University of California – Policy [Policy Number]

Sexual Harassment and Sexual Violence

Para la traducción en Español, oprima aquí

中國版本，請按這裡

Scope:

This policy applies to all University employees, students and programs and activities.

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

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Wednesday, February 18, 2015
I. POLICY SUMMARY

The University of California is committed to creating and maintaining a community—where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, and/or intimidation for every individual in our community. Every member of the community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence (hereafter referred to as Policy).

This Policy applies to all University of California employees and students at its campuses, the Lawrence Berkeley National Laboratory, the Medical Centers, the Office of the President, Agriculture and Natural Resources, and its University programs and activities. This Policy further complies with the law and with the University’s commitment to compliance with the law and to the highest standards of ethical conduct, which are outlined in the University’s Statement of Ethical Values and Standards of Ethical Conduct.

II. DEFINITIONS

A. Sexual Harassment is defined as: Includes

- unwelcome sexual advances,
- requests for sexual favors, and other
- conduct of a sexual nature, including verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person’s employment or education or interferes with a person’s work or educational performance or creates an environment such that a reasonable person would find intimidating, hostile, or offensive. Sexual harassment includes, and
- conduct of a sexual violence (see definition below). The University will respond to reports of any such behavior, including verbal, nonverbal, or physical conduct in accordance with the Policy—behavior that affects or
interferes with a person’s employment, work, education, and/or educational performance.

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

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

Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Consistent with the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09, sexual harassment can occur in all types of relationships: hierarchical, between peers, or between individuals of the same sex or opposite sex. The University will respond to reports of any such conduct between any such members of the University community, according to the Policy.

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

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

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

- sexual assault
- rape
1. **Sexual Assault:** Occurs when physical, sexual activity is engaged without the consent of the other person, or when the other person is unable to consent to the activity. The activity or conduct may include the following:

- physical force
- violence
- threat
- intimidation
- ignoring the objections of the other person
- causing the other person’s intoxication or incapacitation (through the use of drugs or alcohol)
- taking advantage of the other person’s incapacitation (including voluntary intoxication)

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

3. **Domestic Violence** is defined as abuse: Abuse committed against:

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

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

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

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

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

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

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

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

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

Consent is voluntary. It must be given without coercion. Consent means a willing and positive cooperation in an act, or expressing a desire to engage in an act. A person can only give his/her true consent if there is no force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to Ultimately, consent is an exercise of free will. Silence does not mean consent.

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

- Consent to sexual activity, on one occasion, does not mean consent has been given to any form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity, on another occasion.
- A current or previous past dating experience or sexual relationship, by itself, is
not sufficient enough to constitute assume consent. Even in the context of a relationship, there must always have to be mutual consent to engage in any sexual activity at any time.

- Consent must be ongoing through out; meaning at any point during a sexual encounter consent has to be given, and can be revoked at any time withdrawn. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness.

A person cannot consent if s/he is under the threat of violence, bodily injury, or other forms of coercion.

A person cannot consent if his/her understanding is affected by a physical or mental impairment.

For purposes of this Policy, the age of consent is consistent with California Penal Code Section 261.5.

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person’s decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one’s responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated.

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

G. Designated Employee: Any employee, who must report incidents of sexual harassment or sexual violence to the Title IX coordinator or other appropriate University designees. Generally, this includes all employees, including academic appointees unless s/he has been identified as an employee who can provide confidential consultations for the University community pursuant to Section V.F. of this Policy. Designated employees must be informed of their own reporting responsibilities.

C.H. Executive Officer: The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agricultural and Natural Resources.
I. **Incapacitation:** The physical and/or mental inability to make informed and rational judgments. States of incapacitation include, but are not limited to:

- unconsciousness
- sleep
- blackouts

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

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

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

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

J. **Ongoing Prevention and Awareness Campaigns:** Programming, initiatives, and strategies that aim to increase understanding and awareness of sexual violence among a variety of audiences. These campaigns further aim to develop skills that address such issues and occurrences. The campaigns will cover topics relevant to dating violence, domestic violence, sexual assault, and stalking.

D.K. **Primary Prevention Programs:** Programming, initiatives, and strategies that have been created based on research, and/or assessed for their value, effectiveness, and/or outcome. These programs focus on preventing dating violence, domestic violence, sexual assault, and stalking. Therefore, these programs promote behaviors that foster healthy and respectful relationships, while also encouraging a safe environment for bystanders to intervene in a potential case of dating violence, domestic violence, sexual assault, and stalking.

