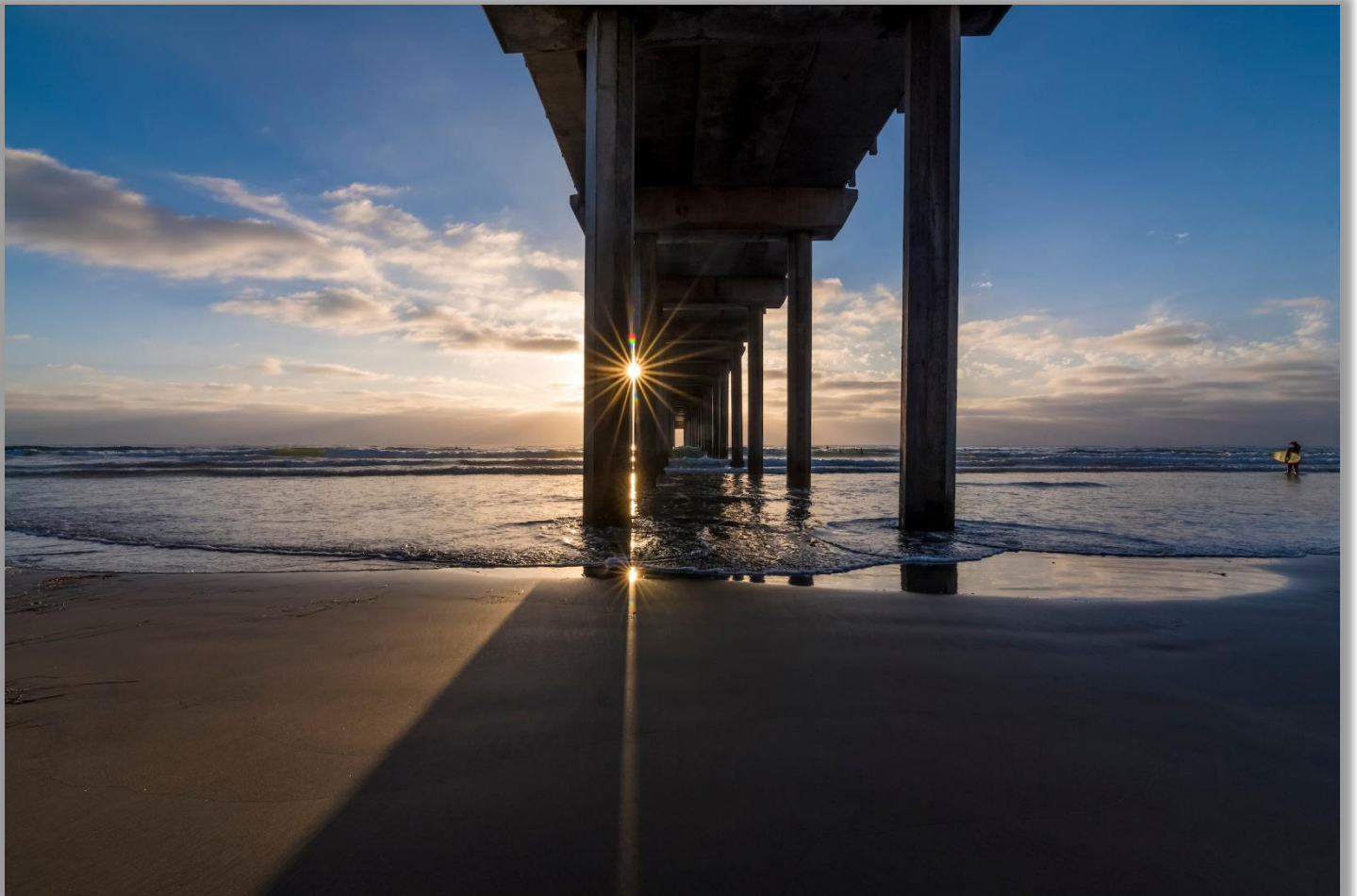


**2024**

# **ANNUAL SECURITY & FIRE SAFETY REPORT**

(Includes Crime Statistics for Calendar Years 2023, 2022 and 2021)



## **Non-Discrimination Policy**

The University of California, in accordance with applicable federal and state laws and university policies, does not discriminate on the basis of race, color, national or ethnic origin, religion, sex, gender identity, gender expression, gender transition, pregnancy (including pregnancy, childbirth, and medical conditions related to pregnancy or childbirth), physical or mental disability, medical condition (cancer related or genetic characteristics), predisposing genetic information (including family medical history), ancestry, marital status, age (at least 40 years of age), sexual orientation, citizenship, or veteran or military status. This nondiscrimination policy covers admission, access, and treatment in university programs and activities. The University of California Anti-Discrimination Policy can be found at: <https://policy.ucop.edu/doc/1001004/Anti-Discrimination>.

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

Office for the Prevention of Harassment & Discrimination

University of California San Diego

9500 Gilman Dr. # 0024

La Jolla, CA 92093-0024

(858) 534-8298

<https://ophd.ucsd.edu>

Michael Diaz

Director, Office for the Prevention of Harassment & Discrimination/Title IX Officer

(858) 534-8298

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*Note: The Annual Security and Fire Safety Report contains summaries of existing laws and regulations and University policies. Please refer to the applicable cited laws, regulations, and policies for the current and full text of the law, regulation, or policy.*

## I. The Clery Act

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

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

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

The University of California Clery Act Policy can be found at <https://policy.ucop.edu/doc/1100669/Clery>.

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



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## II. Preparing the *Annual Security and Fire Safety Report*

The statements of policies and procedures presented in the *Annual Security and Fire Safety Report* have been prepared by members or designees of the Clery Compliance Committee, and other campus partners, including

representatives from the following departments:

- Academic Personnel Services
- Campus Advocacy, Resources, and Education at the Sexual Assault Resource Center (CARE at SARC)
- Campus Fire Marshal
- Center for Student Involvement
- Center for Student Accountability, Growth, and Education (SAGE) (formerly known as the Office of Student Conduct)
- Counseling and Psychological Services
- Council of Deans of Student Affairs
- Environment, Health & Safety
- Facilities Management
- Faculty and Staff Assistance Program
- Health Promotion Services
- Housing Dining Hospitality
- Human Resources: Employee Relations
- Office of Ethics & Compliance (OEC)
- Office for the Prevention of Harassment & Discrimination (OPHD)
- Undergraduate Colleges: Residence Life & Student Affairs
- UC San Diego Police Department
- UC San Diego Health Emergency Management / Business Continuity / Telecom Operator Services
- UC San Diego Health Employee Relations
- UC San Diego Health Security Services

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University that are based upon reports of Clery Act crimes occurring on Clery geography that are (1) reported directly to the UC San Diego Police Department; (2) reported to Campus Security Authorities, who then submit reports of the crimes to the UC San Diego Police Department; or (3) reported to local law enforcement agencies. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year in which the crime was reported. All of the statistics are gathered, compiled, and reported to the University community via this *Annual Security and Fire Safety Report*. These statistics are also submitted to the U.S. Department of Education. The *Annual Security and Fire Safety Report* is distributed to all students, faculty and staff each year by email and is available at <https://www.police.ucsd.edu/docs/annualclery.pdf>. Paper copies of the *Annual Security and Fire Safety Report* may be obtained by contacting the UC San Diego Police Department at (858) 534-4361 or in person at the UC San Diego Police Department located in Campus Services Complex, Bldg. B.

### **III. Reporting Crimes and Emergencies**

#### **A. Reporting to Law Enforcement**

The University encourages crime victims, witnesses or anyone who learns about a crime to report the crime or emergency accurately and promptly to the UC San Diego Police Department, or to the San Diego Police Department if you are off campus and within the city of San Diego, or to any appropriate police agency. Crimes should be reported when the victim of such crime elects to report, or is unable to make such a report. Every report made to the UC San Diego Police Department is reviewed to determine whether a follow-up investigation is required; whether a Timely Warning to the UC San Diego community is warranted; and whether the incident qualifies as a Clery reportable statistic for the *Annual Security and Fire Safety Report*.

