time.

The Title IX Officer will then proceed as described in the *SVSH Policy* Appendix IV, Section C. Dismissal means the Title IX Officer will no longer consider the allegations DOE-Covered Conduct; it does not necessarily mean the Title IX Officer will close the matter. Rather, the Title IX Officer will decide whether and how to continue resolution of the dismissed allegations. See *SVSH Policy*, Appendix IV, Section C.

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

The investigation and resolution of reports, including Alternative Resolution and Investigation, are described in the corresponding numbered section of the Framework

If the Title IX Officer determines during the investigation that they must dismiss any allegations in a DOE Formal Complaint per Section II.C., above, they will proceed as described in the *SVSH Policy* Appendix, Section C.

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

The assessment and consultation is as described in the corresponding numbered section of the Framework.

#### **IV.A. OPPORTUNITY TO ACCEPT THE PRELIMINARY DETERMINATION (Stage 2.A)**

After the assessment and consultation described in Stage 2 of the Framework, the Chancellor or Chancellor's designee will inform Staff Human Resources or the Academic Personnel Office, and Title IX Officer, of the proposed decision and its rationale, and the Staff Human Resources or Academic Personnel Office or Title IX Officer (whichever the campus designates) will notify the parties. The parties will receive this notice within 15 business days of the notice of investigative findings and preliminary determination.

Unless both parties accept the preliminary determination and proposed resolution, there will be a fact-finding hearing to determine whether the SVSH Policy was violated.

#### **A. Accepting the Preliminary Determination**

##### **1. Timeline**

Either party may accept the preliminary determination and proposed resolution within 20 business days of the notice of investigative findings and preliminary determination. Unless both parties accept the preliminary determination and proposed resolution within this time period, then the matter will proceed to a hearing to determine if a policy violation occurred.

##### **2. Written Acceptance**

A party may accept the preliminary determination by providing Staff Human Resources or the Academic Personnel Office, or the Title IX Officer (whichever the campus designates) with a written acknowledgment stating that the party accepts the preliminary determination and any proposed resolution, and wishes not to proceed with a hearing.

##### **3. Final Decision Following Acceptance**

If both parties provide the written acknowledgment during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final,

and the respondent's supervisor or appropriate administrative authority will impose the proposed resolution, including any discipline or corrective measures. The parties do not have the opportunity to appeal the final decision following their acceptance of the preliminary determination, nor complain under PPSM-70 (for a PPSM-covered respondent), submit a grievance under APM-140 (for a non-faculty academic appointee respondent), or submit a grievance under a collective bargaining agreement (for represented employee respondents).

## **B. Notice of Hearing or No Hearing**

### **1. Notice of Hearing**

Unless both parties accept the preliminary determination by the end of the 20 business days, Staff Human Resources or the Academic Personnel Office, or the Title IX Officer (whichever the campus selects), will notify the parties that there will be a hearing. The notice of hearing will include a summary of the hearing procedures described in Section IV.C.

### **2. Notice of No Hearing**

If both parties accept the preliminary determination, Staff Human Resources or the Academic Personnel Office, or the Title IX Officer (whichever the campus selects), will notify the parties that there will be no hearing. This notice will indicate that the Title IX investigator's preliminary determination as to policy violation(s) is final, and that the respondent's supervisor or other appropriate administrator is imposing the proposed resolution (if any).

If the resolution includes corrective action, the University will issue any applicable Notice of Intent as described in Section V.A.3 and Section V.B.3 of the Framework.

## **IV.B PREHEARING AND HEARING (Stage 2.B)**

### **A. Fact-finding Hearing**

Unless both parties accept the investigator's preliminary determinations, there will be a fact-finding hearing before a single hearing officer. The hearing is to determine whether a violation of the SVSH Policy occurred. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

### **B. Hearing Officer**

#### **1. Overview**

The hearing officer may be a University employee or outside contractor, and may not be the same person as the Title IX Officer or the investigator. Regardless, they will be appropriately trained, with such training coordinated by the Title IX Officer.

2. Bias and Conflict of Interest

The hearing coordinator will inform the parties of the hearing officer's identity. Within 5 business days after the notification, the parties may request the hearing officer's disqualification on the basis of bias or conflict of interest.

- a. For example, involvement in the case or knowledge of the allegations at issue prior to being selected as the hearing officer, or a close personal relationship with a party or expected witness in the proceeding could, depending on the circumstances, warrant disqualification of the hearing officer.
- b. Employment by the University, or prior work for the University as a contractor, on its own, does not warrant disqualification.
- c. The hearing officer's gender, gender identity, race, ethnicity, religion, sexual orientation or similar identifying characteristic, or the fact that they differ from those of any party, do not, on their own, warrant disqualification.

3. Disqualification Decision

Staff Human Resources or the Academic Personnel Office will decide any request for disqualification of the hearing officer and inform both parties of their decision and, if they determine to change hearing officers, the name of the new hearing officer.

**C. Hearing Coordinator**

Each hearing will have a hearing coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

**D. Pre-Hearing Procedures**

1. Meeting with Parties

The hearing officer and hearing coordinator will hold a separate meeting (in person or remotely) with each party, to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive and fair hearing.

- a. The hearing coordinator will provide written notice to each party of their prehearing meeting, including time, location (or if remote, call instructions), and purpose of the meeting, at least 10 business days before the pre-hearing meeting.
- b. No later than 5 business days before the pre-hearing meeting, each party will submit to the hearing officer a preliminary statement of what issues, if any, each considers to be disputed and relevant to the determination of whether a policy violation occurred, and the evidence they intend to present on each issue, including all documents to be presented, the names of all requested witnesses, and a brief summary of such witnesses' expected testimony. The



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parties will later have an additional opportunity to submit proposed evidence, see Section 5 below.

- c. At the pre-hearing meeting, the hearing officer and party will discuss the evidence the party has provided, to help identify and refine the issues to be decided at the hearing, which will inform the hearing officer's determination of the scope of the hearing.
- d. Each party should also come to the pre-hearing meeting prepared to schedule dates for the hearing.
- e. The hearing officer and/or coordinator will explain what to expect at the hearing, see Section E below.
- f. The hearing officer and/or coordinator will discuss measures available to protect the well-being of parties and witnesses at the hearing, as appropriate. These may include, for example, use of lived names and pronouns during the hearing, including in screen names; a party's right to have their support person available to them use at all times during the hearing; a hearing participant's ability to request a break during the hearing, except when a question is pending.
- g. The hearing officer and/or coordinator will inform the parties that the hearing will be conducted remotely. If a party believes that they need a University-provided physical space or technological equipment or assistance to participate remotely – for example, because of safety or privacy concerns, or a disability - they may request such resources of the hearing coordinator during the prehearing meeting. The hearing coordinator will respond to any such request in writing within five business days of the hearing meeting.
- h. The parties and their advisors, if they have one, are required to participate in the pre-hearing meeting.
- i. If a party does not participate in the pre-hearing meeting (or does not let the hearing coordinator know they need to reschedule in advance), the hearing coordinator will notify the party that they have 2 business days to contact the hearing coordinator to reschedule. Absent extenuating circumstances, if the party does not contact the hearing coordinator within the 2 business days, the hearing will proceed but the non-participating party will be presumed to agree with the hearing officer's definition of the scope of the hearing.

2. Scope of Hearing

Within 5 business days after concluding meetings with both parties (or determining that a party has decided not to participate in the pre-hearing process), the hearing officer will determine what issues are disputed and relevant to the determination of whether a policy violation(s) occurred, and will notify the parties of the scope of the issues to be addressed at the hearing and the expected

witnesses. The hearing officer has discretion to grant or deny, in whole or part, the parties' requests for witnesses on the basis of relevance. The hearing officer's determination of scope may include issues, evidence, and witnesses that the parties themselves have not provided.

Throughout the pre-hearing process, including in the notice of scope of hearing, the hearing officer will:

- a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive, and implement the evidentiary principles in Section III.B.3;
- b. Decide any procedural issues for the hearing; and/or
- c. Make any other determinations necessary to promote an orderly, productive, and fair hearing that complies with the rules of conduct.

3. Submission of Additional Information

Within 5 business days after receiving the hearing officer's definition of scope, the parties may then submit additional information about the evidence, including witness testimony, that they would like to present.

4. Notice of Hearing

Not less than 10 business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.

5. Witness Participation

The hearing coordinator will ensure that the Title IX investigator (or if not available, a representative from that office) will be available to testify during the hearing. Testimony by the Title IX investigator may be appropriate to help resolve disputes about the authenticity of evidence summarized in the investigation report and at issue at the hearing, or whether the investigator accurately memorialized a party's or witness's statement in the investigation. The Title IX investigator should not be questioned about their assessment of party or witness credibility, nor the investigative process generally, nor their preliminary determination of whether policy violations occurred, because the hearing officer will make their own credibility determinations and determination of policy violation(s) so this information would not be relevant. Based on the hearing officer's determination, the hearing coordinator will request the attendance of all witnesses whose testimony is determined to be within the scope of the hearing.

6. Confirmation of Scope, Evidence, and Witnesses

At least 2 business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence; copies of all the evidence that will

be considered at the hearing that the hearing officer has received, including the investigation file (consisting of the investigation report and any evidence deemed directly related by the investigator, as documented in the investigation report) and any other documents that will be considered; the names of expected witnesses and a summary of their expected testimony. If the hearing officer has excluded evidence (including witness testimony) that a party has requested to present, they will explain why that evidence was not relevant. The hearing officer will also notify the parties of any procedural determinations they have made regarding the hearing. This material will also be provided to the Title IX Officer.

7. Submission of Questions

The parties are encouraged to submit any questions for the other party and any expected witnesses to the hearing coordinator before the hearing, but will not be limited to those questions at the hearing. These questions will not be shared with the other party or witnesses.

8. Advisor Participation and Provision by University

At any point before the hearing, if a party anticipates that they will not have an advisor available at the hearing to ask their questions for them, they should let the hearing coordinator know, to allow the University to plan for assigning the party a person ask the party's questions at the hearing ("Reader"). Even without notice or during a hearing in progress, however, the University will provide such a resource if a party does not have one. If any party does not have an advisor available at the hearing for the purpose of asking their questions for them, the hearing coordinator will assign a person to fulfill the sole and specific function of asking the party's questions (and not of serving as their advisor more generally), without cost to the party.

**E. Hearing Procedures**

1. Advisors and Support Persons

The parties may have their advisors present throughout the hearing. They may also have a support person present throughout the hearing.

2. Rules of Conduct

The hearing will be conducted in a respectful manner that promotes fairness and accurate fact-finding and that complies with the rules of conduct. The parties and witnesses will address only the hearing officer, and not each other. Only the hearing officer and the parties' advisors may question witnesses and parties.

3. Virtual Hearing

The hearing will be conducted remotely with any modification the hearing coordinator has made in response to a party's request for assistance, see Section D.1.f above.

4. Hearing Evidence and Procedures

Courtroom rules of evidence and procedure will not apply. The hearing officer will generally consider, that is rely on, all evidence they determine to be relevant and reliable. The hearing officer may determine and weigh the relevance and weigh the value of any witness testimony or other evidence to the findings, subject to Section F.1 below. The hearing officer will also follow the evidentiary principles in Section III.B.3 of the Framework. Throughout the hearing, the hearing officer will:

- a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive, and require rephrasing of questions that violate the rules of conduct,
- b. Decide any procedural issues for the hearing, and/or
- c. Make any other determinations necessary to promote an orderly, productive, and fair hearing.