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

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

“Proceeding” does not include communications and meetings between officials and complainants when it concerns a complainant’s accommodations/protective measures.
M. Respondent: A person against whom a report of sexual harassment or sexual violence is filed.

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

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

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

III. POLICY TEXTSTATEMENT

A. General Overview/Prohibited Behavior
The University prohibits sexual harassment and sexual violence. Such behavior violates both the law and University policy. The University will respond promptly and effectively to any reports of sexual harassment and/or sexual violence and, The University will take any and all appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

A. Prohibited Acts
This Policy prohibits sexual harassment and sexual violence as defined in Section II. Conduct by an Any staff, student or academic employee that is sexual harassment or sexual violence in violation of this Policy is considered to be outside the course and scope of employment may be subject to disciplinary action, up to and including dismissal.

Harassment that may not be sexual, but still contributes to a hostile work or academic environment, also could violate the University’s non-discrimination policies. To determine if there has been sexual harassment or sexual violence, the University may take into account any acts of discrimination based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.

B. Consensual Relationships
This Policy covers unwelcome conduct of a sexual nature. While romantic relationships between members of the University community may begin as consensual, they are not immune to instances of sexual harassment and/or sexual violence. Consensual romantic relationships between members of the University community also are subject
to other University policies. For example, policies governing faculty-student relationships are found in The Faculty Code of Conduct. The various locations may have local policies pertaining to consensual relationships. While romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence.

B. Gender Identity, Gender Expression, or Sexual Orientation Discrimination
Harassment that is not sexual in nature but is based on gender, gender identity, gender expression, sex- or gender stereotyping, or sexual orientation also is prohibited by the University's nondiscrimination policies if it denies or limits a person's ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, gender identity, gender expression, sex- or gender stereotyping, or sexual orientation.

C. Retaliation
This Policy prohibits retaliation against a person who reports sexual harassment or sexual violence, assists someone with a report of sexual harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

D. Dissemination of the Policy, Educational Programs, and Employee Training
As part of the University's commitment to providing a working and learning environment free from sexual harassment and sexual violence, this Policy shall be disseminated widely to the University community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. The locations shall make preventive educational materials available to all members of the University community to promote compliance with this Policy and familiarity with local procedures. The locations shall designate University employees responsible for reporting sexual harassment and sexual violence and make available prevention training to designated employees. In addition, the University will provide annual training to investigators and hearing officers. Each location shall post a copy of this Policy in a prominent place on its website (See Section V. Procedures).

C. Reporting Sexual Harassment or Sexual Violence
Each location will notify the campus community about where reports of sexual harassment and/or sexual violence can be made. Any member of the University community may report conduct that may constitute acts of sexual harassment or sexual violence to any supervisor, manager, these designated employees, supervisors, managers, or Title IX Officer (Sexual Harassment Officer). Supervisors, managers, and other
All designated employees are responsible for promptly forwarding such reports to the Title IX Officer (Sexual Harassment Officer) or other local official designated to review. The reports will be reviewed and investigated. Sexual harassment and sexual violence complaints. Appropriate action will be taken in accordance with this Policy. Any manager, supervisor, or other designated employee responsible for reporting who must report or responding to sexual harassment or sexual violence, who knew about the incident, and who took no action to stop it or failed to report the prohibited act may be subject to disciplinary action.

Each location shall identify staff who can provide confidential resources with whom consultations to members of the University community can consult for advice and seeking resources, information regarding, and/or advice about making a report of sexual harassment and/or sexual violence. Requests regarding report. While the University understands the desire for confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered and will consider such a request. The University also has a legal responsibility to the respondent. Depending on the situation, there are cases in which the University needs to inform the respondent of the University’s obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. See Section V.E and F for more information. (Information regarding confidentiality can be found in Section V.E and F and privacy. Also.)

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


D. Response to Reports of Sexual Harassment or Sexual Violence

The locations shall provide a prompt, fair, and effective response to reports of sexual harassment or sexual violence, which may include Early Resolution, Formal Investigation, and/or targeted prevention training or educational programs. (See Section V Procedures for more information.)