Please see [Section VII](#) for UC San Diego's Timely Warning policy statement.

The UC San Diego Police Department is located at Campus Services Complex, Bldg. B and can be reached twenty-four hours a day at 9-1-1 or (858) 534- HELP (4357). For off campus locations, calls for assistance should be directed to the local law enforcement agency, such as the San Diego Police Department.

The UC San Diego Police Department Communications Center is a Public Safety Answering Point (PSAP), which is staffed 365 days per year, 24 hours a day with a dispatcher to respond to 9-1-1 and administrative calls.



*Credit: Officer Larry Darwent, UC San Diego Police Department*

In response to information received in the Communication Center from these calls, the UC San Diego Police Department will take the required action, which could include the dispatching of an officer or making a request for the victim to come to the Police Department to file a report. In some cases, incoming 9-1-1 calls are transferred to the appropriate PSAP having jurisdiction over the location of the reported incident. Criminal cases which involve student suspects are shared with the Center for Student Accountability, Growth, and Education for review and potential action through the non-academic student conduct process.

The UC San Diego Police Department also has the ability to notify San Diego County emergency dispatchers of emergency situations occurring on or off campus via portable, mobile, and Land Mobile Radio (LMR) communications systems. This radio system allows the Police Department to summon assistance from emergency responders from surrounding agencies and patch the radio communications together for a coordinated response, if deemed necessary and appropriate.

Crimes may also be reported to Campus Security Authorities (“CSAs”). CSAs who are not otherwise authorized to do so, will not investigate the crime, but they submit reports to the UC San Diego Police Department online or via a fillable pdf available at [www.clery.ucsd.edu](http://www.clery.ucsd.edu). The UC San Diego Police Department assesses the information provided in the Campus Security Authority Crime Report Form, determines whether an immediate response is warranted, if a Timely Warning should be issued, and determines appropriate follow-up. Please see [Section III.B](#) for a description of Campus Security Authorities.

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

Incidents that qualify as sex offenses, dating violence, domestic violence or stalking should also be reported to the Office for the Prevention of Harassment & Discrimination pursuant to Title IX and UC Policy. See [Appendix C](#).

Reports can be made online using the [OPHD Incident Report Form](#) or by calling (858) 534-8298 or emailing [ophd@ucsd.edu](mailto:ophd@ucsd.edu).

Clery Act crimes occurring on Clery geography that are reported to the UC San Diego Police Department, Office for the Prevention of Harassment & Discrimination, Center for Student Accountability, Growth, and Education, UC San Diego Health Security Services, other CSAs and local law enforcement agencies are used to compile the crime statistics for this *Annual Security and Fire Safety Report*.

### IMPORTANT NUMBERS:

#### **For on campus emergencies (police, fire, or medical):**

Dial 9-1-1 from a campus or mobile phone.

Use one of the emergency call boxes located in the parking lots or parking structures. Use the emergency intercom system located in most building elevators.

#### **For off-campus emergencies:**

Dial 9-1-1 from a hardwired phone.

Dial 9-1-1 from a mobile phone to reach either local law enforcement or the California Highway Patrol.

## **B. Campus Security Authorities (“CSAs”)**

Individuals identified as Campus Security Authorities (“CSAs”) must report Clery Act crimes, which they directly witness or learn about in the course of their duties, to the UC San Diego Police Department, regardless of whether the victim chooses to file a report with law enforcement or to press charges.

In addition to the UC San Diego Police Department, CSAs include, but are not limited to, staff in the Office for the Prevention of Harassment & Discrimination and the Center for Student Accountability, Growth, and Education. CSAs also include UC San Diego Health Security Services, as well as athletic coaches and assistant coaches, Deans and Assistant Deans of Student Affairs, Resident Assistants and House Advisors.

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

The University strongly encourages all members of the community to report crimes directly to the UC San Diego Police Department. If the incident involves dating violence, domestic violence, sexual assault or stalking, CSAs who are also Responsible Employees as defined under Title IX and University of California Policy must also make a report to the Office for the Prevention of Harassment & Discrimination. See [Appendix C](#) for the University of California *Sexual Violence and Sexual Harassment Policy*.

## **C. Pastoral and Professional Counselors**

The Clery Act requires the University to disclose our policies relating to reporting requirements for pastoral and professional counselors. Pastoral counselors and professional counselors are not required to report Clery crimes to the UC San Diego Police Department for inclusion in the *Annual Security and Fire Safety Report* or for review of a possible issuance of a Timely Warning. UC San Diego does not have any procedures which encourage

pastoral counselors or professional counselors, at their discretion, to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion in the *Annual Security and Fire Safety Report*. However, anyone may report a crime to the UC San Diego Police Department on a voluntary or anonymous basis. See [Section III.D](#) below.

## **D. Voluntary and Confidential Reporting**

UC San Diego encourages all victims or witnesses of a crime to file a report with the UC San Diego Police Department. Individuals wishing to make a report to the UC San Diego Police Department on a voluntary, confidential, or anonymous basis may do so online.

The UC San Diego Police Department uses an anonymous tip reporting tool so campus and community members can report a crime or share crime tips anonymously. Please refer to <http://police.ucsd.edu/services/anonymous.html> for the most current information on anonymous crime reporting. Additionally, these anonymous reports will be included in the statistics presented in the *Annual Security and Fire Safety Report* if they meet Clery Act definitions.

In addition, CSAs who are submitting reports of Clery crimes to the UC San Diego Police Department are not required to identify the victim by name if the victim wishes to remain anonymous. Further, the Police Department will advise victims of sexual violence that they may pursue Confidential Victim status pursuant to California Penal Code Section 293.

UC San Diego does not have other procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the *Annual Security and Fire Safety Report*.

## **E. Daily Crime and Fire Log**

The UC San Diego Police Department maintains a Daily Crime and Fire Log. The log for the most recent 60-day period is open for public inspection during normal business hours Monday-Friday at Campus Services Complex, Bldg. B and is available at: [http://www.police.ucsd.edu/docs/reports/CallsandArrests/Calls\\_and\\_Arrests.asp](http://www.police.ucsd.edu/docs/reports/CallsandArrests/Calls_and_Arrests.asp).

Subject to applicable federal and state retention periods, any portion of the log that is older than 60 days will be made available within two business days of a request for public inspection. The Daily Crime and Fire Log contains the following information:

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

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



## IV. UC San Diego Police Department

### A. Law Enforcement Authority

The UC San Diego Police Department is empowered pursuant to Section 830.2(b) of the California Penal Code and fully subscribes to the standards of the California Commission on Peace Officer Standards and Training (POST). The UC San Diego Police Department has the authority to enforce federal, state and local laws and to conduct criminal investigations and make arrests anywhere in the State of California. They receive the same basic training as city and county peace officers throughout the state, plus additional training to meet the unique needs of a campus environment. The primary jurisdiction of the UC San Diego Police Department is the University campus and one mile surrounding the campus, as indicated in Section 92600 of the California Education Code.

The Department handles all patrol, investigation (with the exception of homicide investigations), crime prevention education, and related law enforcement duties for the campus community, and operates twenty-four hours a day, seven days a week. The UC San Diego Police Department maintains a cooperative relationship with local and surrounding police agencies.