5. Access to Witnesses

Parties will be able to see and hear (or, if deaf or hard of hearing, to access through auxiliary aids and services) all questioning and testimony at the hearing, if they choose to. Witnesses (other than the parties) will attend the hearing only for their own testimony.

6. Questioning at the Hearing

The hearing officer may ask questions of all parties and witnesses that are relevant, including those that are relevant to assessing credibility. Each party's advisor may ask questions of the other party and witnesses that are relevant, including those that are relevant to assessing credibility. As noted in Section D.8 above, the University will assign a person for the purpose of asking a party's questions whenever a party does not have an advisor at the hearing.

The hearing officer will determine the order of questioning of the parties and witnesses. For each party or witness, the hearing officer will ask their own questions first.

Each party will prepare their questions, including any followup questions, for the other party and witnesses, and will provide them to their advisor. The advisor will ask the questions as the party has provided them, and may not ask questions that the advisor themselves have developed without their party.

If a party does not attend the hearing, the hearing will still proceed, and they may still have their advisor - or if they do not have one, a University-assigned Reader – ask the questions that they have prepared.

When a party's advisor is asking questions of the other party or a witness, the hearing officer will determine whether each question is relevant before the party or witness answers it and will exclude any that are not relevant or unduly repetitive, and will require rephrasing of any questions that violate the rules of conduct. If the hearing officer determines that a question should be excluded as not relevant, they will explain their reasoning.

At any time, the hearing officer may ask follow-up questions of the parties.

Any expert witnesses identified during the investigation, see Section III.B.3.c of the Framework, will be subject to these same questioning procedures.

7. Investigation File

The investigation file will be entered as evidence at the hearing. The hearing officer generally will rely on any finding in the report that is not disputed.

8. Impact of Selective and Non-Participation

The Hearing Officer will not draw adverse inferences from a party's decision to not participate in the hearing, or to remain silent during the hearing. However, they may consider a party's selective participation - such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation - when assessing credibility. Further, parties should bear in mind, as discussed below, that on any disputed and material issue, a hearing officer may not rely on any statement of a party about which the party refuses to answer questions at the hearing.

9. Well-Being Measures

The hearing officer will implement measures they deem appropriate to protect the well-being of parties and witnesses. For example, the hearing officer will allow separation of the parties, breaks, and the attendance of support persons in accordance with these procedures.

10. Visual Separation

The hearing officer will allow the parties and/or witnesses to be visually separated during the hearing except as noted in paragraph 5 above. This may include, but is not limited to, videoconference and/or any other appropriate technology. To assess credibility, the hearing officer must have sufficient access to the Complainant, Respondent, and any witnesses presenting information; if the hearing officer is sighted, then the hearing officer must be able to see them.

11. Presentation of Evidence

The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the hearing officer. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the hearing officer has

discretion to accept or exclude additional evidence presented at the hearing. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

12. Recording

The University will audio record the hearing and make the recording available for the parties' review at their request.

**F. Determination of Policy Violation**

1. Standards for Deliberation

The hearing officer will decide whether a violation of the SVSH Policy occurred based on a Preponderance of Evidence standard.

2. Information Considered

The hearing officer will take into account the investigative file and the evidence presented and accepted at the hearing. The evidentiary principles in Section III.B.C also apply. On any disputed and material issue, the hearing officer should make their own findings and credibility determinations based on all of the evidence before them. However, on any disputed and material issue, the hearing officer may not consider any statement about which a party or witness has refused, in whole or in part, to answer questions posed by a party through their advisor and allowed as relevant by the hearing officer. For purposes of these procedures, a statement is anything that constitutes a person's intent to make factual assertions.

**G. Notice of Determination**

Within 15 business days of the hearing, the hearing coordinator will send written notice to the complainant and respondent (with a copy to the Title IX Officer) setting forth the hearing officer's determination on whether the SVSH Policy has been violated. The written notice will include the following:

1. A summary of the allegations that would constitute a violation of the SVSH Policy;
2. The determinations of whether the SVSH Policy has been violated;
3. A statement that the Title IX Officer will determine whether complainant will be provided additional remedies, and will inform the complainant of that determination;
4. A description of the procedural history of the complaint;
5. The findings on each disputed, material fact and an analysis of the evidence supporting the findings;
6. A summary of the facts found by the investigator that the parties did not dispute;



7. The rationale for the determination of each charge;
8. If the hearing officer determines that DOE-Covered Conduct did not occur, an analysis of whether other charged conduct, including other SVSH Policy violations, occurred;
9. An admonition against retaliation;
10. A statement of the right to appeal, grounds and timeframe for the appeal, the office to which the appeal must be submitted, and the procedure that the University will follow in deciding the appeal;
11. An explanation that both the parties will receive a copy of any appeal submitted in accordance with these procedures;
12. A description of the process for deciding whether and what discipline to impose if the final determination (following any appeal) is that the respondent violated the SVSH Policy, and a statement that both parties will be informed of the final resolution of the matter; and
13. A statement indicating the supervisor or other appropriate administrative authority will determine whether further investigation by another body is necessary to determine whether violations of other policies occurred, separate from any allegations of Prohibited Conduct that were investigated under the SVSH Policy.

#### **H. Documentation of Hearing**

Throughout the pre-hearing and hearing process, the hearing coordinator will document the process's compliance with the procedures (including timeframes) in this section. After the notice of policy violation determination has been finalized, the hearing coordinator will provide this documentation, along with all documents relating to the hearing, and the recording of the hearing, to the Title IX Officer.

#### **IV.C APPEAL OF DETERMINATION (Stage 2.C)**

The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The University administers the appeal process, but is not a party and does not advocate for or against any appeal.

##### **A. Grounds for Appeal**

A party may only appeal on the grounds described in this section.

1. There was procedural error in the hearing process that materially affected the outcome; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;
2. There is new evidence that was not reasonably available at the time of the hearing that could affect the outcome; and
3. The hearing officer had a conflict of interest or bias that affected the outcome. See the principles in Section IV.B.B.2.

The appeal should identify the reason(s) why the party is challenging the outcome on one or more of the available grounds.

**B. Commencing an Appeal**

An appeal must be submitted to the hearing coordinator within 10 business days following issuance of the notice of the hearing officer's determination. The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. The Title IX Officer will notify the other party of the basis for the appeal and that the other party can submit a written statement in response to the appeal within 3 business days, and supporting documentation from the other party as appropriate.

**C. Standards for Deliberation**

The appeal officer will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented at the hearing, the investigation file, and the appeal statements of the parties. They will not make their own factual findings, nor any witness credibility determinations.

**D. Decision by Appeal Officer**

The appeal officer, who will be an unbiased person without prior involvement in the case or personal relationship with the parties, may:

1. Uphold the findings;
2. Overturn the findings;
3. Modify the findings; or
4. In appeals alleging material procedural error or new evidence, send the case back to the hearing officer for further fact-finding if needed, for example on the issue of whether the alleged error, new evidence, would have materially affected the outcome.

**E. Written Report**

The appeal officer will summarize their decision in a written report that includes the following:

1. A statement of the grounds identified on appeal;
2. A summary of the information considered by the appeal officer; and
3. The decision of the appeal officer and the rationale for the decision including, where the findings are overturned or modified, an explanation of how the procedural error materially affected the outcome.

#### **F. Distribution of Written Decision**

Within 10 business days of receiving the appeal, the appeal officer will send their written decision to complainant and respondent, with a copy to the Title IX Officer.

1. Unless the appeal officer remands the matter, they will inform the respondent and the complainant that the matter is closed with no further right to appeal.
2. If the appeal officer remands the matter, they will specify what further fact-finding should occur or what additional information should be considered and request that the hearing officer report back to the appeal officer on their additional fact-finding. After receiving the hearing officer's additional factual findings, the appeal officer will issue their decision within 10 business days. This decision will be final.

#### **IV.D ADDITIONAL ASSESSMENT AND CONSULTATION (Stage 2.D)**

Once any appeal is final or the period for submitting an appeal has lapsed, the Title IX Officer will send the final finding and determination to the respondent's supervisor or appropriate administrative authority, with a summary explanation of any difference between the investigator's preliminary determination and the final determination and findings.

The respondent's supervisor or appropriate administrative authority has the authority and responsibility to propose and implement any responsive action. The supervisor or other appropriate administrative authority may determine that additional investigation is required to determine whether violations of other policies occurred, but will not reconsider the findings and determinations regarding SVSH Policy violations made through the hearings and any appeal.

If the hearing results in a finding that a respondent is responsible for violating the SVSH Policy, then the respondent's supervisor or other appropriate administrative authority will, if they did not already do so, consult with the Title IX Officer as described in *Assessment and Consultation (Stage 2)* of the Framework. If the Respondent's supervisor or appropriate administrative authority already took these steps (because the investigator preliminarily determined the respondent violated the SVSH Policy), then they may but are not required to repeat them before proposing a resolution (for example, when the finding from the hearing is different from the investigator's preliminary determination). The Respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor's designee for review and approval.

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

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

This proposal and approval process will occur in all cases where the final outcome of a hearing is a finding that the Respondent violated the SVSH Policy. Staff Human Resources or the Academic Personnel Office will be consulted throughout the process. Additionally, the Chancellor's designee will consult with the campus Title IX Officer on the appropriateness of the proposed decision before approving or disapproving it.

## **V. CORRECTIVE ACTION (Stage 3)**

### **A. PPSM Covered Staff**

Following final adjudication in the hearing and appeal processes described above, the Respondent's supervisor will implement the approved decision in accordance with applicable PPSMs, including PPSM-62 and PPSM-64. The options for resolving the matter and implementation processes are described in Section VI.A ("PPSM-Covered Staff: Decision Approval and Implementation") of the Framework.

### **B. Non-Faculty Academic Personnel: Decision Approval and Implementation**

Following final adjudication in the hearing and appeal processes described above, the Respondent's supervisor or other appropriate administrative authority will implement the approved decision in accordance with APM-150. The options for resolving the matter and implementation processes are described in Section VI.B ("Non-Faculty Academic Personnel: Decision Approval and Implementation") of the Framework.

### **C. Timeframe for Implementation of Decision; Extension for Good Cause**

The supervisor or other appropriate administrative authority should implement their approved decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, a notice of intent will be issued.