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

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

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

Any member of the University community who is found to have engaged in sexual harassment or sexual violence is subject to disciplinary action including dismissal, in accordance with the applicable University disciplinary procedure. (Appendix II: University Disciplinary Procedures or other University policy). Generally, disciplinary action will be recommended when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the complainant’s opportunity to participate in or benefit from educational programs.

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

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

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

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

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

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

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

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

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

As participants in a public university, The faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This Policy is intended to protect members of the University community from discrimination, not to regulate protected speech. This Policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.

The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this Policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

**F.I. Additional Enforcement Information**

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate complaints of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC,
IV. COMPLIANCE / RESPONSIBILITIES

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

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

Executive Officers and Responsible Officers are authorized to determine responsibilities and authorities at secondary administrative levels to establish local procedures necessary to implement the Policy.

Each location is responsible for describing each type of disciplinary proceeding used by the location. This includes the steps, anticipated timelines, and decision-making process for each type of disciplinary proceedings. The procedures must also describe how the campus determines which type of proceeding to use based on the circumstances of an allegation.

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

The Responsible Officers have the authority to initiate revisions to the Policy consistent with approval authorities and applicable Bylaws, Standing Orders, and Policies of The Regents.

The UC Provost and Executive Vice President of Academic Affairs, and the UC Executive Vice President – Business Operations/Chief Operating Officer have the authority to ensure that the Policy is reviewed regularly and updated in a manner that is consistent with other University policies.

C. Approval of Actions
Actions within the Policy must be approved in accordance with local procedures.

D. Compliance with the Policy
The Executive Officer at each location will designate the local management office that is responsible for monitoring, enforcing, and reporting Policy compliance.

The Senior Vice President – Chief Compliance and Audit Officer will periodically audit and monitor compliance with the Policy.
E. Noncompliance with the Policy

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

Reference Section VI and Appendices I and II.

V. REQUIRED PROCEDURES

A. Location Responsibilities

In accordance with state and federal law, the locations shall:

• Offer sexual harassment.

Each location must do the following:

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

2. Establish a consistent response team model consisting of two teams:

a. A Case Management Team (CMT) which maintains consistent coordination of reported sexual violence cases, ensures all cases are addressed efficiently and effectively, and ensures the response is trauma-informed; and

b. A Coordinated Community Review Team (CCRT) responsible for a campus collaborative approach to preventing and addressing sexual misconduct. The CCRT serves in an advisory capacity to campus leadership and community members about best practices in policies, education, prevention and response to sexual misconduct.

4. Provide mandatory training and education to the University community, and consistent with California Government Code 12950.1, provide sexual harassment and sexual violence prevention training and education to each supervisory employee to all students, faculty, other academic staff, and staff.

4. Offer primary prevention education programs to all incoming students and new employees, and ongoing prevention and awareness campaigns to the University community, to promote ongoing awareness of:

• rape and acquaintance rape
• domestic violence
• dating violence
• sexual assault
• and stalking, including

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

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

Offer comprehensive, annual training on issues related to sexual violence, as defined in this Policy,

2.5., for individuals conducting formal investigations of reports or conducting hearings; on responding to sexual violence, including trauma-informed approaches as defined in this Policy.

3.6. Provide all members of the University community with a process for reporting sexual harassment or sexual violence in accordance with the Policy.

4.7. Identify on- and off-campus resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services;

5.8. Provide prompt and effective response to reports of sexual harassment, sexual violence, or reports of retaliation related to reports of sexual harassment or sexual violence in accordance with the Policy.

6.9. Provide written notification as outlined in Section V.B.1 of the Policy.

7.10. Designate trained individuals, including, or other than, the Title IX Officer (Sexual Harassment Officer) to serve as resources for members of the University community who have questions or concerns regarding behavior that may be sexual harassment or sexual violence.

1. Title IX Officer (Sexual Harassment Officer)

11. Each location shall conduct proceedings that incorporate these additional elements:

• Timely notice of meetings, at which the respondent or complainant, or both, may be present.

• Timely access to any information that will be used after the fact-finding investigation, but during informal and formal disciplinary meetings and hearings, to the complainant, the respondent, and appropriate officials.
8.12. Establish and designate a single Title IX Officer (Sexual Harassment Officer). The names and contact information for the Title IX Officer (Sexual Harassment Officer) and as well as any designated, trained sexual harassment or sexual violence advisors shall, will be posted with the Policy and local procedures on the location's website and will be readily accessible to the University community. The responsibilities of the Title IX Officer (Sexual Harassment Officer) include, but may not be limited to, the duties listed below:

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

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

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

All members of the University community are encouraged to contact the Title IX Officer (Sexual Harassment Officer) if they observe or encounter conduct that may violate the Policy. This includes conduct by employees, students, or third parties.