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

The UC San Diego Police Department partners with Housing Dining Hospitality (HDH) to offer the University Safety Official (USO) Program. USOs are Department employees who complete a civilian field-training program, including first aid/CPR, cultural diversity and inclusion, conflict resolution, crisis intervention and mental health support. USOs receive ongoing training and are non-sworn members of the Department who are responsible for educating residents about University housing policies, documenting violations, and are assigned to residential areas of each college where they perform



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security checks of residential facilities, respond to fire and medical calls, identify potential safety hazards, patrol surrounding areas, provide safety escorts, and secure residents' doors, among other services and responsibilities. USOs collaborate with Residential Life staff to conduct safety walks together, provide safety training to residential/housing advisors, and partner with Residential Life to conduct community events. USOs act as liaisons between the Police Department, HDH, and residents. The Department also employs currently enrolled UC San Diego students as Community Service Officials (CSOs) who provide safety-related services, including providing walking escorts, patrolling parking lots, locking buildings, and providing security support at campus events, among other services. CSOs are non-sworn members of the Department.

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

## **B. Law Enforcement Partnerships**

The UC San Diego Police Department and the San Diego Police Department adopted and signed a written agreement on November 6, 2015 that clarifies and affixes operational responsibilities for the investigation of violent and non-violent crimes occurring on University property. Due to the sophisticated investigative resources required to properly investigate certain crimes, the UC San Diego Police Department, by agreement, has arranged in certain circumstances for assistance from the San Diego Police Department. The agreement states that the UC San Diego Police Department will be the primary reporting and investigating law enforcement agency for all crimes occurring on the UC San Diego campus, with the exception of homicide/manslaughter. In cases of homicide/manslaughter, the San Diego Police Department will be the lead reporting and investigating agency. The San Diego Police Department will be the primary reporting and investigating law enforcement agency for all crimes occurring in the vicinity of the UC San Diego campus, but outside the boundaries of the main campus. Both agencies will continue to provide mutual aid assistance as appropriate when requested.

In addition, the UC San Diego Police Department seeks assistance from federal, state, and county law enforcement agencies as needed. The UC San Diego Police Department is a signatory to the Memorandum of Understanding maintained by the San Diego County Police Chiefs and Sheriffs Association’s consent pursuant to Section 830.1 of the California Penal Code, dated January 3, 2007.

## **C. Firearms and Weapons**

The following is a summary of some of the laws pertaining to firearms, weapons, or destructive devices on University property:

- It is unlawful for any person to bring or possess any firearm (loaded or unloaded) upon the campus of, or buildings owned or operated for student housing, teaching, research or administration by a public or private university (certain exceptions apply).<sup>1</sup>
- It is unlawful for any person to bring or possess any dirk, dagger, ice pick, or knife having a fixed blade longer than 2.5 inches upon the grounds of, or within the University of California (certain exceptions apply).<sup>2</sup>
- It is unlawful for any person to bring or possess a less lethal weapon, as defined in California Penal Code Section 16780, or a stun gun, as defined in California Penal Code Section 17230, upon the grounds of, or within a public or private university (certain exceptions apply).<sup>3</sup>
- It is unlawful for any person, except in self-defense, to draw or exhibit an imitation firearm, in a threatening manner against another in such a way as to cause a reasonable person apprehension or fear of

<sup>1</sup> Cal. Penal Code §§ 626.9(h), (i).

<sup>2</sup> § 626.10(b).

<sup>3</sup> § 626.10(i).

bodily harm.<sup>4</sup>

- It is unlawful for any person to possess a destructive device except as provided by law.<sup>5</sup>
- It is unlawful for any person to manufacture, import into the state, keep for sale or offer for sale, give, lend or possess any: metal military practice hand grenade or metal replica hand grenade; air gauge knife; belt buckle knife; lipstick case knife; writing pen knife; ballistic knife; metal knuckles; leaded cane; billy; blackjack; slungshot; sandbag; sandclub; sap; shuriken; any undetectable or camouflaging firearm container; cane gun; wallet gun; or zip gun.<sup>6</sup>
- It is unlawful for any person to possess or commercially manufacture or cause to be commercially manufactured or who knowingly imports into the state for commercial sale, keeps for commercial sale or offers for commercial sale any composite knuckles or hard wooden knuckles.<sup>7</sup>

Please refer to the California Penal Code for additional information.

## V. Local Law Enforcement Monitoring and Recording of Non-Campus Criminal Activity

Local law enforcement agencies do not monitor or record criminal activities which students may engage in at non-campus locations of registered student organizations on behalf of UC San Diego. The UC San Diego Police Department does not provide law enforcement services to any off-campus activities of registered student organizations outside of its patrol jurisdiction. The Center for Student Involvement maintains contact with recognized fraternities and sororities through the function of the Sorority and Fraternity Life. Criminal activity at locations outside of the UC San Diego Police Department's patrol jurisdiction would be handled by the local police department (e.g., the San Diego Police Department). The UC San Diego Police Department maintains a solid working relationship with allied police agencies and exchanges relevant information as appropriate. If the UC San Diego Police Department learns of criminal activity at any off-campus activities of registered student organizations occurring outside its patrol jurisdiction, it may coordinate the local police department's forwarding of information about the situation to the Center for Student Accountability, Growth, and Education or the Office for the Prevention of Harassment & Discrimination, as appropriate.

UC San Diego expects all registered student organizations to abide by the UC Policy on Student Conduct and Discipline and the UC San Diego Student Conduct Procedures. The University may extend its jurisdiction to non-campus activities pursuant to the Student Conduct Procedures. (See the Student Conduct Procedures for more details.)

### **Take Responsibility For Your Own Safety. Helpful reminders for residents:**

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

For additional information on how to keep yourself safe in various situations, visit <http://police.ucsd.edu/resources/tips.html>.

<sup>4</sup> § 417.4.

<sup>5</sup> § 18710.

<sup>6</sup> §§ 19200, 20310, 20410, 20610, 20910, 21110, 21810, 22210, 22410, 24310, 24410, 24710, and 33600.

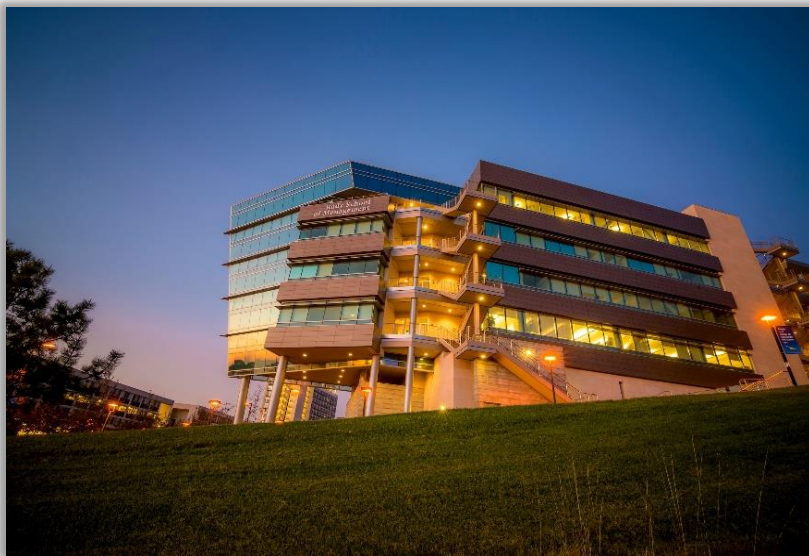
<sup>7</sup> § 21710.

## VI. Security, Access and Maintenance of Facilities

### A. Security of, and Access to Facilities

#### 1. Campus Facilities

UC San Diego is a public university; therefore, most of the buildings on campus are open to the public, such as Geisel Library and the Price Center. However, UC San Diego has several labs and business areas that are not open to the public. Most facilities have individual operating hours, and the hours vary depending on the time of year — some facilities are open for extended hours to accommodate evening classes, research or other special events and programs. Access to some of these buildings is controlled electronically. As with all technology, the system is not infallible, and all community members are advised to remain vigilant with regard to security matters.