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

## **VI. PROCESS FOLLOWING ACTION TAKEN**

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

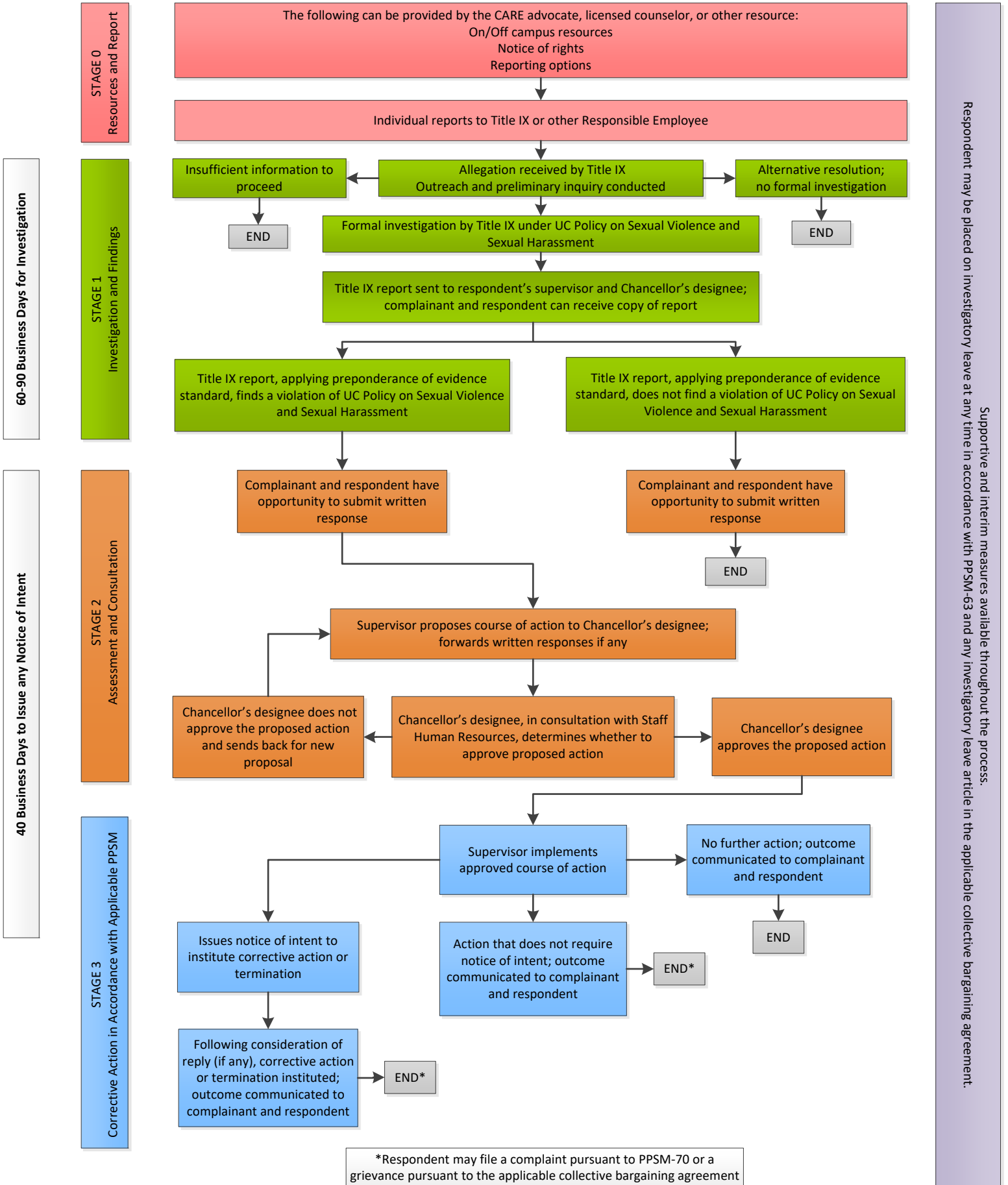
The complainant may follow processes appropriate to their own personnel or student policies.

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Interim Revisions

Subsequent to any final decision, the Chancellor's designee will promptly inform the complainant and the respondent of the decision, including any final decision on discipline, and its rationale.

Such complaints and grievances are not available in cases in which the parties accept the investigator's preliminary determination.

UNIVERSITY OF CALIFORNIA  
PPSM-COVERED STAFF AND REPRESENTED STAFF ADJUDICATION MODEL – PROCESS FLOW CHART



\*Respondent may file a complaint pursuant to PPSM-70 or a grievance pursuant to the applicable collective bargaining agreement

Supportive and interim measures available throughout the process. Respondent may be placed on investigatory leave at any time in accordance with PPSM-63 and any investigatory leave article in the applicable collective bargaining agreement.



**UNIVERSITY OF CALIFORNIA  
PPSM-COVERED STAFF AND REPRESENTED STAFF ADJUDICATION MODEL – ATTACHMENT 1.A**

Confidential CARE Advocate and other Confidential Resources are available to provide information about on- and off-campus resources, reporting options, and rights

**STAGE 0**  
Resources and Reporting

Title IX oversees alternative resolution instead of investigation  
**END**

Title IX receives report, conducts outreach and initial assessment, and decides how to proceed

Title IX "dismisses" allegations. They are no longer considered DOE-Covered Conduct, but Title IX may still continue with resolution. Parties can appeal.

**STAGES 1 and 2**  
Investigation, Preliminary Determination, Assessment and Consultation

Title IX investigates

Title IX preliminarily determines Respondent violated policy using preponderance of evidence standard; Assessment and Consultation occurs; Respondent's supervisor or other appropriate administrative authority proposes resolution

Title IX preliminarily determines Respondent did not violate policy using preponderance of evidence standard; Assessment and Consultation occurs

**STAGE 2.A**  
Opportunity to Accept the Preliminary Determination

Parties have equal opportunity accept or not accept preliminary determination; if either party does not accept, matter goes to a hearing

Both parties accept preliminary determination

Either or both parties do not accept the preliminary determination

Preliminary determination becomes final; proposed resolution is imposed  
**END**

Prehearing meeting and other procedures to promote fair, productive, and orderly hearing, including defining disputed and relevant issues, and discussing rules of conduct

**STAGE 2.B**  
Prehearing and Hearing

Hearing

Hearing officer determines that Respondent violated policy

Hearing officer determines Respondent did not violate policy

**STAGE 2.C**  
Appeal of Determination

Right to appeal on limited grounds

No appeal

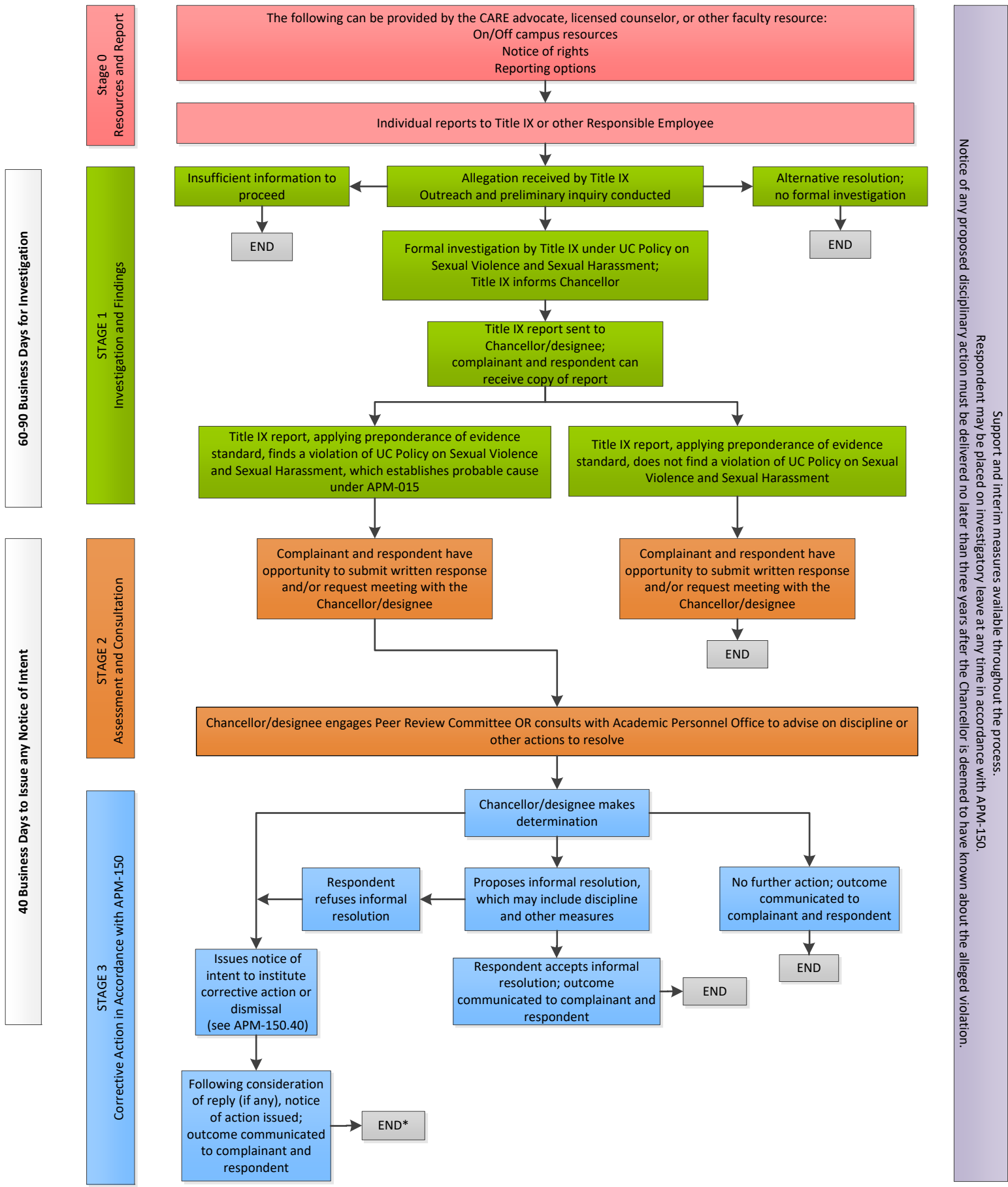
Appeal  
Appeal officer decides

In procedural error and new evidence appeals, appeal officer may remand to hearing officer and then decide

**If Respondent is found responsible:  
Refer to Stage 3 of PPSM-Covered Staff and Represented Staff Adjudication Model Process Flow Chart – Attachment 1**

Supportive Measures available to Complainant and Respondent throughout the process. Respondent may be placed on investigatory leave at any time in accordance with PPSM-63 and any investigatory leave article of the applicable collective bargaining agreement.

UNIVERSITY OF CALIFORNIA  
NON-SENATE (NON-REPRESENTED) FACULTY ADJUDICATION MODEL – PROCESS FLOW CHART 2



Support and interim measures available throughout the process. Respondent may be placed on investigatory leave at any time in accordance with APM-150. Notice of any proposed disciplinary action must be delivered no later than three years after the Chancellor is deemed to have known about the alleged violation.

\*Respondent may grieve decision pursuant to APM-140

**UNIVERSITY OF CALIFORNIA  
NON-FACULTY (NON-REPRESENTED) ACADEMIC PERSONNEL ADJUDICATION MODEL – ATTACHMENT 2.A**

Confidential CARE Advocate and other Confidential Resources are available to provide information about on- and off-campus resources, reporting options, and rights

**STAGE 0**  
Resources and Reporting

Title IX oversees alternative resolution instead of investigation  
**END**

Title IX receives report, conducts outreach and initial assessment, and decides how to proceed

**STAGES 1 and 2**  
Investigation, Preliminary Determination, Assessment and Consultation

Title IX investigates

Title IX "dismisses" allegations. They are no longer considered DOE-Covered Conduct, but Title IX may still continue with resolution. Parties can appeal.

Title IX preliminarily determines Respondent violated policy using preponderance of evidence standard; Assessment and Consultation occurs; Respondent's supervisor or other appropriate administrative authority proposes resolution

Title IX preliminarily determines Respondent did not violate policy using preponderance of evidence standard; Assessment and Consultation occurs

**STAGE 2.A**  
Opportunity to Accept the Preliminary Determination

Parties have equal opportunity accept or not accept preliminary determination; if either party does not accept, matter goes to a hearing

Both parties accept preliminary determination

Either or both parties do not accept the preliminary determination

Preliminary determination becomes final; proposed resolution is imposed  
**END**

Prehearing meeting and other procedures to promote fair, productive, and orderly hearing, including defining disputed and relevant issues, and discussing rules of conduct

**STAGE 2.B**  
Prehearing and Hearing

Hearing

Hearing officer determines that Respondent violated policy

Hearing officer determines Respondent did not violate policy

**STAGE 2.C**  
Appeal of Determination

Right to appeal on limited grounds

No appeal

Appeal  
Appeal officer decides

In procedural error and new evidence appeals, appeal officer may remand to hearing officer and then decide

**If Respondent is found responsible:  
Refer to Stage 3 of Non-Faculty (Non-Represented) Academic Personnel Adjudication Model Process Flow Chart – Attachment 2**

Supportive Measures available to Complainant and Respondent throughout the process. Respondent may be placed on investigatory leave at any time in accordance with APM 150.