Reports of sexual harassment or sexual violence may be brought to the Title IX Officer (Sexual Harassment Officer), or to any manager, supervisor, or other designated employee who is responsible for responding to reports of sexual harassment or sexual violence. If the person to whom harassment normally would be reported is the individual accused of
If the person to whom harassment normally would be reported is actually the individual being accused of harassment, reports may be made to another manager, supervisor, or other designated employee.

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

Reports of sexual harassment or sexual violence should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting, prompt reporting will better enable the University to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported, even if a significant amount of time has passed. However, delaying a report may impede the University's ability to conduct an investigation and/or to take appropriate remedial actions.

1. Required Notifications For Reports of Sexual Violence

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

- How and to whom the alleged offense should be reported;
- Options for reporting to and/or notifying law enforcement and campus authorities, including the option to notify local or on-campus law enforcement authorities; the right to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; and the right to decline to notify such authorities;
- The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts— and, as well as the University’s responsibilities regarding such orders;
- The importance of preserving evidence that may be necessary to prove that the alleged criminal domestic violence, dating violence, sexual assault, or stalking occurred or to obtain a protection order;
- Existing campus and community services available for victims including counseling, health, mental health, victim advocacy, legal assistance, and other services; available both within the institution and the community.
- Options for, and available assistance to, change academic, living,
transportation, and working situations, if requested by the complainant requests, and if such options are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;

- Any applicable procedures for institutional disciplinary action.

2. Options for Resolution

Individuals reporting sexual harassment or sexual violence shall be informed about their options for resolving potential violations of the Policy. These options shall include procedures for but are not limited to:

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

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

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

Individuals reporting sexual harassment and sexual violence shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the incident, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes:

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

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

- reported sexual harassment or sexual violence in good faith;
- assisted someone with a report of sexual harassment or sexual violence; or
- participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence, may make a report of
3. Procedures for Early Resolution

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

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

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

• mediating an agreement between the parties, (not for incidents of sexual violence),

• separating the parties,

• referring the parties to counseling programs,

• negotiating an agreement for disciplinary action,

• conducting targeted preventive educational and training programs,

• or providing remedies for the individual harmed by the offense. Early Resolution also includes options such as,

• discussions with the parties,

• making recommendations for resolution, and

• conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively. Early Resolution may be appropriate for responding to anonymous reports and/or third-party reports. All of the steps taken to encourage Early Resolution, and any agreements reached through Early Resolution efforts, should be documented.

While the University encourages Early Resolution of a complaint, the University does not require that parties participate in Early Resolution prior to the University’s decision to initiate a Formal Investigation. Some reports of sexual harassment or sexual violence may not be appropriate for mediation but may require a Formal
Investigation at the discretion of the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints. The University will not compel a complainant to engage in mediation. Mediation, even if voluntary, may not be used in cases involving sexual violence.

4. Procedures for Formal Investigation

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

In such cases, the individual making the report may be encouraged to file a written request for Formal Investigation. The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a Formal Investigation of the report of sexual harassment or sexual violence.

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

In cases where a complainant states that he or she does not want to pursue a Formal Investigation, the Title IX Officer (Sexual Harassment Officer) should inform the complainant that the ability to investigate may be limited. When determining whether to go forward with a Formal Investigation, the Title IX Officer (Sexual Harassment Officer) may consider:

- 1) the seriousness of the allegation,
- 2) the age of the student in the case of a student complainant,
- 3) whether there have been other complaints or reports against the respondent,
- 4) the rights of the accused individual, and
- if the accused individual has the right to receive information about the complainant and/or the allegations if formal proceedings with sanctions may result from the investigation.

Even if a complainant does not want to pursue an investigation, under some circumstances, the Title IX Officer (Sexual Harassment Officer) may have an obligation to investigate a complaint, such as when there is a risk to the campus community if the accused remains on campus. The complainant should be made aware of this independent obligation to investigate the complaint.