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Administrative buildings and department-assigned offices and laboratories typically assign responsibility for their maintenance and security to building Management Services Officers or Security Services. Many campus buildings utilize intrusion alarms, panic buttons, and video cameras to enhance security in their areas.

As a safety matter, doors should not be propped open, especially those in secure areas. It is every employee's responsibility to report suspicious activity and unauthorized visitors, and to report damaged or malfunctioning doors or windows for immediate repair. Employees should have Employee IDs with them at all times.

Employees may engage with unknown persons to provide wayfinding guidance as appropriate. If the employee does not feel comfortable or safe to engage with the individual(s), they should contact the UC San Diego Police Department for assistance. Individual offices should be locked when unattended, and University keys should never be given to persons not authorized to possess them.

See <https://police.ucsd.edu/resources/tips.html> for some additional safety tips.

In partnership with the Lock Shop, the UC San Diego Police Department has purchased and currently maintains an enterprise-level access control system, which continues to transition disparate access control building systems to a centralized model; this centralization provides scheduled unlocking and securing of locations, lock-down capabilities, and audit capabilities for patrons of campus facilities. Facilities Management has also recently formalized a temporary key checkout policy. All temporary key checkout records are kept in an online campus maintenance management system (Maximo), which allows the University to track them digitally and send email notifications when approaching the return date.

The UC San Diego Police Department Community Service Officer (CSO) Program employs students who provide safety escorts during the evening hours. As student employees of the UC San Diego Police Department, the CSOs provide expanded safety and security resources for the campus. They also provide security at special events, assist Library Security in the campus libraries, lock various campus buildings and provide general patrol

of the campus. Call (858) 534-WALK (9255) to request an escort.

University Safety Officials (USOs) are full-time employees who provide security and enforce campus policies. USOs primarily work in the campus residential areas. USOs also provide extra patrol around the trolley stops and provide security at some special events.

The UC San Diego Police Department maintains Emergency Call Boxes in many campus parking lots and main pedestrian thoroughfares for a direct line to request police assistance or a safety escort. Outdoor call boxes are blue towers with a blue strobe light. Multiple broadcast towers labeled “Emergency” are located at main pedestrian thoroughfares. These towers double as callboxes. To use, press the button and you will be connected to the UC San Diego Police Department. Existing locations for each tower can be found at:

<https://police.ucsd.edu/services/callbox.html>.

Request a Safety Escort: Call extension 4-WALK or (858) 534-9255.  
Check out the Emergency Ride Home Program at  
<https://transportation.ucsd.edu/commute/erh.html>.

## 2. UC San Diego Health Facilities

The UC San Diego Health access control policy at both Hillcrest & East Campus (La Jolla) restricts and monitors after-hour entry into the medical centers. This policy involves securing the main entrance and all other ground floor and basement doors after normal operational hours. The need for any exceptions should be submitted by the Department Manager to the Director, Security Services. The Emergency Department corridor entrance and Emergency Department waiting room entrance remain unlocked twenty-four (24) hours each day.

“Restricted Access” areas are UC San Diego Health spaces designated by the Director, Security Services for stringent access control. Security Services require staff requesting access to these areas to be pre-approved by the Department Manager responsible for the space. Security Services is available to consult with Department Managers to design appropriate alarm and access control systems to restrict access to these areas. Access to offices, laboratories, storage areas and other work spaces is limited to authorized personnel. Employees may engage with unknown persons to provide way-finding guidance, as appropriate. If the employee does not feel comfortable or safe to engage with the individual(s), they should contact security for assistance.



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All spaces not in use will be secured. Staff will only use their access cards to gain entry into areas they are authorized to work. At no time shall staff share or loan their access badge with another employee or unauthorized user to access an area or building for any reason. Key control policies are stringent and must be carefully adhered to. Any compromise must be reported immediately to the Director, Security Services or Security Manager.

Staff are required to visibly display a UC San Diego Health identification card while on duty.

## **B. Security of, and Access to Campus Residential Facilities**

Housing Dining Hospitality Services, Residential Life Offices, and the UC San Diego Police Department work closely together to promote a safe and comfortable living and learning environment for resident students. Security in residential areas is supplemented by University Safety Officials (USOs) employed by the UC San Diego Police Department who patrol during the evening hours. Apartments or suite entries require either electronic key card access or hard key access. Individual bedrooms have hard key and electronically controlled card reader access. Housing buildings with electronic locks are protected by multilayer access protocols, including a key card and PIN.

## **C. Security Considerations Used in the Maintenance of Facilities**

### **1. Campus Facilities**

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

Facilities Management, Environment, Health & Safety (EHS) and the UC San Diego Police Department coordinate the Annual Lighting Survey. Representatives from Facilities Management, Residential Life, Environment, Health & Safety, Transportation Services, Housing Dining Hospitality, Campus Planning, the Libraries, Associated Students, and CARE at SARC walk the entire campus evaluating dark areas, safety hazards and other concerns. Recommendations for improvements are forwarded to the appropriate departments. The campus uses an automated maintenance and management system, Maximo, which can document, track, and assess current reports of lighting concerns, failures, and suggestions through the work order system. The University is using this information to better respond to and become proactive in managing lighting concerns.

In an effort to minimize physical security vulnerabilities and enhance overall campus design, the UC San Diego Police Department Physical Security Program Manager performs security assessments for existing buildings upon request, as well as Crime Prevention Through Environmental Design (CPTED) recommendations for planned facilities and campus neighborhood programs. The trained and certified Program Manager and Program Analysts provide security evaluations for lighting, pedestrian and vehicular movement, facility ingress and egress control, and landscape augmentation to minimize areas of concealment; additionally, the Program Manager is responsible for maintaining and expanding physical security systems, such as public safety cameras, access control, intrusion and duress alarms, and the campus-wide gunshot detection system. Please refer to Access Control 101 and Best Practices available at: <https://police.ucsd.edu/about/security/access.html>.

### **2. UC San Diego Health Facilities**

The medical centers conduct an Environment of Care risk assessment program, which is designed to evaluate, reduce, and control environmental hazards and risks of safety-related incidents to the buildings, grounds, equipment, occupants, internal physical systems and safe practices of hospital employees. The Environment of Care Committee is responsible for assuring an ongoing program for identifying and assessing hazards and improving safety practices at the medical centers.

Included within this program are periodic risk assessments, which are conducted by the Security Services office and which reviews the external environment and services provided by UC San Diego Health. A plan of correction will be implemented when new risks are identified.

## VII. Timely Warnings

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



*Credit: Officer Larry Darwent, UC San Diego Police Department*

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

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

- Text Message
- Triton Alert Emergency Notification
- Callbox or other public address system
- Patrol Vehicle (public address system)
- Twitter @UCSDPOLICE
- Low Power Radio —1610 AM
- Everbridge App

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

Timely Warnings shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Incidents may constitute a threat to the community, but they do not meet the criteria of a Clery-reportable crime occurring at a Clery geographic location. In such instances, a “Community Alert Bulletin” may be utilized to notify the community of the threat. The content of the Community Alert Bulletin will vary depending on the type of incident.<sup>8</sup>

## VIII. Emergency Notifications, Response and Evacuation Procedures

### A. Emergency Notifications

This policy applies to emergency notifications sent by the University regarding incidents that occur on on-campus property at UC San Diego as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC Section 1092(f)(6)).<sup>9</sup>

The medical facilities that are located on on-campus property (collectively, the “La Jolla Medical Campus” (“LJMC”)) use a notification system for emergencies that may impact their hospital or clinical settings in addition to receiving Triton Alerts that are issued pursuant to this policy. See map of LJMC geography at Appendix A of PPM 516-29: Emergency Notification Policy located at <https://adminrecords.ucsd.edu/ppm/docs/516-29.HTML>.