# **Appendix G**

**Investigation and Adjudication Framework for  
Senate and Non-Senate Faculty Senate or  
Non-Senate Faculty Respondents**

## INTRODUCTION

Consistent with the UC Policy on Sexual Violence and Sexual Harassment (“SVSH Policy”), the following describes the University’s process for investigating and adjudicating alleged violations of the SVSH Policy in instances where the respondent is a University faculty member whose conduct is governed by Section 015 of the Academic Personnel Manual ([APM-015](#)), The Faculty Code of Conduct (“Code of Conduct”).

The Title IX regulations issued by the US Department of Education (“DOE”) that went into effect August 14, 2020 require the University to follow a specific grievance process (“DOE Grievance Process”) in response to conduct covered by the regulations (“DOE-Covered Conduct”). The University advocated strongly for DOE to change some components of the DOE Grievance Process before issuing the regulations; DOE did not. Because compliance with the regulations is a condition of federal funding, the University has revised its policies to fully implement them. The Title IX Officer will determine during their initial assessment of a report whether it alleges DOE-Covered Conduct and, if so, whether to open a DOE Grievance Process. Alleged conduct is DOE-Covered Conduct if it is a type of misconduct covered by the regulations (“DOE Sex-Based Misconduct”) that occurred in a University program or activity while the complainant was in the United States. This assessment is described in detail in Appendix IV of the SVSH Policy. The following, read with the attached [DOE Addendum](#), describes the process for investigating and adjudicating alleged violations of the SVSH Policy that include DOE-Covered Conduct.

A flow chart illustrating the processes for complaints against Academic Senate faculty can be found in Attachments 1 and 1.A. A flow chart illustrating the processes for complaints against non-Senate faculty can be found in Attachments 2 and 2.A.

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

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

The SVSH Policy is available at <http://policy.ucop.edu/doc/4000385/SVSH>. The Faculty Code of Conduct (APM-015) is available at <http://www.ucop.edu/academic-personnel-programs/files/apm/apm-015.pdf>. APM-016 is available at <http://www.ucop.edu/academic-personnel-programs/files/apm/apm-016.pdf>. APM-150 is available at <http://ucop.edu/academic-personnel-programs/files/apm/apm-150.pdf>. All provisions of the APM are accessible at <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/general-university-policy-regarding-academic-appointees/index.html>.

## **I. REPORTING OPTIONS AND RESOURCES (Stage 0)**

These reporting options and resources are available for any conduct prohibited by the SVSH Policy (“Prohibited Conduct”), including DOE-Covered Conduct.

### **A. Reporting Options**

Any person may make a report, including anonymously, of Prohibited Conduct to the Title IX Office. The Title IX Office is responsible for receiving and responding to reports of Prohibited Conduct.

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

While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible.

A complainant may choose to make a report to the University and may also choose to make a report to law enforcement. A complainant may pursue either or both of these options at the same time. Anyone who wishes to report to law enforcement can contact the UC Police Department.

### **B. Confidential Resources**

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

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

## **II. INITIAL ASSESSMENT (Stage 1)**

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



The initial assessment process described below is for all reports of Prohibited Conduct, including DOE-Covered Conduct. A special dismissal provision that applies specifically to complaints of DOE-Covered Conduct is in the [DOE Addendum](#).

#### **A. Supportive Measures**

The University will also consider and implement Supportive Measures, including Interim Measures, as appropriate to protect the safety of the parties or the University community; to restore or preserve a party's access to a University program or activity; or to deter Prohibited Conduct per the SVSH Policy.

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

#### **B. Written Rights & Options**

The Title IX Officer will ensure that the complainant, if their identity is known, is provided a written explanation of rights and available options as outlined in the SVSH Policy, including:

1. How and to whom to report alleged violations;
2. Options for reporting to and/or notifying law enforcement and campus authorities;
3. Information regarding confidential resources;
4. The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts;
5. The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order;
6. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community;
7. Options for, and available assistance to, a change to academic living, transportation, and working situations, if the complainant requests and if such options are reasonably available—regardless of whether the complainant chooses to report alleged conduct to law enforcement; and
8. The range of possible outcomes of the report, including Supportive and Remedial Measures and disciplinary actions, the procedures leading to such outcomes, and their right to make a DOE Formal Complaint.

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

The below provisions for investigation and resolution of reports cover investigations of DOE-Covered Conduct and other Prohibited Conduct. Provided the University has sufficient information to respond, and in accordance with the SVSH Policy, the University may resolve

reports of alleged Prohibited Conduct by respondents covered by this Framework through Alternative Resolution, Formal Investigation, or a DOE Grievance Process. Throughout the resolution process, the complainant and the respondent may be accompanied by an advisor. In addition, the University will offer to provide support services for the complainants and for the respondents. The Title IX Office will consider requests from parties and witnesses for language interpretation and, in consultation with the campus disability management office when appropriate, for disability-related accommodations.

#### **A. Alternative Resolution**

After a preliminary inquiry into the facts, if the complainant and respondent agree in writing, the Title IX Officer may initiate an Alternative Resolution in accordance with the [SVSH Policy](#). Alternative Resolution is not available when the complainant is a student and the respondent is an employee.

#### **B. Investigation**

In cases where Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may conduct an investigation per the Formal Investigation or DOE Grievance Process provisions in the SVSH Policy.

When the University opens an investigation of allegations of DOE-Covered Conduct and other Prohibited Conduct that arise out of the same facts or circumstances, it will address all allegations together through the DOE Grievance Process procedures.

##### **1. Notification to Chancellor**

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

Thereafter, the Title IX Officer will regularly communicate with the Chancellor and the Chancellor's designee regarding the status of the Formal Investigation or DOE Grievance Process.

##### **2. Notice of Investigation**

When a Formal Investigation or DOE Grievance Process will be conducted, the Title IX Office will send written notice of the charges to the complainant and respondent.

The written notice will be sent at least three business days before a party's requested interview date, to allow sufficient time for the party to prepare for the interview. The notice will include:

- a. A summary of the allegations and potential violations of the SVSH Policy;
- b. the identities of the parties involved;
- c. the date, time, and location of the reported incident(s) (to the extent known);
- d. the specific provisions of the SVSH Policy potentially violated;

- e. A statement that the investigative report, when issued, will make factual findings and a determination (in a Formal Investigation) or preliminary determination (in a DOE Grievance Process) whether there has been a violation of the SVSH Policy;
- f. A statement that the parties will each have an opportunity during the investigation to propose questions for the investigator to ask of the other party and witnesses;
- g. A statement that the parties will each have an opportunity, before the completion of the investigation, to review all the evidence submitted that is directly related – a standard broader than relevance - to whether a policy violation occurred;
- h. A statement that the findings under the SVSH Policy will be based on the preponderance of the evidence standard and that a finding of a violation of the SVSH Policy will establish probable cause under APM-015;
- i. A statement that a determination of whether a policy violation has occurred will only be made after an investigation or hearing (if required) and therefore there is, at the outset, no presumption that the respondent is responsible for a policy violation;
- j. When applicable, a statement that if it is preliminarily determined that a DOE-Covered Conduct violation did not occur, the investigator will still make a preliminary determination of whether other violations of the SVSH Policy occurred;
- k. A summary of the Title IX and faculty discipline process, including the expected timeline;
- l. A summary of the rights of the complainant and respondent, including the right to an advisor of their choosing, who may be any person, including an attorney, who is not otherwise a party or a witness;
- m. A description of the resources available to complainant and respondent; and
- n. An admonition against intimidation or retaliation.

At any point during the investigation, the Title IX Officer may amend the notice to add additional charges identified during the investigation. Any amended notice should include all the information described above.

### **3. Investigative Process**

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

#### **a. Overview:**

During the investigation, the complainant and the respondent will be provided an equal opportunity to meet with the investigator, submit information, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party and witnesses.

The investigator will meet separately with the complainant, the respondent, and the third party witnesses who may have relevant information, and will gather other available and relevant information. The investigator may follow up with the complainant or the respondent as needed to clarify any inconsistencies or new

information gathered during the course of the investigation. The investigator will generally consider, that is rely on, all evidence they determine to be relevant and reliable, including evidence that weighs in favor of and against a determination that a policy violation occurred. The investigator may determine the relevance and weigh the value of any witness or other evidence to the findings and may exclude evidence that is irrelevant or immaterial.

Disclosure of facts to persons interviewed will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be counseled about keeping information private to protect the integrity of the investigation.

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

b. Coordination with Law Enforcement:

When a law enforcement agency is conducting its own investigation into the alleged conduct, the Title IX investigator will make every effort to coordinate their fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed temporarily to meet specific needs of the criminal investigation.

c. Specific Types of Evidence:

*Sexual history of complainant.* The investigator will not, as a general rule, consider the complainant's sexual history. However, in limited circumstances, the complainant's sexual history may be directly relevant to the investigation. While the investigator will never assume that a past sexual relationship between the parties means the complainant consented to the specific conduct under investigation, evidence of how the parties communicated consent in past consensual encounters may help the investigator understand whether the respondent reasonably believed consent was given during the encounter under investigation. Further, evidence of specific past sexual encounters may be relevant to whether someone other than respondent was the source of relevant physical evidence. Sexual history evidence that shows a party's reputation or character will never be considered relevant on its own. The investigator will consider proffered evidence of sexual history, and provide it to the parties for review under Section 4.d. below, only if the investigator determines it is directly relevant. The investigator will inform the parties of this determination.

*Expert Evidence.* The parties may present evidence from expert witnesses if it would be relevant to the determination of whether a policy violation occurred. If a party wishes for such evidence to be considered, they will make a written request to the Title IX officer, indicating the person(s) they wish to present as, and who

has agreed to be, their expert witness; the issue(s) on which the person(s) would provide expert evidence; why they believe that the issue(s) require an expert opinion for resolution; and any prior relationship, including personal and business relationships, between the party and the person(s).

The Title IX officer will grant the request for the proposed expert to provide evidence if the alleged evidence is relevant, and will deny the request if the proposed evidence is not relevant. Proposed expert evidence is not relevant if it is not pertinent to proving whether the facts material to the allegations under investigation are more or less likely to be true. For example, proposed expert evidence is not relevant if it offers opinions about the Title IX regulations or the DOE Grievance Process; if it offers opinions that do not require expertise to form; or if the proposed expert has a bias or conflict of interest so strong that their opinion would not assist the factfinder in determining whether the facts material to the allegations under investigation are more or less likely to be true.

If the Title IX officer grants a request for proposed expert evidence, they will notify both parties. The other party may then request to present a proposed expert on the same issue (as well as to present their own expert evidence on other relevant issues). The Title IX office may also retain its own expert on any issue on which one or both parties will be presenting expert evidence; the Title IX office will ensure that any such expert does not have bias or conflict of interest and will notify the parties of any expert it intends to retain.

As part of the evidence they present, any expert witness will provide the investigator information about their qualifications; the factual bases for their assertions; and their principles and methods and the reliability thereof. These factors will contribute to the assessment of the weight and credibility of the expert witness's evidence.

In general, parties may not later request proposed expert witnesses to testify at the hearing unless those witnesses have provided evidence during the investigation.

*Clinical records.* The investigator will not during the investigation access, review, consider, disclose, or otherwise use a complainant's or respondent's medical or behavioral health records that are made in connection with treatment without the party's voluntary written consent.