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

The individual(s) accused of conduct violating the Policy shall must be provided with a copy of the written request for Formal Investigation or otherwise given a full and complete written statement of the allegations, and a copy of the Policy; and

The individual(s) conducting the investigation shall must:

i) Be familiar with the Policy;

ii) Have training or experience in conducting investigations, and as relevant to the investigation;

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

iv) For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to sexual violence. Such training includes how to conduct an investigation that protects the safety of the complainants and promotes accountability.

(b) If the alleged conduct is also the subject of a criminal investigation, the campus may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this Policy. However, a campus may need to coordinate its fact-finding efforts with the police investigation. Once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the campus must promptly resume and complete its fact-finding for the sexual harassment or sexual violence investigation.

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

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

Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

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

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

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

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

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

(d)(g) ______ The investigation should be completed as promptly as possible and in most cases within 60 working days from the date that the request for formal investigation was filed. This deadline may be extended on approval by a designated University official. Timeframe extensions will only be made for good cause, with written notifications to the complainant and the respondent, including the reason for the delay.

(e)(h) Generally, an investigation results in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator whether this Policy has been violated. The report also may contain a recommendation for actions to resolve the complaint, including preventive educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The report is submitted to a designated University official with the authority to implement the actions necessary that aim to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

(a) According to University policy that governs privacy and access to personal information, the complainant shall be informed if there were findings made that the Policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with University policies protecting individuals’ privacy, the complainant may generally be notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the.
accused, consistent with Section V.E.

(f)(i) The complainant and the accused [the respondent] may request a copy of the investigative report, and 2) the report pursuant to University policy governing privacy and access to personal information. However, in accordance with University policy, the report shall be redacted to protect the privacy of any personal and confidential information regarding all individuals other than the individual requesting the report.

(g)(j) At the conclusion of any disciplinary proceeding arising from an allegation of domestic violence, dating violence, sexual assault or stalking, the complainant and the accused [respondent] will be simultaneously be informed of the following in writing of:

i. The outcome of any University proceeding, including
   1. the final determination with respect to the alleged offense;
   2. any sanction that is imposed against the respondent; and
   3. the rationale for the result and the sanction;

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

iii. The University’s procedures for appealing the results of the proceeding;

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

v. When results become final.

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

Instead of, or in addition to, reporting to a Title IX Officer (Sexual Harassment Officer) or other appropriate designated officials, an individual who believes he or she has been subjected to sexual harassment or sexual violence may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure listed in Appendix I: University Complaint Resolution and Grievance Procedures. Such complaint or grievance may be filed either instead of or in addition to making a report of sexual harassment to the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints under this Policy. A complaint or grievance alleging sexual harassment or sexual violence must meet all of the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing, listed in Appendix I: University Complaint Resolution and Grievance Procedures.

If a complaint or grievance alleging sexual harassment or sexual violence is filed in addition to a report made to the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints under this Policy, the complaint or grievance shall be held in abeyance put on temporary hold, subject to the requirements of any applicable
complaint resolution or grievance procedure, pending the. It will remain suspended until there is an outcome of the Early Resolution or Formal Investigation procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution or Formal Investigation shall constitute the first step or steps of the applicable complaint resolution or grievance procedure.

An individual who has made a report of sexual harassment or sexual violence can also file a complaint or grievance alleging that the actions taken in response to the report of sexual harassment or sexual violence did not follow Policy. Such a complaint or grievance may not be filed to address the disciplinary sanction, if any, that was imposed upon the accused respondent. Any complaint or grievance regarding the resolution of a report of sexual harassment or sexual violence must be filed in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment or sexual violence investigation or other resolution process pursuant to this Policy, and/or the actions taken by the administration in response to the report of sexual harassment or sexual violence, whichever is later. The individual was notified of:

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

D. Remedies and Referral to Disciplinary Procedures

Findings of Policy violations may be considered to determine remedies for individuals harmed by the violations, and a report of sexual harassment or sexual violence shall be referred to applicable local results in a recommendation for disciplinary action, there are applicable disciplinary action procedures that should be followed. In addition, these procedures should guide any remedies for the complainant.

Procedures under this Policy shall be coordinated with applicable local complaint resolution, grievance, and disciplinary procedures, to avoid any duplication in the fact-finding process whenever possible. Violations of the Policy may include:

- engaging in sexual harassment or sexual violence,
- retaliating against a complainant who reports sexual harassment or sexual violence, or
- violating interim protections.