#### 1. Introduction

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

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

If an event occurs at the LJMC that may impact the hospital or clinical settings, including an emergency or dangerous situation, the LJMC will activate its Emergency Operations Plan. If the event constitutes an emergency or dangerous situation that has the potential to impact the (non-medical) campus, a TRITON ALERT will also be issued as described in this policy.

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

Any situation or incident that involves a significant emergency or danger that may pose an immediate or ongoing

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<sup>8</sup> Note: The UC San Diego Police Department is not required to issue Timely Warnings with respect to Clery crimes that are reported to professional or pastoral counselors because professional and pastoral counselors are not required to report Clery crimes to the UC San Diego Police Department.

<sup>9</sup> Note: If UC San Diego follows its emergency notification procedures, it is not required to issue a Timely Warning based on the same circumstances.



threat to the health and safety of students, employees and/or visitors on campus should be reported immediately.

## **2. When Emergency Notifications are Sent**

### ***A. Triton Alerts:***

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

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

A TRITON ALERT will be sent for emergencies affecting LJMC if the emergency threatens the health and safety of students and employees beyond the LJMC, or if there is a need for the community outside of the LJMC to be informed of the emergency in order to stay away from the area. The issuance of an LJMC alert typically does not replace the obligation to issue a TRITON ALERT Emergency Notification if one is required.

### ***B. LJMC Alerts:***

The LJMC will activate its Emergency Operations Plan and issue one of four different activation levels (“Level of Activation”), in the event a situation or emergency may impact its hospital or clinical settings. “Level of Activation” is defined as any of four activation levels at which the hospital’s Emergency Operations Plan will become active. An activation can occur at any level and does not require a stepwise sequence of activation.

Level 1 Activation (Alert/Monitoring) occurs when advance notice is received about an incident that has the potential to produce casualties or disrupt normal business operations. The hospital is not currently impacted by the incident (e.g., a severe thunderstorm, a notification about a train accident with no known casualties at that time).

Level 2 (Minor) Activation occurs when there is an incident having a minor impact on hospital operations. This type of activation typically occurs when an incident impacts one or two departments or a small part of operations, its scope is limited and of short duration.

Level 3 (Moderate) Activation occurs when an incident has a moderate impact on operations. This type of activation typically occurs when an incident impacts about half of hospital operations and requires substantial support. The UC San Diego Police Department and Campus Environment, Health & Safety Department are also notified.

Level 4 (Major) Activation occurs when there is an incident with likely significant impact on operations, including the potential for long duration. This type of activation is considered significant, meaning that nearly all normal activities in the hospital are disrupted and the focus of most leadership and staff is on the incident. The UC San Diego Police Department and Campus Environment, Health & Safety Department are also notified.

Some alerts are sent before a Level of Activation is determined. These alerts must be issued immediately before the Hospital Incident Command System can be implemented. These alerts include, but are not limited to Active

Intruder, Active Shooter and Code Adam (abduction or missing infant/child). In the event of an Active Intruder, Active Shooter or Code Adam, or any other non-medical community emergency, the UC San Diego Police Department and Campus Environment, Health & Safety Department must be notified immediately. Based on the situation, a Level of Activation will be implemented as soon as possible after the incident commences.

### **3. Content of Emergency Notifications**

TRITON ALERT Emergency Notifications will contain a brief description of the emergency with instructions about what to do.

#### ***A. Emergency Instructions:***

TRITON ALERT Emergency Notification instructions should be followed immediately. The LJMC Alerts will contain instructions that are applicable to the Level of Activation.

If the emergency affects only a small portion of UC San Diego and is unlikely to impact the larger community, a TRITON ALERT Emergency Notification may be made only to the group affected; this decision will be made by the UC San Diego Police Department Chief, Assistant Chief, Captain, Lieutenant, Watch Commander, the Campus Environment, Health & Safety Department Director or the UC San Diego Campus Emergency Manager.

#### ***B. Evacuations:***

In the event an evacuation of a portion or all of the campus is needed, the TRITON ALERT Emergency Notification will describe those evacuation procedures. The Emergency Operations and Incident Management Plan (EOP) and the [Emergency Management](#) web page also include evacuation guidelines that will be used in the event of a campus evacuation.

In the event an evacuation of part or all of the LJMC is needed, the Emergency Operations Plan Alerts will provide the hospital community with instructions about evacuation procedures.

#### ***C. Follow-up Information:***

After the initial TRITON ALERT Emergency Notification, follow-up information will be distributed by additional TRITON ALERT Emergency Notifications, as needed, until the emergency or threat has concluded and an all-clear message has been sent. Updates and follow-up information will also be added to the [UC San Diego homepage](#) or the [Campus Emergency Current Status](#) page, or another website created specifically for the emergency as appropriate. The updates and follow-up information will be completed by the Executive Director, Internal Communications or the Senior Executive Director, Public Relations or their designee within the Public Relations department.

The LJMC is responsible for issuing an all-clear message for all alerts. The all-clear message types may be limited to personnel initially notified of an incident.

### **4. Method of Providing TRITON ALERT Emergency Notifications**

#### ***A. E-MAIL to Official UC San Diego Accounts:***

When it has been determined that a TRITON ALERT Emergency Notification is required, an e-mail will be sent to all students, faculty and staff at their official ucsd.edu e-mail address. The university-wide e-mail subject line will be "TRITON ALERT." University students, faculty and staff may **not** opt-out of receiving TRITON

ALERT Emergency Notifications sent to their official UC San Diego email account.

***B. TEXT to Mobile Numbers:***

On an annual basis, all UC San Diego students, faculty and staff will be asked to provide text message contact information to be used for the purpose of receiving TRITON ALERT Emergency Notifications, Timely Warnings, Community Alert Bulletins, or as part of a drill to test the TRITON ALERT Emergency Notification system. In order to receive these notifications via text message, individuals must provide accurate and up-to-date contact information.

Students, faculty and staff are reminded to update their contact numbers once a year and are advised to update the information sooner if it changes. Contact information may be updated at the [Triton Alert Emergency Notifications](#) page. UC San Diego strongly encourages all students, faculty and staff to provide contact information for text messages; however, individuals may opt-out from receiving these notifications via text message. Opt-out information may be found at the [Triton Alert FAQ](#) page.

Standard text messaging rates apply.

***C. Additional Methods of Providing TRITON ALERT Emergency Notifications/Emergency Information:***

Everbridge mobile app, telephone, loudspeakers, bullhorns, Talkaphone Callboxes, UC San Diego Police Department vehicle public address systems, building fire alarm systems or paper postings are methods that may also be used to relay information in an emergency or threatening situation.

Emergency information may also be provided through announcements to [TritonLink](#), [Blink](#), campus emergency status messages, social media websites, and the UC San Diego Radio Station (1610 AM).

***D. Method of Providing Emergency Notifications at LJMC:***

**Levels of Activation:**

*Level 1 Alert* - Key personnel alerted via page, text or email.

*Level 2 Alert* - Key personnel alerted via page, text or email - Opening of the Hospital Command Center, either virtually or physically, with limited positions assigned as the situation warrants.

*Level 3 Alert* - Key personnel alerted via page, text or email - activation of Hospital Incident Command System team. Enhanced management in the Hospital Command Center is required.

*Level 4 Alert* - All staff notified via page, text, email and overhead announcement system.

Other timely alerts may be issued to Health System personnel before a Level of Activation is implemented, such as an Active Intruder, Active Shooter and Code Adam (abduction or missing infant/child). The method of communication for these alerts without a Level of Activation may be different based on the emergency code or incident, but will usually go out multimodally – page, text, email, and/or overhead system.

**5. Institutional Officials Authorized to Send TRITON ALERT Emergency Notifications**

In the case of a reported significant emergency or threat, the UC San Diego Police Department Watch Commander or the UC San Diego Campus Emergency Manager, or in the event neither is available, their

designated substitutes, will confirm with first responders / area experts whether the emergency or dangerous situation exists. Confirmation of an immediate threat or emergency does not necessarily mean that all of the pertinent details are known or even available.