*Privileged Records.* During the investigation, the investigator will not access, review, consider, disclose, or otherwise use evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege without the party's voluntary written consent.

d. Evidence Review:

Before the investigator concludes the investigation and finalizes a written report, both Complainant and Respondent will have an equal opportunity to review and respond in writing to the evidence that the investigator has deemed directly

related, including evidence that weighs against finding a policy violation(s) and evidence on which the investigator does not intend to rely, whether obtained from a party or another source. This is true regardless of whether a party has participated in the investigation. This review will also include a summary of directly related statements made by the parties and any witnesses. The Title IX Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties. The Title IX Officer will designate a reasonable time for this review and response by the parties that, absent good cause found by the Title IX Officer, of at least 10 business days.

#### **4. Investigation Report and Determination or Preliminary Determination**

Following conclusion of the investigation, the Title IX investigator will prepare a written report. The written investigation report will include a statement of the allegations and issues, statements of the parties and witnesses, and a summary of the evidence the investigator considered. The investigation report will include findings of fact and a preliminary determination (in a DOE Grievance Process) and a determination (in a Formal Investigation) regarding whether, applying the preponderance of the evidence standard, there is sufficient evidence to conclude that the respondent violated the SVSH Policy.

If the complainant or the respondent offered witnesses or other evidence that was not relied upon by the investigator, the investigation report will explain why it was not relied upon. The investigation report will also indicate when and how the parties were given an opportunity to review the evidence (see Section 3.d above).

If the findings of fact indicate that DOE-Covered Conduct occurred, but was not charged as such in the notice of investigation, then the investigator will reach preliminary determinations regarding whether a policy violation occurred and the Title IX Officer will notify the parties that the case will now proceed per the DOE Grievance Process.

If, instead, the investigator preliminarily determines that conduct charged as DOE-Covered Conduct does not meet that definition, the report will include (if indicated in the Notice of Investigation) analyses and preliminary determinations of both whether respondent engaged in DOE-Covered Conduct and other Prohibited Conduct.

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

#### **5. Notice of Investigation Outcome**

Upon completion of the investigation report, the Title IX Officer or designee will send to the complainant and the respondent a written notice of investigation outcome regarding the investigator's preliminary determination or determination (whichever applies) of whether there was a violation of the SVSH Policy. The notice of investigation outcome will generally be accompanied by a copy of the investigation



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report, which may be redacted as necessary to protect privacy rights. The Title IX Officer or designee will also send the notice of investigation outcome and accompanying investigation report to the Chancellor or Chancellor's designee.

- a. In all cases, the notice of investigation outcome will include:
  - A summary statement of the factual findings and determinations (in a Formal Investigation) or preliminary determinations (in a DOE Grievance Process) regarding whether respondent violated the SVSH Policy;
  - An admonition against intimidation or retaliation;
  - An explanation of any Supportive Measures that will remain in place;
  - A statement that the complainant and respondent have an opportunity to respond in writing and/or in person to the Chancellor or Chancellor's designee;
  - A statement of the anticipated timeline and a statement that both complainant and respondent will be informed of the final resolution of the matter; and
  - A statement of whether it appears that further investigation by the Chancellor or Chancellor's designee or other appropriate body may be necessary to determine whether other violations of the Code of Conduct occurred, separate from any allegations of Prohibited Conduct that were investigated under the SVSH Policy.
- b. If in a Formal Investigation process the investigator determined that the faculty respondent violated the SVSH Policy, the notice of investigation outcome will also include:
  - A statement that the finding that respondent violated the SVSH Policy constitutes a finding of probable cause as defined in APM-015;
  - For matters involving Senate faculty respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the Chancellor or Chancellor's designee will engage the Peer Review Committee to advise on appropriate resolution, which may include pursuing discipline in accordance with APM-016;
  - For matters involving non-Senate faculty respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the Chancellor or Chancellor's designee will engage the Peer Review Committee or consult with the Academic Personnel Office to advise on appropriate resolution, which may include corrective action or termination in accordance APM-150; and
  - A statement of the anticipated timeline and a statement that both complainant and respondent will be informed of the final resolution of the matter.
- c. In a DOE Grievance Process, the notice of investigation outcome will also include:
  - If the investigator preliminarily determined that the respondent violated the SVSH Policy, a statement that the Chancellor or Chancellor's designee will

propose a resolution after engaging the Peer Review Committee or consulting with the Academic Personnel Office (depending on whether the respondent is a senate or non-senate faculty member, and the process the campus has chosen);

- A statement that, unless both parties accept the preliminary determination and any proposed resolution, there will be a fact-finding hearing to determine whether the SVSH Policy has been violated, after which the Chancellor or Chancellor's designee will determine the resolution; and
- An explanation of the procedures and timeline for accepting the preliminary determination (see the [DOE Addendum](#)).

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

The notice of investigation outcome and accompanying investigation report will be issued promptly, typically within sixty (60) to ninety (90) business days of initiation of the Formal Investigation or DOE Grievance Process, unless extended by the Title IX Officer for good cause, with written notice to the complainant and the respondent of the reason for the extension and the projected new timeline.

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

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

The steps outlined below for assessment and consultation apply to investigations of DOE-Covered Conduct and other Prohibited Conduct. After this assessment and consultation, matters investigated through Formal Investigation will go to Stage 3 (Decision on Sanctions), below. Matters investigated under the DOE Grievance Process will go to Stage 2.a (Opportunity to Accept the Preliminary Determination) in the [DOE Addendum](#).

At the conclusion of a Formal Investigation, the Chancellor or Chancellor's designee has the authority and responsibility to decide what action to take in response to the findings of the investigation report. The Chancellor or Chancellor's designee may determine that additional investigation is required to determine whether other Code of Conduct violations occurred, but will not reinvestigate the allegations of Prohibited Conduct investigated by the Title IX Office.

At the conclusion of a DOE Grievance Process investigation, the parties have the opportunity to accept or not accept the preliminary determination. When the preliminary determination is that the respondent engaged in DOE-Covered Conduct, or both DOE-Covered Conduct and other Prohibited Conduct, the Chancellor or Chancellor's designee will propose a resolution after engaging the Peer Review Committee or consulting with the Academic Personnel Office (depending on whether the respondent is a Senate or non-Senate faculty member, and the process the campus has chosen), as described below, and the parties will decide whether to accept the preliminary determination and the proposed resolution.

The Chancellor or Chancellor's designee may consult with the Title IX Office, the Academic Personnel Office, or other appropriate entities at any time during the decision-making process.

**A. Opportunity to Respond**

The Chancellor or Chancellor's designee will offer the complainant and the respondent an opportunity to respond to the notice of investigation outcome and accompanying investigation report, either through an in-person meeting with the Chancellor or Chancellor's designee, a written statement to the Chancellor or Chancellor's designee, or both. The parties will have five business days after the Title IX Officer sends the investigation report to respond.

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

**B. Peer Review Committee for Senate Faculty**

In the event that the investigation determines (in a Formal Investigation) or preliminarily determines (in a DOE Grievance Process) that a Senate faculty respondent is responsible for violating the SVSH Policy, the Chancellor or Chancellor's designee will engage the campus Peer Review Committee to advise on appropriate resolution.

The Peer Review Committee, composed on each campus at the direction of the President, will advise the Chancellor or Chancellor's designee regarding how to resolve the matter. At the conclusion of a Formal Investigation, this will include advising on whether the Chancellor or Chancellor's designee should pursue a formal charge for violation of the Code of Conduct or pursue an early resolution. In all cases, the Peer Review Committee should provide advice on the appropriate discipline or other corrective or remedial measures.

The Peer Review Committee will be engaged in all cases where the Title IX investigator has determined or preliminarily determined a Senate faculty respondent has violated the SVSH Policy.

**C. Peer Review Committee or Consultation with Academic Personnel for Non-Senate Faculty**

In the event that the investigation determines (in a Formal Investigation) or preliminarily determines (in a DOE Grievance Process) that a non-Senate faculty respondent is responsible for violating the SVSH Policy, the Chancellor or Chancellor's designee will engage the Peer Review Committee or consult with the Academic Personnel Office, depending on what form of consultation the campus decided to employ. Such consultation, as decided by the campus, will occur in all cases where the investigation has determined or preliminarily determined the non-Senate faculty respondent has violated the SVSH Policy. The advisory role of the Peer Review Committee is described in Section IV.B above.

**D. Title IX Officer Consultation for Senate and Non-Senate Faculty**

In all cases where the investigation determines or preliminarily determines a Senate or non-Senate faculty respondent is responsible for violating the SVSH Policy, the Chancellor or Chancellor's designee will consult with the campus Title IX Officer on how to resolve the matter, including the appropriate discipline or other corrective measures.

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

The steps outlined below apply when a Senate faculty respondent is found in violation of the SVSH Policy following a Formal Investigation, or following a hearing and any appeal (per Sections IV.B and IV.C of the [Doe Addendum](#)) in a DOE Grievance Process.

### **A. Decision by Chancellor or Chancellor's Designee**

Following consultation with the Peer Review Committee and Title IX Officer, in accordance with APM-016, the Chancellor or Chancellor's designee will decide what action to take to resolve the matter.

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

#### **1. No Formal Discipline**

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

#### **2. Early Resolution**

The Chancellor or Chancellor's designee can enter into an early resolution with the respondent in accordance with APM 016. An early resolution can be achieved at any time prior to the final imposition of discipline.

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

#### **3. Charge Filed with Academic Senate Committee on Privilege & Tenure**

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

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

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

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

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

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

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

The investigation report and hearing officer's notice of determination (if any) will be accepted as evidence in the Privilege & Tenure hearing. The Chancellor or Chancellor's designee will ensure that complainant and respondent receive regular updates regarding the status of the proceedings.

Within 14 calendar days of receiving the recommendation from the Academic Senate's Committee on Privilege & Tenure, in accordance with APM-016 and other applicable procedures, the Chancellor will make a final decision regarding discipline, unless the decision involves dismissal for a faculty who has tenure or security of employment. As stated in [APM-016](#), "Authority for dismissal of a faculty member who has tenure or security of employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor." (APM-016, Section II.6.) Extensions to this timeline may be granted for good cause with written notice to the complainant and respondent stating the reason for the extension and the projected new timeline.

The complainant and the respondent will be promptly informed of the decision regarding discipline and its rationale.

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

The below provisions apply when a non-Senate faculty respondent is found in violation of the SVSH Policy following a Formal Investigation, or following a hearing and any appeal (per Sections IV.B and IV.C of the DOE Addendum) in a DOE Grievance Process.

## **A. Decision by Chancellor or Chancellor's Designee**

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

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

### **1. No Disciplinary Action**

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

### **2. Informal Resolution**

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

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

### **3. Notice of Intent**

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

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

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

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



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

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

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

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

Subsequent to any final decision, the Chancellor or Chancellor's designee will promptly inform the complainant and the respondent of the decision, including any final decision on discipline and its rationale.

**DOE ADDENDUM  
TO INVESTIGATION AND ADJUDICATION FRAMEWORK  
FOR SENATE AND NON-SENATE FACULTY**

**INTRODUCTION**

In general, the Senate and Non-Senate Faculty Framework (“Framework”) applies to both DOE-Covered Conduct and other Prohibited Conduct. Special provisions that apply specifically to DOE-Covered Conduct are described below.

**I. REPORTING AND RESOURCES (Stage 0)**

Reporting options and resources are as described in the corresponding numbered section in the Framework.

**II. INITIAL ASSESSMENT (Stage 1)**

The initial assessment, including Supportive Measures and written rights and options are as described in the corresponding numbered section of the Framework. The additional provision below on Dismissal of Formal Complaints is specific to DOE-Covered Conduct.