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

E. Privacy

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

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

An individual who has made a report of sexual harassment or sexual violence may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). In addition, when the offense involves a crime of violence or a non-forcible sex offense, the Family Educational Rights and Privacy Act permits disclosure to The complainant will be informed of the final results of a disciplinary proceeding against the alleged accused, regardless of whether the University concluded that a violation was committed, including information regarding disciplinary action taken against the accused shall not be disclosed without the accused’s consent, unless permitted by law as noted above, or unless it is necessary to ensure compliance with the action or the safety of individuals.

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

Each location shall identify confidential resources with whom members of the University community can consult for advice and information regarding sexual harassment and/or advice about making a report of sexual harassment and/or sexual violence. These resources shall provide individuals who may be interested in bringing a report of sexual harassment or sexual violence with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. These resources shall and will be posted on the location’s website. Such confidential resources include:

- campus ombudspersons and/or:
  - a survivor advocacy office,
  - licensed counselors in employee assistance programs or,
  - licensed counselors in student counseling centers.

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

The locations shall notify the University community that certain University employees, such as the Title IX Officer (Sexual Harassment Officer), managers,
supervisors, and other designated employees, have an obligation to respond to reports of sexual harassment or sexual violence, even if the individual making the report requests that no action be taken. An individual's requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible.

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

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

The office of the Title IX Officer (Sexual Harassment Officer) is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with University records policies. Records that fall under the scope of the Clery Act will be retained for 7 years, according to federal law. All records pertaining to pending litigation, or a request for records shall be maintained according to instructions from legal counsel.

VI. RELATED INFORMATION

A. Violence Against Women Reauthorization Act (VAWA) of 2013
B. University of California Statement of Ethical Values
C. Standards of Ethical Conduct
D. Academic Personnel Manual (APM) Section 015, The Faculty Code of Conduct (referenced in Section III.D, footnote 1)
E. Academic Personnel Manual (APM) Section 016, University Policy on Faculty Conduct and the Administration of Discipline (referenced in Section III.D, footnote 1)
F. Academic Personnel Manual (APM) Section 035, Affirmative Action and Nondiscrimination in Employment (referenced in Section III.D, footnote 2)
G. Academic Personnel Manual (APM) Section 150, Non-Senate Academic Appointees/Corrective Action and Dismissal
(referenced in Section III.D, footnote 2)

J. Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters (referenced in Section III.D, footnote 2)

K. Personnel Policies for Staff Members 12 (Nondiscrimination in Employment) (referenced in Section III.D, footnote 2)

L. Policy on Student Conduct and Discipline

M. Student-Related Policy Applying to Nondiscrimination on the Basis of Sex (referenced in Section III.D, footnote 2)

N. University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment (referenced in Section III.D, footnote 2)

O. UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information

P. University of California Policies Applying to Campus Activities, Organizations, and Students (referenced in Section III.D, footnote 2)


R. University of California Non-Discrimination Policy

S. Guidelines on Sexual Harassment and Sexual Violence Outcome Reporting

P.T. Government Code 12950.1
VII. FREQUENTLY ASKED QUESTIONS

1. Who can be considered a Representative as described in Section V (B)(4)(e)?
   A representative includes any individual who provides the complainant or respondent support, guidance, or advice (including attorneys). The institution cannot limit the choice of an advisor, but may establish certain restrictions regarding the extent to which the advisor can participate in the proceedings as long as the restrictions apply equally to both parties.²

2. What is a “result” or “outcome” of a disciplinary proceeding?
   A result or outcome includes any initial, temporary, and final decision made by any official or authorized person, that aims to resolve a disciplinary matter within the institution. The result must include any sanctions imposed by the institution. The result must also include the rationale for the result and the sanctions. For more information, please see the “Guidelines on Sexual Harassment and Sexual Violence outcome reporting”.

² Proposed regulation 34 C.F.R. 668.46(k)(2)(iii)-(iv) provides: (k) Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. As required by paragraph (b)(11)(vi) of this section, an institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking and that - ...(2) Provides that the proceedings will....
   (iv) Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisory any participate in the proceedings, as long as the restrictions apply equally to both parties.
VIII. REVISION HISTORY

XX/XX/2015 –

02/25/104 - This policy was reformatted into the standard University of California policy template effective 02/25/2014.