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

- a. UC San Diego Police Department Police Chief;
- b. UC San Diego Police Department Police Assistant Chief;
- c. UC San Diego Police Department Police Captain;
- d. UC San Diego Police Department Police Lieutenant;
- e. UC San Diego Police Department Watch Commander;
- f. Campus Environment, Health & Safety Department Director;
- g. Campus Emergency Manager; or
- h. If none of these individuals are available, any designee of the UC San Diego Police Department Police Chief who is within the UC San Diego Police Department, any designee of the Campus Environment, Health & Safety Department Director who is within the Campus Environment, Health & Safety Department, or a member of the Chancellor's Cabinet.

These individuals will also be responsible for deciding whether to send a TRITON ALERT for emergencies affecting the LJMC.

#### ***A. Institutional Officials Authorized to Send LJMC Alerts:***

The following individuals are authorized to activate the Emergency Operations Plan and draft and send a Level of Activation alert in the event a situation or emergency may impact its hospital or clinical settings:

- a. Director, Emergency Management, UC San Diego Health
- b. Emergency Management Coordinators, UC San Diego Health
- c. Director, Security, UC San Diego Health
- d. Security Operations Center Dispatchers, UC San Diego Health
- e. Administrators On-Calls (AOCs), UC San Diego Health
- f. Ambulatory Administrators On-Call (AAOC's), UC San Diego Health
- g. Hospital Operators, UC San Diego Health

#### **6. Emergency Information via Web Sites**

The following web sites may also contain local emergency information:

- [UC San Diego homepage](#)
- [UC San Diego Emergency Status website](#)
- [Blink website](#)
- [Triton Link website](#)
- [UC San Diego Police Department website](#)
- [San Diego County Emergency homepage](#)
- [UC San Diego Health homepage](#)

Or an additional website created for the emergency by UC San Diego, if appropriate.

## **7. EXCEPTION to USE of TRITON ALERT/LJMC Alerts for Providing Information in an On-Going Emergency**

In the event an emergency is prolonged, such as in the case of a pandemic, UC San Diego may use additional methods of communication to provide on-going information, resources and guidance relating to the emergency to the campus community in addition to TRITON ALERTS/LJMC Alerts. The purpose of these communications is to keep the campus community informed of day-to-day operational needs or changes relating to the emergency without necessarily relating to an escalation in the emergency itself. These types of notifications include emails, text messages, social media postings, website postings, and town halls and may be issued to segments of the population as needed. The decision to issue these communications and the content of these communications will be determined by the Chancellor's office or other Cabinet-level offices as appropriate. These notifications do not replace TRITON ALERTS or LJMC Alerts.

## **8. TRITON ALERT Emergency Notification Tests / Drills**

A full-scale test of the TRITON ALERT Emergency Notification system will occur at least once a year. One of the tests will generally be performed in conjunction with a regional drill or exercise. The University will publicize its emergency response and evacuation procedures in conjunction with the annual test. For each test, the University documents a description of the exercise, the date and time, and whether it was announced or unannounced. Documentation of each test will take place and be maintained by the University for seven years.

LJMC will test the Level of Activation system for all Health faculty and staff at least once a year. For each test, UC San Diego Health documents a description of the exercise, the date and time, and whether it was announced or unannounced. Documentation of each test will take place and be maintained by UC San Diego Health for seven years.

## **9. TRITON ALERT Emergency Notifications to Others**

Individuals who are not faculty, staff or students may sign up to receive TRITON ALERT Emergency Notifications by texting "TRITONALERT" to 888777. Once enrolled via text, individuals will also receive an option to receive TRITON ALERT Emergency Notifications by email by providing their email address.

These individuals will be automatically unsubscribed each year with an option to subscribe again by texting "TRITONALERT" to 888777.

Standard text messaging rates apply.

## **10. Providing Information to Surrounding Community**

Individuals in the surrounding communities may go to the main [UC San Diego homepage](#) or the [Campus Emergency Current Status](#) page for information regarding any significant emergency or dangerous situation which presents an immediate threat to the health or safety of students or employees.

The following individuals are responsible for providing information to the Executive Director, Internal Communications or the Senior Executive Director, Public Relations or their designee within the Public Relations Department so that websites can be updated appropriately.

- a. UC San Diego Police Department Chief;
- b. UC San Diego Police Department Police Assistant Chief;
- c. UC San Diego Police Department Police Captain;
- d. UC San Diego Police Department Police Lieutenant;

- e. UC San Diego Police Department Police Watch Commander;
- f. Campus Environment, Health and Safety Department Director;
- g. Campus Emergency Manager; or
- h. If none of these individuals are available, a direct designee of the UC San Diego Police Department Police Chief who is within the UC San Diego Police Department or a direct designee of the Campus Environment, Health & Safety Director who is within the Campus Environment, Health & Safety Department.

The following individuals are responsible for contacting the San Diego County Office of Emergency Services or San Diego Police Department to provide information regarding the emergency or dangerous threat and to coordinate the appropriate response, as necessary.

- a. UC San Diego Police Department Chief;
- b. UC San Diego Police Department Assistant Chief;
- c. UC San Diego Police Department Captain;
- d. UC San Diego Police Department Lieutenant;
- e. UC San Diego Police Department Watch Commander; or
- f. Campus Environment, Health and Safety Department Director;
- g. Campus Emergency Manager; or
- h. If none of these individuals are available, a direct designee of the UC San Diego Police Department Police Chief who is within the UC San Diego Police Department or a direct designee of the Campus Environment, Health & Safety Director who is within the Campus Environment, Health & Safety Department.

## **B. Emergency Response and Evacuation Procedures**

### **1. Campus Emergency Preparedness**

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

The UC San Diego Health medical centers have a separate emergency preparedness plan appropriate for a hospital setting.

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

#### **Priority I: Protect Lives**

- Action Examples – Manage building evacuations; fire suppression; hazardous materials release response; search and rescue; medical aid; communications; utilities stabilization.

#### **Priority II: Protect Facilities and the Environment**

- Action Examples – Building inspections; facilities security; shelter; food / water.

#### **Priority III: Restore Operations**

- Action Examples – Resident re-occupancy or relocation; mutual aid arrangements; vital records security; resume academic schedule; safeguard research.

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

emergency events in the area.

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

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

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

#### ***A. Emergency Staff and Supplies:***

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

#### ***B. Emergency Response:***

Members of the CERT may, upon the event of a major emergency, self-dispatch, report to the designated resource Staging Area and when necessary, provide good-Samaritan type assistance to those in need. CERT members can also be notified to respond by the Triton Alert System. Team members are specially trained in first aid and rescue techniques and have access to all the campus emergency supply containers.



*Credit: Officer Larry Darwent, UC San Diego Police Department*

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

#### ***C. Department Safety Coordinator:***

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

## 2. Evacuation of Campus Academic and Administrative Buildings

### A. *Emergency Action Plans:*

Every UC San Diego department must have an [Emergency Action Plan](#). They are an integral part of the campus-wide [Emergency Operations Plan](#) and preparedness effort.

Department Emergency Action Plans address the needs of faculty, staff, and students at specific locations during emergency situations. Large departments occupying different locations may need individual plans for each facility they occupy. Each plan should include emergency contact information appropriate for its location. Each department plan should identify hazards unique to their workplace, along with corresponding response strategies that minimize exposure to hazardous conditions during an emergency. It is important to understand that evacuation spaces across campus have become smaller and more limited. If multiple buildings need to evacuate at the same time, an evacuation area may need to be shared or people may need to go to another evacuation area. Follow instructions by emergency personnel.