**A. Supportive Measures**

Supportive Measures are as described in the corresponding section of the Framework.

**B. Written Rights and Options**

Written rights and options are as described in the corresponding section of the Framework.

**C. Required Dismissal**

The Title IX Officer must “dismiss” allegations in a DOE Formal Complaint if:

- they determine during the Initial Assessment that the alleged conduct, even if true, is not DOE-Covered Conduct, as defined in the SVSH Policy, or
- they determine during the investigation that the alleged conduct, even if true, did not occur in a University program or activity or that the Complainant was not in the United States at the time.

The Title IX Officer will then proceed as described in the *SVSH Policy* Appendix IV, Section C. Dismissal means the Title IX Officer will no longer consider the allegations DOE-Covered Conduct; it does not necessarily mean the Title IX Officer will close the matter. Rather, the Title IX Officer will decide whether and how to continue resolution of the dismissed allegations. See *SVSH Policy*, Appendix IV, Section C.

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

The investigation and resolution of reports, including Alternative Resolution and Investigation, are as described in the corresponding numbered section of the Framework.

If the Title IX Officer determines during the investigation that they must dismiss any allegations in a DOE Formal Complaint per Section II.C., above, they will proceed as described in the *SVSH Policy* Appendix IV, Section C.

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

The assessment and consultation is as described in the corresponding numbered section of the Framework.

#### **IV.A. OPPORTUNITY TO ACCEPT THE PRELIMINARY DETERMINATION (Stage 2.A)**

After the assessment and consultation described in Stage 2 of the Framework, the Chancellor or Chancellor's designee will inform the Academic Personnel Office and Title IX Officer of any proposed resolution and its rationale, and the Academic Personnel Office or Title IX Officer (whichever the campus designates) will notify the parties. The parties will receive this notice within 15 business days of the notice of investigative findings and preliminary determination.

Unless both parties accept the preliminary determination and any proposed resolution, there will be a fact-finding hearing to determine whether the SVSH Policy was violated.

##### **A. Accepting the Preliminary Determination and Proposed Resolution**

###### **1. Timeline**

Either party may accept the preliminary determination and any proposed resolution within 20 business days of the notice of investigative findings and preliminary determination. Unless both parties accept the preliminary determination and any proposed resolution within this time period, then the matter will proceed to a hearing to determine if a policy violation occurred.

###### **2. Written Acceptance**

A party may accept the preliminary determination and any proposed resolution by providing the Academic Personnel Office or Title IX Officer (whichever the campus designates) with a written acknowledgment stating that the party accepts the preliminary determination and any proposed resolution, and wishes not to proceed with a hearing.

###### **3. Final Decision Following Acceptance**

If both parties provide the written acceptance during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final and the Chancellor or Chancellor's designee will impose the proposed resolution, including any discipline or other corrective measures.

##### **B. Notice of Hearing or No Hearing**

###### **1. Notice of Hearing**

Unless both parties accept the preliminary determination and any proposed resolution by the end of the 20 business days, the Academic Personnel Office or Title IX Officer

(whichever the campus designates) will notify the parties that there will be a hearing. The notice of hearing will include a summary of the hearing procedures described in Section IV.C.

## **2. Notice of No Hearing**

If both parties accept the preliminary determination and any proposed resolution, the Academic Personnel Office or Title IX Officer (whichever the campus designates) will notify the parties that there will be no hearing. This notice will indicate that the investigator's preliminary determination as to policy violation(s) is final, and that the Chancellor or Chancellor's designee is imposing the proposed resolution (if any).

## **IV.B. PREHEARING AND HEARING (Stage 2.B)**

### **A. Fact-finding Hearing**

Unless both parties accept the investigator's preliminary determinations, there will be a fact-finding hearing before a single hearing officer. The hearing is to determine whether a violation of the SVSH Policy occurred. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

### **B. Hearing Officer**

#### **1. Overview**

The hearing officer may be a University employee or outside contractor, and may not be the same person as the Title IX Officer or the investigator. Regardless, they will be appropriately trained, with such training coordinated by the Title IX Officer.

#### **2. Bias and Conflict of Interest**

The hearing coordinator will inform the parties of the hearing officer's identity. Within 5 business days after the notification, the parties may request the hearing officer's disqualification on the basis of bias or conflict of interest.

- a. For example, involvement in the case or knowledge of the allegations at issue prior to being selected as the hearing officer, or a close personal relationship with a party or expected witness in the proceeding could, depending on the circumstances, warrant disqualification of the hearing officer.
- b. Employment by the University, or prior work for the University as a contractor, on its own, does not warrant disqualification.
- c. The hearing officer's gender, gender identity, race, ethnicity, religion, sexual orientation or similar identifying characteristic, or the fact that they differ from those of any party, do not, on their own, warrant disqualification.

### **3. Disqualification Decision**

The Academic Personnel Office will decide any request for disqualification of the hearing officer and inform both parties of their decision and, if they determine to change hearing officers, the name of the new hearing officer.

### **C. Hearing Coordinator**

Each hearing will have a hearing coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

### **D. Pre-Hearing Procedures**

#### **1. Meeting with Parties**

The hearing officer and hearing coordinator will hold a separate meeting (in person or remotely) with each party to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive and fair hearing.

- a. The hearing coordinator will provide written notice to each party of their prehearing meeting, including time, location (or if remote, call instructions), and purpose of the meeting, at least 10 business days before the pre-hearing meeting.
- b. No later than five business days before the pre-hearing meeting, each party will submit to the hearing officer a preliminary statement of what issues, if any, each considers to be disputed and relevant to the determination of whether a policy violation occurred, and the evidence they intend to present on each issue, including all documents to be presented, the names of all requested witnesses, and a brief summary of such witnesses' expected testimony. The parties will later have an additional opportunity to submit proposed evidence, see Section 5 below.
- c. At the pre-hearing meeting, the hearing officer and party will discuss the evidence the party has provided, to help identify and refine the issues to be decided at the hearing, which will inform the hearing officer's determination of the scope of the hearing.
- d. Each party should also come to the pre-hearing meeting prepared to schedule dates for the hearing.
- e. The hearing officer and/or coordinator will explain what to expect at the hearing, see Section E below.
- f. The hearing officer and/or coordinator will also discuss measures available to protect the well-being of parties and witnesses at the hearing, as appropriate. These may include, for example, use of lived names and pronouns during the hearing, including in screen names; a party's right to have their support person available to them at all times during the hearing; a hearing participant's ability to request a break during the hearing, except when a question is pending.

- g. The hearing officer and/or coordinator will inform the parties that the hearing will be conducted remotely. If a party believes that they need a University-provided physical space or technological equipment or assistance to participate remotely – for example because of safety or privacy concerns, or a disability - they may request such resources of the hearing coordinator during the prehearing meeting. The hearing coordinator will respond to any such request in writing within five business days of the prehearing meeting.
- h. The parties and their advisors, if they have one at this stage of the process, are expected to participate in the pre-hearing meeting.
- i. If a party does not participate in the pre-hearing meeting (or does not let the hearing coordinator know they need to reschedule in advance), the hearing coordinator will notify the party that they have 2 business days to contact the hearing coordinator to reschedule. Absent extenuating circumstances, if the party does not contact the hearing coordinator within the 2 business days, the hearing will proceed but the non-participating party will be presumed to agree with the hearing officer’s definition of the scope of the hearing.

## **2. Scope of Hearing**

Within 5 business days after concluding meetings with both parties (or determining that a party has decided not to participate in the pre-hearing process), the hearing officer will determine what issues are disputed and relevant to the determination of whether a policy violation(s) occurred, and will notify the parties of the scope of the issues to be addressed at the hearing and the expected witnesses. The hearing officer has discretion to grant or deny, in whole or part, the parties’ requests for witnesses on the basis of relevance. The hearing officer’s determination of scope may include issues, evidence, and witnesses that the parties themselves have not provided.

Throughout the pre-hearing process, including in the notice of scope of hearing, the hearing officer will:

- a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive, and implement the evidentiary principles in Section III.B.3;
- b. Decide any procedural issues for the hearing; and/or
- c. Make any other determinations necessary to promote an orderly, productive, and fair hearing that complies with the rules of conduct.

## **3. Submission of Additional Information**

Within 5 business days after receiving the hearing officer’s definition of scope, the parties may then submit additional information about the evidence, including witness testimony, that they would like to present.



#### **4. Notice of Hearing**

Not less than 10 business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.

#### **5. Witness Participation**

The hearing coordinator will ensure that the Title IX investigator (or if not available, a representative from that office) will be available to testify during the hearing. Testimony by the Title IX investigator may be appropriate to help resolve disputes about the authenticity of evidence summarized in the investigation report and at issue at the hearing, or whether the investigator accurately memorialized a party's or witness's statement in the investigation. The Title IX investigator should not be questioned about their assessment of party or witness credibility, nor the investigative process generally, nor their preliminary determination of whether policy violations occurred, because the hearing officer will make their own credibility determinations and determination of policy violation(s) so this information would not be relevant. Based on the hearing officer's determination, the hearing coordinator will request the attendance of all witnesses whose testimony is determined to be within the scope of the hearing.

#### **6. Confirmation of Scope, Evidence, and Witnesses**

At least 2 business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence; copies of all the evidence that will be considered at the hearing that the hearing officer has received, including the the investigation file (consisting of the investigation report and any evidence deemed directly related by the investigator, as documented in the investigation report) and any other documents that will be considered; the names of expected witnesses and a summary of their expected testimony. If the hearing officer has excluded evidence (including witness testimony) that a party has requested to present, they will explain why that evidence was not relevant. The hearing officer will also notify the parties of any procedural determinations they have made regarding the hearing. This material will also be provided to the Title IX Officer.

#### **7. Submission of Questions**

The parties are encouraged to submit any questions for the other party and any expected witnesses to the hearing coordinator and hearing officer before the hearing, but will not be limited to those questions at the hearing. These questions will not be shared with the other party or witnesses.

#### **8. Advisor Participation and Provision by University**

At any point before the hearing, if a party anticipates that they will not have an advisor available at the hearing to ask their questions for them, they should let the hearing coordinator know, to allow the University to plan for assigning the party a

person to ask the party's questions at the hearing ("Reader"). Even without notice or during a hearing in progress, however, the University will provide such a resource if a party does not have one. If any party does not have an advisor available at the hearing for the purpose of asking their questions for them, the hearing coordinator will assign a person to fulfill the sole and specific function of asking the party's questions (and not of serving as their advisor more generally), without cost to the party.

## **E. Hearing Procedures**

### **1. Advisors and Support Persons**

The parties may have their advisors present throughout the hearing. They may also have a support person present throughout the hearing.

### **2. Rules of Conduct**

The hearing will be conducted in a respectful manner that promotes fairness and accurate fact-finding and that complies with the rules of conduct. The parties and witnesses will address only the hearing officer, and not each other. Only the hearing officer and the parties' advisors (or Readers if they do not have advisors), consistent with paragraph 6 below, may question witnesses and parties.

### **3. Virtual Hearing**

The hearing will be conducted remotely, with any modifications the hearing coordinator has made in response to a party's request for assistance, see Section D.1.f above.

### **4. Hearing Evidence and Procedures**

Courtroom rules of evidence and procedure will not apply. The hearing officer will generally consider, that is rely on, all evidence they determine to be relevant and reliable. The hearing officer may determine the relevance and weigh the value of any witness testimony or other evidence to the findings, subject to Section F.1 below. The hearing officer will also follow the evidentiary principles in Section III.B.3 of the Framework. Throughout the hearing, the hearing officer will:

- a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive, and require rephrasing of questions that violate the rules of conduct,
- b. Decide any procedural issues for the hearing, and/or
- c. Make any other determinations necessary to promote an orderly, productive, and fair hearing that complies with the rules of conduct.