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

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

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

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

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

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

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

**Academic Personnel:**
- Members of the Academic Senate: Senate Bylaw 335
- Non-Senate Academic Appointees: APM - 140
- Exclusively Represented Academic Appointees: Applicable collective bargaining agreement

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

**Staff Personnel:**
- Senior Managers: PPSM II-70
- Managers and Senior Professionals, Salary Grades VIII and IX: PPSM 71
- Managers and Senior Professionals, Salary Grades I – VII; and Professional and Support Staff: PPSM 70
- Exclusively Represented Staff Personnel: Applicable collective bargaining agreement
- Lawrence Berkeley National Laboratory Employees: Applicable Laboratory policy

**All:**

The University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy) and the University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy), which govern the reporting and investigation of violations of state or federal laws or regulations and University policy, including sexual harassment.
APPENDIX II: University Disciplinary Procedures

Applicable procedures and policies if a report of sexual harassment or sexual violence results in a recommendation for disciplinary action:

A. The Faculty Code of Conduct (APM - 015) (as approved by the Assembly of the Academic Senate and by The Regents)

- outlines the ethical and professional standards which University faculty are expected to observe. It also, and
- identifies various forms of unacceptable behavior which are applicable in cases of sexual harassment or sexual violence.

Because the forms of unacceptable behavior listed in The Faculty Code of Conduct are interpreted to apply to sexual harassment or sexual violence, a violation of the University’s Policy on Sexual Harassment and Sexual Violence also constitutes a violation of the Faculty Code of Conduct. The University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.

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

C. The Policies Applying to Campus Activities, Organizations, and Students sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that can be imposed for each of those violations of University policies or campus procedures.

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

- PPSM-62: Corrective Action
- PPSM-63: Investigatory Leave
- PPSM-64: Termination of Career Employees – Professional and Support Staff
- PPSM-65: Termination of Career Employees - Managers & Senior Professionals, Salary Grades I through VII
- PPSM-67: Termination of Career Employees – Managers & Senior Professionals, Salary Grades VIII and IX
The University of California is committed to creating and maintaining an atmosphere free of harassment, exploitation, and/or intimidation for every individual in our community. The University’s policy on Sexual Harassment and Sexual Violence establishes the University’s staunch position, as well as the various means of addressing any such instances of sexual harassment and/or sexual violence.

### On Campus Resources

**CARE Advocate**  
Confidential 24 hour counselor available for crisis support and referral services  
(510) 642-4444  
CAREAdvisor@campus.edu

**The UC Police Department**  
(510) 643-7985 (24-hour line)  
(510) 642-3333 (24-hour emergency line)

### Off Campus Resources

**A Safe Place**  
Oakland hotline, shelter, crisis referral, advocacy, counseling, emergency food, clothing and transportation.  
24-hr. crisis line: (510) 536-SAFE (7233)

**BAWAR**  
24-hr hotline staffed by trained counselors. Accompanies survivors to police dept., hospitals, courts. Offers short term counseling and support groups, and resources for long-term counseling. Special outreach to Latina survivors.  
24-hr. crisis line: (510) 845-RAPE (7273)

### What do I do if I've been sexually assaulted?

- Find a safe location away from your attacker. If you cannot get somewhere safe, call 911 right away.
- Get medical attention. Do not shower, eat, drink, go to the bathroom, brush your teeth or change your clothes before going to the hospital.  
  - If you want to change your clothes, put them in a paper (not plastic) bag and bring them to the hospital.
  - Seeking medical attention right away will reduce your risk of pregnancy and STI’s.
- Seek support. Sexual assault is a traumatic experience. If you feel comfortable, seek support from a CARE Advisor, friend or family member.

### How can I help someone who may have been sexually harassed or sexually assaulted?

- Remember that the victim's wellbeing must be considered before all other matters.
- Immediately reporting a case to the police could be more traumatic for the victim than beneficial. Let them make the decision to report (or not report).
- Talk to the person and reinforce that they are not at fault. However, if the individual does not wish to talk to you, respect their decision.
- Contact resources below for information on how to best support a friend through his or her healing process.

See the [UC Sexual Harassment and Sexual Violence policy](#) for further information on:

- Prohibited conduct and Affirmative Consent
- Confidentiality of Reports of Sexual Harassment and Sexual Violence
- Procedures for Reporting and Responding to Reports of Sexual Harassment or Sexual Violence
- University Complaint Resolution and Grievance Procedures