### B. *Evacuation Procedures:*

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

## 3. Evacuation of On-Campus Housing Facilities

### A. *Emergency Exit Plans:*

Review the Emergency Plan prior to an emergency.

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



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### **Emergency Phone Numbers:**

- Fire, Police, Medical – 911
- UC San Diego Police – 911
- Emergency Services: La Jolla Sulpizio Cardiovascular Center – (858) 657-8530



- Emergency Services: Hillcrest UC San Diego Medical Center – (858) 657-7000
- Poison Control Center – (800) 222-1222
- UC San Diego Emergency Status – (888) 308-8273
- EH&S Front Office – (858) 534-3660

**Calmly state:**

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

**Fire Procedures:**

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

**In case of small fire:**

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

**Evacuation maps are included in the following housing locations:**

- Eleanor Roosevelt College: Residence Halls
- Eighth College, Building 1 (Pulse)
- Eighth College, Building 2 (Azad)
- Eighth College, Building 3 (Survivance)
- Eighth College, Building 4 (Sankofa)
- Eighth College, Building 5 (Podemos)
- Mesa Nueva Apartments
- Muir College: Apartments and Residence Halls
- Nuevo East Apartments
- Nuevo West Apartments
- One Miramar Street Apartments
- Pepper Canyon Apartments
- Pepper Canyon West - Rya
- Pepper Canyon West - Vela
- Revelle College: Argo and Blake Residence Halls and Keeling Apartments
- Rita Atkinson Residences
- Seventh College East and West Apartments
- Sixth College Apartments and Residence Halls at North Torrey Pines Living Learning Neighborhood
- Warren College: Apartments and Residence Halls

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

Fire alarm testing and evacuation drills are generally conducted annually.

**B. Evacuation Locations:**

Please note: Evacuees should gather **at least 50 feet away from any structure**. Please see below for individual housing evacuation locations. **Please note that these locations are subject to change based on the particular emergency. Follow directions of local officials.**

Undergraduate Housing	Evacuation Location
Eighth College – Building 1 (Pulse)	South Galbraith Hall Lawn
Eighth College – Building 2 (Azad)	South Galbraith Hall Lawn
Eighth College – Building 3 (Survivance)	South Galbraith Hall Lawn
Eighth College – Building 4 (Sankofa)	South Galbraith Hall Lawn
Eighth College – Building 5 (Podemos)	South Galbraith Hall Lawn
ERC Apartments – Africa Hall	ERC Green
ERC Apartments – Asante Hall	International Lane, directly east of building
ERC Apartments – Asia Hall	ERC Green
ERC Apartments – Cuzco Hall	International Lane, directly east of building
ERC Apartments – Earth Hall North	ERC Green
ERC Apartments – Earth Hall South	ERC Green
ERC Apartments – Europe Hall	ERC Green
ERC Apartments – Geneva Hall	Plaza in front of ERC Administration Building
ERC Apartments – Kathmandu Hall	International Lane, directly east of building

Undergraduate Housing	Evacuation Location
ERC Apartments – Latin America Hall	ERC Green
ERC Apartments – Mesa Verde Hall	Plaza in front of ERC Administration Building
ERC Apartments – Middle East Hall	ERC Green
ERC Apartments – North America Hall	ERC Green
ERC Apartments – Oceania Hall	ERC Green
Marshall Apartments	Marshall Uppers Cul-de-Sac
Marshall Residence Halls	Parking Lot P304 on North Scholars Drive
Muir Apartments and Residence Halls	Muir Field
Revelle Apartments and Residence Halls	Revelle Plaza
Sixth College – Building 2 (Catalyst)	East Quad
Sixth College – Building 3 (Kaleidoscope)	West Quad and Basketball Court
Sixth College – Building 4 (Tapestry)	West Quad and Basketball Court
Sixth College – Building 5 (Mosaic)	East Quad
Seventh College East Apartments	Parking Lot P357 (east of building)
Seventh College West Apartments	South of Village West Building #3 (along the Wedge; rocky landscape)
Matthews Apartments	Warren Field
Pepper Canyon Apartments	Warren Field

<b>Undergraduate Housing</b>	<b>Evacuation Location</b>
Pepper Canyon West – Rya	Rya Courtyard
Pepper Canyon West – Vela	Vela Courtyard
Rita Atkinson Residences	100 Osler Lane, Parking Lot P603
Warren Apartments and Residence Halls	Walkway between Engineering Building Unit II (EBU II) and Computer Science and Engineering Building (EBU III)—immediately across the Paseo Walkway leading to the Warren residential complex

<b>Graduate and Family Housing</b>	<b>Evacuation Location</b>
Central Mesa Apartments	9146 Regents Road
Coast Apartments	9350 Redwood Drive
La Jolla del Sol Apartments	8046 Regents Road
Mesa Nueva Apartments	Northwest parking lot outside of Cala Building
Nuevo East Apartments	Parking Lot, Exchange Building
Nuevo West Apartments	3739 Miramar St. (Grassy Area between Viento and Brisa)
One Miramar Street Apartments	One Miramar Street, Building 5
South Mesa Apartments	9146 Regents Road

#### **4. Evacuation of UC San Diego Health Facilities**

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

The criterion for partial or complete evacuation is determined by assessing the risk for damage to health, life and property. The Hospital Incident Command System (HICS) will be activated and the Hospital Command Center (HCC) will be staffed in response to an actual or pending incident. Evacuation orders are from the Incident Commander or fire department and/or law enforcement on site. Spontaneous evacuation may occur when it is apparent that there is an immediate life safety threat. Each patient is tagged to ensure a safe and orderly evacuation. Patient staging areas are established to manage patients, staff, and visitors. Each of these areas will have identified personnel in charge, along with specific roles and responsibilities during a relocation or evacuation. The Triage Medical Officer for medical transport will oversee the tagging of patients for acuity if movement to another facility is required in a mass evacuation event. Building signage and evacuation routes are posted within the facility. There are evacuation sites located on the property surrounding the facility; the sites were selected for points of access and egress.

Actual use of each of these sites will depend on the area of risk during the incident and access for purpose of evacuation away from the impacted area. The Security Branch Director, utilizing the Access Control Unit under HICS will: secure the perimeter; coordinate with public safety for determination of inner and outer perimeters for the hospital and for access of support and equipment vehicles needed; secure the evacuated premises; and coordinate with the San Diego Police Department, San Diego County Sheriff's Department, and other law enforcement branches as available.

UC San Diego Health faculty and staff can view the evacuation plans on the UC San Diego Health intranet website.

#### **5. Drills and Exercises**

##### ***A. Academic and Residential Buildings:***

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

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

In conjunction with the scheduled housing drill, the University sends an email notification regarding the drill, which includes information on the evacuation procedures.

##### ***B. Example of an Emergency Response Test/Drill in 2023:***

On October 19, 2023, UC San Diego participated in "The Great Shakeout" earthquake exercise. Participation in the drill was greater than in pandemic years. The Great Shakeout was a simulated earthquake exercise that included approximately 1000 participants who conducted earthquake preparedness activities. These activities

included a review of emergency action plans, a discussion of emergency preparedness actions to take and a “duck, cover and hold on” manipulative exercise, including building evacuation and accountability in a designated meeting location.

In addition, on October 19, 2023, UC San Diego tested its Triton Alert emergency notification system by sending an email message to the UC San Diego population and a text message to all participants who had not opted out of receiving texts for Triton Alerts. This test began at 10:19 am and concluded at 12:19 am. The Great Shakeout test was announced prior to the exercise by email. Recommended actions to take were included. An after-action review of the performance of Triton Alert was conducted by EH&S personnel. Details of the performance of Triton Alert are on file with the Emergency Management division.

UC San Diego also sent and tested its Triton Alert emergency notification system by sending an unannounced email test on March 28, 2023 and June 27, 2023. On March 28, 2023, this test began at 10:02 am and concluded at 12:02 pm. On June 27, 2023, this test began at 10:09 am and concluded at 12:09 pm.