### **5. Access to Witnesses**

Parties will be able to see and hear (or, if deaf or hard of hearing, to access through auxiliary aids for services) all questioning and testimony at the hearing, if they choose to. Witnesses (other than the parties) will attend the hearing only for their own testimony.

## **6. Questioning at the Hearing**

The hearing officer may ask questions of all parties and witnesses that are relevant, including those that are relevant to assessing credibility. Each party's advisor may ask questions of the other party (not their party) and witnesses that are relevant, including those that are relevant to assessing credibility. As noted in Section D.8 above, the University will assign a person to ask a party's questions whenever a party does not have an advisor at the hearing.

The hearing officer will determine the order of questioning of the parties and witnesses. For each party or witness, the hearing officer will ask their own questions first.

Each party will prepare their questions, including any follow-up questions, for the other party and witnesses, and will provide them to their advisor. The advisor will ask the questions as the party has provided them, and may not ask questions that the advisor themselves have developed without their party.

If a party does not attend the hearing, the hearing will still proceed, and they may still have their advisor - or if they do not have one, a University-assigned Reader – ask the questions that they have prepared.

When a party's advisor is asking questions of the other party or a witness, the hearing officer will determine whether each question is relevant before the party or witness answers it and will exclude any that are not relevant or unduly repetitive, and will require rephrasing of any questions that violate the rules of conduct. If the hearing officer determines that a question should be excluded as not relevant, they will explain their reasoning.

At any time, the hearing officer may ask follow-up questions of the parties and witnesses.

Any expert witnesses identified during the investigation, see Section III.B.3.c of the Framework, will be subject to these same questioning procedures.

## **7. Investigation File**

The investigation file will be entered as evidence at the hearing. The hearing officer generally will rely on any finding in the report that is not disputed.

## **8. Impact of Selective and Non-Participation**

Hearing Officer will not draw adverse inferences from a party's decision to not participate in the hearing, or to remain silent during the hearing. However, they may consider a party's selective participation – such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation – when assessing credibility. Further, parties should bear in mind, as discussed below, that on any disputed and material issue, a hearing officer may not rely on any statement of a party about which the party refuses to answer questions at the hearing.

## **9. Well-Being Measures**

The hearing officer will implement measures they deem appropriate to protect the well-being of parties and witnesses. For example, the hearing officer will allow separation of the parties, breaks, and the attendance of support persons in accordance with these procedures.

## **10. Visual Separation**

The hearing officer will allow the parties and/or witnesses to be visually separated during the hearing except as noted in paragraph 5 above. This may include, but is not limited to videoconference and/or any other appropriate technology. To assess credibility, the hearing officer must have sufficient access to the Complainant, Respondent, and any witnesses presenting information; if the hearing officer is sighted, then the hearing officer must be able to see them.

## **11. Presentation of Evidence**

The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the hearing officer. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the hearing officer has discretion to accept or exclude additional evidence presented at the hearing. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

## **12. Recording**

The University will audio record the hearing and make the recording available for the parties' review at their request.

## **13. Advisors and Support Persons**

The parties may have their advisors and support persons available throughout the hearing.

## **F. Determination of Policy Violation**

### **1. Standards for Deliberation**

The hearing officer will decide whether a violation of the SVSH Policy occurred based on a Preponderance of Evidence standard.

### **2. Information Considered**

The hearing officer will take into account the investigative file and the evidence presented and accepted at the hearing. The evidentiary principles in Section III.B.C also apply. On any disputed and material issue, the hearing officer should make their own findings and credibility determinations based on all of the evidence before them. However, on any disputed and material issue, the hearing officer may not consider any statement about which a party or witness has refused, in whole or in part, to answer questions posed by a party through their advisor or a University-assigned reader and allowed as relevant by the hearing officer. For purposes of these

procedures, a statement is anything that constitutes a person's intent to make factual assertions.

### **G. Notice of Determination**

Within 15 business days of the hearing, the hearing coordinator will send simultaneous written notice to the complainant and respondent (with a copy to the Title IX Officer) setting forth the hearing officer's determination on whether the SVSH Policy has been violated. The written notice will include the following:

1. A summary of the allegations that would constitute a violation of the SVSH Policy;
2. The determinations of whether the SVSH Policy has been violated;
3. A statement that the Title IX Officer will determine whether complainant will be provided additional remedies, and will inform the complainant of that determination;
4. A description of the procedural history of the complaint;
5. The findings on each disputed, material fact and an analysis of the evidence supporting the findings;
6. A summary of the facts found by the investigator that the parties did not dispute;
7. The rationale for the determination of each charge;
8. If the hearing officer determines that DOE-Covered Conduct did not occur, an analysis of whether other charged conduct, including other SVSH Policy violations, occurred;
9. An admonition against retaliation;
10. A statement of the right to appeal, grounds and timeframe for the appeal, the office to which the appeal must be submitted, and the procedure that the University will follow in deciding the appeal;
11. An explanation that both the parties will receive a copy of any appeal submitted in accordance with these procedures;
12. A description of the process for deciding whether and what discipline to impose if the final determination (following any appeal) is that the respondent violated the SVSH Policy, and a statement that both parties will be informed of the final resolution of the matter;
13. A statement indicating the Chancellor or Chancellor's designee will determine whether further investigation by another body is necessary to determine whether violations of other policies occurred, separate from any allegations of Prohibited Conduct that were investigated under the SVSH Policy; and
14. A statement that a final determination (including exhaustion of any appeal rights) that the respondent violated the SVSH Policy will establish probable cause as defined in the Code of Conduct. ([APM-015](#) at III.A.4).

### **H. Documentation of Hearing**

Throughout the pre-hearing and hearing process, the hearing coordinator will document the process's compliance with the procedures (including timeframes) in this section. After the notice of policy violation determination has been finalized, the hearing

coordinator will provide this documentation, along with all documents relating to the hearing, and the recording of the hearing, to the Title IX Officer.

#### **IV.C. APPEAL OF DETERMINATION (Stage 2.C)**

The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The University administers the appeal process, but is not a party and does not advocate for or against any appeal.

##### **A. Grounds for Appeal**

A party may appeal only on the grounds described in this section.

1. There was procedural error in the hearing process that materially affected the outcome; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;
2. There is new evidence that was not reasonably available at the time of the hearing that could have materially affected the outcome; and
3. The hearing officer had a conflict of interest or bias that affected the outcome. See also the principles in Section IV.B.(B)(2)

The appeal should identify the reason(s) why the party is challenging the outcome on one or more of the available grounds.

##### **B. Commencing an Appeal**

An appeal must be submitted to the hearing coordinator within 10 business days following issuance of the notice of the hearing officer's determination. The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. The Title IX Officer will notify the other party of the basis for the appeal and that the other party can submit a written statement in response to the appeal within three business days, and supporting documentation from the other party as appropriate.

##### **C. Standards for Deliberation**

The appeal officer, will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented at the hearing, the investigation file, and the appeal statements of the parties. They will not make their own factual findings, nor any witness credibility determinations.

##### **D. Decision by Appeal Officer**

The appeal officer, who will be an unbiased person without prior involvement in the case or personal relationship with the parties may:

1. Uphold the findings;
2. Overturn the findings;
3. Modify the findings; or
4. In appeals alleging material procedural error or new evidence, send the case back to the hearing officer for further fact-finding if needed, for example on the issue of whether the alleged error, new evidence, would have materially affected the outcome.



### **E. Written Report**

The appeal officer will summarize their decision in a written report that includes the following:

1. A statement of the grounds identified on appeal;
2. A summary of the information considered by the appeal officer;
3. The decision of the appeal officer and the rationale for the decision including, where the findings are overturned or modified, an explanation of why the ground(s) for appeal were proven; and
4. If the final decision is that the respondent violated the SVSH Policy, a statement that the decision constitutes a finding of probable cause as defined in APM-015.

### **F. Distribution of Written Decision**

Within 10 business days of receiving the appeal, the appeal officer will send their written decision to complainant and respondent, with a copy to the Title IX Officer.

1. Unless the appeal officer remands the matter, they will inform the respondent and the complainant that the matter is closed with no further right to appeal.
2. If the appeal officer remands the matter, they will specify what further fact-finding should occur or what additional information should be considered and request that the hearing officer report back to the appeal officer on their additional fact-finding. After receiving the hearing officer's additional factual findings, the appeal officer will issue their decision within 10 business days. This decision will be final.

## **IV.D. ADDITIONAL ASSESSMENT AND CONSULTATION (Stage 2.D)**

Once any appeal is final or the period for submitting an appeal has lapsed, the Title IX Officer will send the final findings and determination to the Chancellor or Chancellor's designee, with a summary explanation of any difference between the investigator's preliminary determination and the final determination and findings.

The Chancellor or Chancellor's designee has the authority and responsibility to decide what action to take in response to the final determination and findings. The Chancellor or Chancellor's designee may determine that additional investigation is required to determine whether other Code of Conduct violations occurred, but will not reconsider the findings and determinations regarding SVSH Policy violations made through the hearing and any appeal.

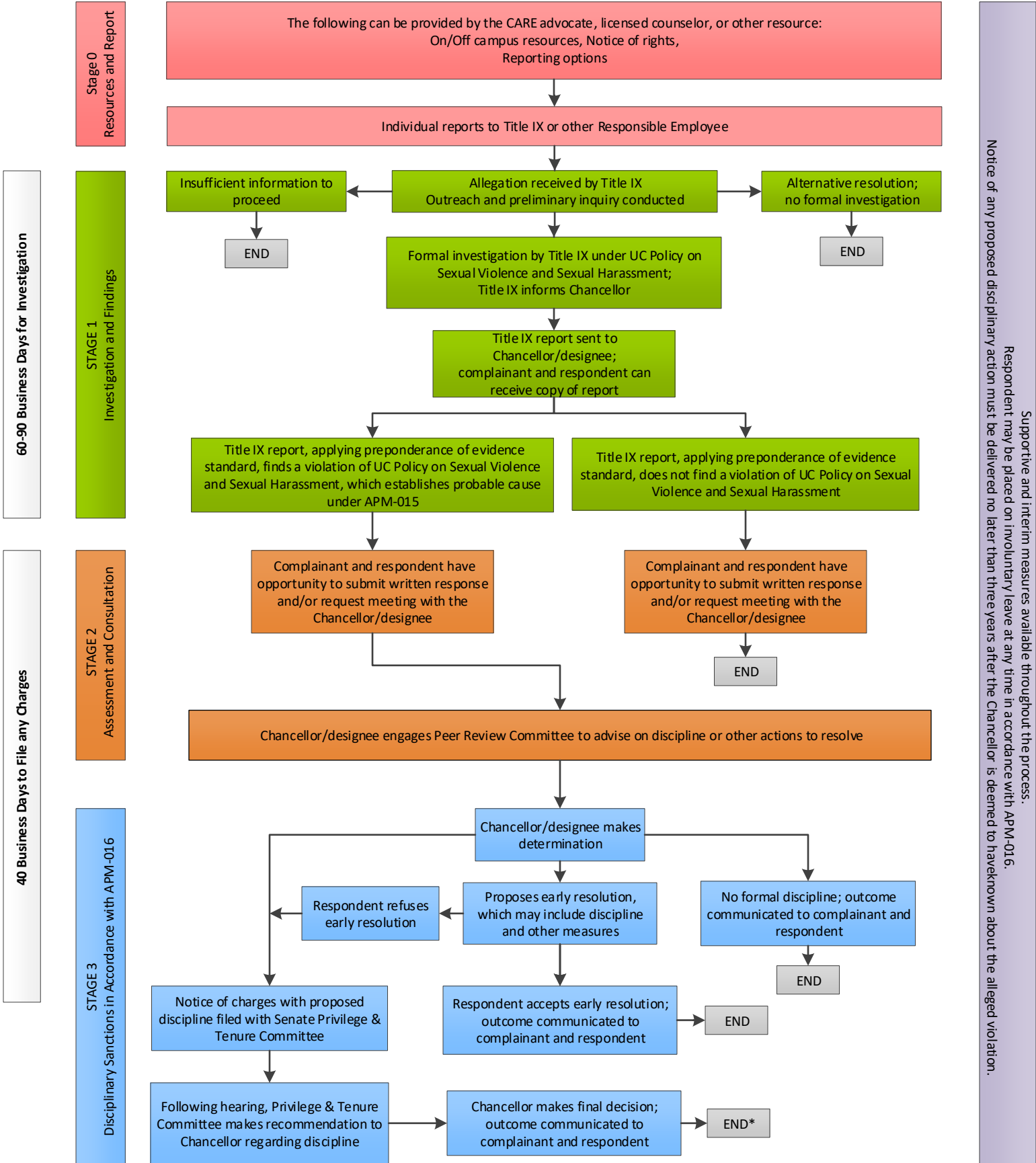
If the hearing results in a finding that a faculty respondent violated the SVSH Policy, then the Chancellor or Chancellor's designee will, if they did not already do so, consult with the Title IX Officer and either engage the Peer Review Committee or consult with the Academic Personnel Office as described in *Assessment and Consultation (Stage 2)* of the Framework. If the Chancellor or Chancellor's designee already took these steps (because the investigator preliminarily determined the respondent violated the SVSH Policy), then they may choose to repeat them before proposing a resolution (for example, when the finding from the hearing is different from the investigator's preliminary determination). The Chancellor or Chancellor's designee will decide what action to take to resolve the matter.

University of California  
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Investigation and Adjudication Framework for Senate and Non-Senate Faculty  
Interim Revisions

For Senate Faculty, matters will then proceed as described in [\*Decision on Sanctions for Senate Faculty \(Stage 3\)\*](#) of the Framework. If there is a Privilege & Tenure hearing, the Chancellor will make their decision on sanctions based on the preponderance of evidence standard.

For Non-Senate Faculty, the matter will then proceed as described in [\*Decision on Sanctions for Non-Senate Faculty \(Stage 3\)\*](#) of the Framework.

UNIVERSITY OF CALIFORNIA  
SENATE FACULTY ADJUDICATION MODEL – PROCESS FLOW CHART 1



\*See APM-016 regarding dismissal of faculty respondent with tenure or security of employment

Supportive and interim measures available throughout the process. Respondent may be placed on involuntary leave at any time in accordance with APM-016. Notice of any proposed disciplinary action must be delivered no later than three years after the Chancellor is deemed to have known about the alleged violation.

The following can be provided by the CARE advocate, licensed counselor, or other resource: on/off campus resources, notice of rights, reporting options

**STAGE 0**  
Resources and Reporting

Title IX oversees alternative resolution instead of investigation  
**END**

Title IX receives report, conducts outreach and initial assessment, and decides how to proceed

**STAGES 1 and 2**  
Investigation, Preliminary Determination, Assessment and Consultation

Title IX investigates

Title IX “dismisses” allegations. They are no longer considered DOE-Covered Conduct, but Title IX may still continue with resolution. Parties can appeal.

Title IX preliminarily determines Respondent violated policy using preponderance of evidence standard; Assessment and Consultation occurs; Chancellor or Chancellor’s designee proposes resolution

Title IX preliminarily determines Respondent did not violate policy using preponderance of evidence standard; Assessment and Consultation occurs

**STAGE 2.A**  
Opportunity to Accept the Preliminary Determination

Parties have equal opportunity to accept or not accept preliminary determination and any proposed resolution; if either party does not accept, matter goes to a hearing

Both parties accept preliminary determination and any proposed resolution

Either or both parties do not accept the preliminary determination

**STAGE 2.B**  
Prehearing and Hearing

Prehearing meeting and other procedures to promote fair, productive, and orderly hearing, including defining disputed and relevant issues, and discussing rules of conduct

Preliminary determination becomes final; any proposed resolution is imposed  
**END**

Hearing

Hearing officer determines that Respondent violated policy using preponderance of evidence standard

Hearing officer determines Respondent did not violate policy using preponderance of evidence standard

**STAGE 2.C**  
Appeal of Determination

Right to appeal on limited grounds

No appeal

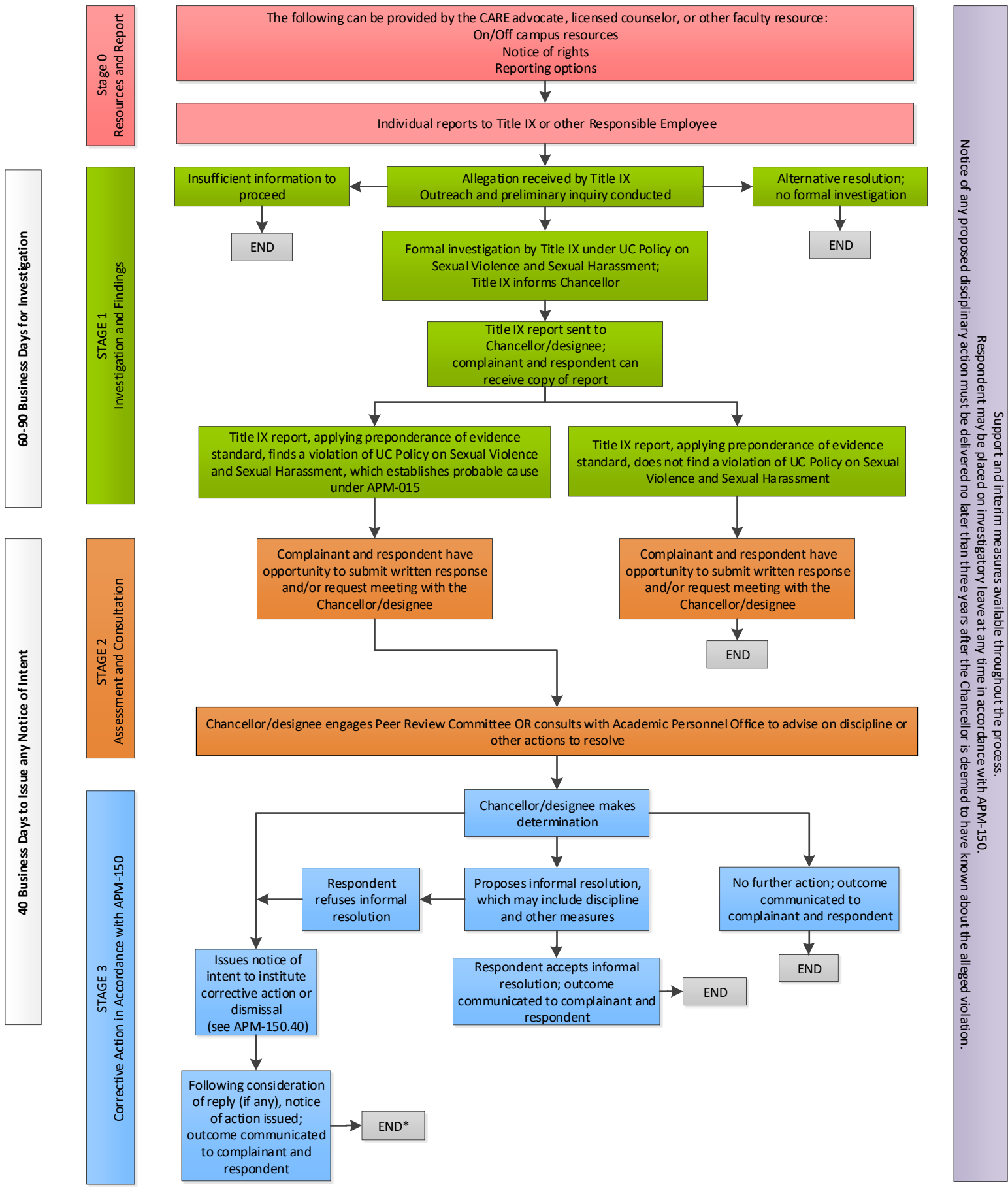
Appeal  
Appeal officer decides

In procedural error and new evidence appeals, appeal officer may remand to hearing officer and then decide

If final determination is that Respondent violated policy:  
Refer to Stage 3 of the Senate Faculty Adjudication Model Process Flowchart 1

Supportive and interim measures available throughout the process. Respondent may be placed on involuntary leave at any time in accordance with APM -016. Notice of any proposed discipline must be delivered no later than three years after the Chancellor is deemed to have known about the alleged violation.

UNIVERSITY OF CALIFORNIA  
NON-SENATE (NON-REPRESENTED) FACULTY ADJUDICATION MODEL – PROCESS FLOW CHART 2



\*Respondent may grieve decision pursuant to APM-140

Support and interim measures available throughout the process. Respondent may be placed on Investigatory leave at any time in accordance with APM-150. Notice of any proposed disciplinary action must be delivered no later than three years after the Chancellor is deemed to have known about the alleged violation.

**UNIVERSITY OF CALIFORNIA  
NON-SENATE (NON-REPRESENTED) FACULTY ADJUDICATION MODEL – ATTACHMENT 2.A**

The following can be provided by the CARE advocate, licensed counselor, or other resource:  
on/off campus resources, notice of rights, reporting options

**STAGE 0**  
Resources and Reporting

Title IX oversees alternative resolution instead of investigation  
**END**

Title IX receives report, conducts outreach and initial assessment, and decides how to proceed

Title IX investigates

Title IX "dismisses" allegations. They are no longer considered DOE-Covered Conduct, but Title IX may still continue with resolution. Parties can appeal.

**STAGES 1 and 2**  
Investigation, Preliminary Determination, and Consultation

Title IX preliminarily determines Respondent violated policy using preponderance of evidence standard; Assessment and Consultation occurs; Chancellor or Chancellor's designee proposes resolution

Title IX preliminarily determines Respondent did not violate policy using preponderance of evidence standard; Assessment and Consultation occurs

**STAGE 2.A**  
Opportunity to Accept the Preliminary Determination

Parties have equal opportunity to accept or not accept preliminary determination and any proposed resolution; if either party does not accept, matter goes to a hearing

Both parties accept preliminary determination and any proposed resolution

Either or both parties do not accept the preliminary determination

Preliminary determination becomes final; any proposed resolution is imposed  
**END**

Prehearing meeting and other procedures to promote fair, productive, and orderly hearing, including defining disputed and relevant issues, and discussing rules of conduct

**STAGE 2.B**  
Prehearing and Hearing

Hearing

Hearing officer determines that Respondent violated policy using preponderance of evidence standard

Hearing officer determines Respondent did not violate policy using preponderance of evidence standard

**STAGE 2.C**  
Appeal of Determination

Right to appeal on limited grounds

No appeal

Appeal  
Appeal officer decides

In procedural error and new evidence appeals, appeal officer may remand to hearing officer and then decide

If Respondent is found responsible:  
Refer to Stage 3 of Non-Senate Faculty Adjudication Model Process Flowchart 2

Support and interim measures available throughout the process.  
Respondent may be placed on investigatory leave at any time in accordance with APM-150.  
Notice of any proposed disciplinary action must be delivered no later than three years after the Chancellor is deemed to have known about the alleged violation.