A summary of the Emergency Operations Plan can be found at:  
<https://blink.ucsd.edu/safety/emergencies/preparedness/get-ready/plan.html>

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

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

### ***C. UC San Diego Health Drills and Exercises:***

On May 18, 2023, UC San Diego Health participated in a Countywide Full-Scale Wildfire and Evacuation Exercise alongside regional healthcare partners. The wildfire scenario included 5 separate fires burning across the county prompting evacuation of some facilities and surging patients into others. The scenario simulated

impacts from hazardous materials creating toxic plumes of smoke; loss of power to some hospital facilities; a hospital generator failure; some hospital evacuations and need for patient tracking. While the front end of the exercise was focused on expanding services to accommodate an influx (surge) of patients, staff were concurrently preparing for an evacuation of our hospital facilities. The evacuation portion of the exercise engaged the use of the Triage by Resource Allocation of Inpatients (TRAIN) tool. TRAIN is a transportation asset triage tool. It is designed to maximize efficient use of BLS, ALS, CCT and Specialized Ambulances, as well as cars and bus



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services during a large disaster. The use of TRAIN assists the County in maximizing transportation assets that will be needed if a hospital evacuation is required.

The Emergency Operations Plan was activated and Hospital Command Centers (HCC) were opened and staffed to manage the incident. Management activities included, but were not limited to: all-staff notifications via Everbridge mass notification system and providing subsequent updates; communicating with County partners via WebEOC; using 400 MHz radios for internal communications with teams; preparing to receive surge of burn patients; and monitoring escalation of events and impacts to staffing subsequent shifts.

On October 19, 2023 UC San Diego Health participated in the nationwide “Great Shakeout” focused on training faculty and staff how to protect themselves, patients and visitors during an earthquake.

## **C. Emergency Instructions**

The following information provides general guidelines that you should follow depending on the emergency.

### **Know When to Leave:**

- A fire alarm sounds, or an authorized person (e.g., building manager, police officer, firefighter) directs you to evacuate.
- You receive an evacuation notice via a Triton Alert message.
- There is a prolonged utility outage.
- Any time you feel unsafe.

### **How to Evacuate (Stay Calm and Be Safe):**

- If you have a “go bag,” take it.
- Walk, don’t run.
- Use stairs, never use elevators.
- Assemble in your pre-determined assembly area. During a large-scale evacuation, your pre-determined assembly area may not be available, so follow the instructions of first responders.
- Do not re-enter any buildings unless instructed to do so by first responders or emergency personnel.

### **Practice Your Evacuation:**

- Make a go bag. Visit <https://www.ready.gov/kit> for tips on what to put in your go bag.
- Know the exit routes and stairways for your building.
- Look for emergency procedures signs at the exits and stairways, and locate your emergency assembly area.
- Participate in building evacuation drills.

### **During an Earthquake**

#### ***If you are indoors:***

- Drop to the floor immediately.
- Cover under sturdy furniture (or near an interior wall) and protect your head with your elbows and arms.
- Hold on until the shaking stops.
- Stay away from windows and other objects that can fall on you.
- Do not run outside.
- Do not stand in a doorway (it’s safer under sturdy furniture).
- Do not use the elevators when evacuating a building.
- Immediately evacuate the building once the shaking stops.

#### ***If you are outdoors:***

- Move away from buildings, power lines, and trees.

- Drop, cover, and hold on to keep yourself still.
- If you are driving, pull over in a clear area.

### ***After an Earthquake:***

- Check yourself for injuries.
- Exit campus buildings and go to your designated assembly area or open space.
- If you are off-campus, stay only if the building is structurally safe.
- Do not tie up phone lines if it is a non life-threatening emergency; use text messages and social media.
- Do not re-enter campus buildings until allowed by emergency personnel.
- Be prepared for potential aftershocks and falling debris.
- Watch for Triton Alerts.

### **Signaling for Help**

In the unlikely event that you are trapped by falling debris:

- Do not yell because you may inhale dust.
- Tap on metal objects to get attention.
- If you have your cell phone, dial 9-1-1 or use the flashlight on your phone to alert emergency personnel of your location.
- Do not light a match due to potential gas leaks.

### **Building Fires**

- Take the **closest exit** (use the stairs, never elevators).
- Feel door handles with the back of your hand; if warm, find a different exit.
- Pull the fire alarm as you exit.
- Do not re-enter the building until allowed by emergency personnel.
- If you can't exit: call 911.
- Shove clothing in the gap underneath door frames to prevent smoke from entering the room.

### **Wildfires**

- Check ongoing incidents at [CAL FIRE Incidents](#).
- Make a go bag and be ready to leave at a moment's notice.
- Watch for Triton Alerts.
- If sheltering in place, close all doors and windows, and await further instructions.
- See San Diego County Ready San Diego page at <https://www.alertsandiego.org/en-us/preparedness/wildfire.html>.

### **Wildfire Smoke**

- Check local air quality reports: <https://blink.ucsd.edu/safety/emergencies/preparedness/wildfire-air-quality.html>.
- Close windows, doors, and other openings through which smoke can enter.
- Close fresh-air intake on air conditioning units and run air purifiers, if available.
- Try to stay indoors. If you need to venture outside wear a particle respirator like an N95 mask.

### **Public Safety Power Shutoff (PSPS)**

- When severe weather and fire conditions threaten a portion of the electric infrastructure or community, **San Diego Gas and Electric may turn off electricity in the interest of public safety.**
- A PSPS may occur with as little as one day notice and can remain active for days. It is best to be prepared for a power outage at all times.
- In the event of a PSPS, recharging stations will be set up by the university prioritizing students with



medical needs and other vital functions.

### **When Power is Out**

- Turn off and unplug all electronics.
- Do not use a generator, grill, or camp stove indoors.
- Leave one light on so you'll know when the power comes back.
- Keep refrigerator doors closed (it stays cool for 4 hours).
- Call 9-1-1 if trapped in an elevator.
- If you are evacuated, do not re-enter until allowed by emergency personnel.
- Watch for Triton Alerts.

### **When to Stop Working**

- Be prepared to stop what you are doing until utilities are back on.
- Life safety systems, such as alarms, sprinklers, emergency lighting, and fume hoods may not work (especially during a prolonged outage).
- You will be notified if classes or other activities are cancelled.

### **Suspicious Packages / Bomb Threats**

- If you see something, say something.
- Call 9-1-1 and warn others to avoid the area.

### **What to Look Out For**

- Odd markings or too much postage.
- No return address; sender unknown.
- Heaviness or unusual thickness/excessive tape or string.
- Visible wires.
- Oily or discolored wrappings.
- Powdery substances or strange odors.
- Unattended items that seem out of place.

### **Do Not Touch a Suspicious Package**

- Do not interact with a suspicious package in any way.
- Leave the area, close doors, and warn others to avoid the area.
- Call 9-1-1.
- Wash any exposed skin with soap and water.

### **If There's a Bomb Threat**

- Always treat a bomb threat like it is real.
- Evacuate the area (remain calm and exit the building as directed).
- Leave your doors and windows open and the lights on.
- Scan your area for unfamiliar items as you leave.
- Do not handle any suspicious items you find.
- Do not activate the building fire alarm.

### **Targeted Violence / Active Threat**

If you see a person with a weapon on campus, immediately call 9-1-1.

### **Tools to Survive Targeted Violence**

UC San Diego police officers have all received extensive training on what to do in this situation, but it is equally

important that our campus community members think of how they will respond. Visit: <https://police.ucsd.edu/engagement/shooter.html>. If you witness any armed individual on campus at any time, immediately call the UC San Diego Police Department to report the emergency by dialing 9-1-1. If escaping from danger is impossible, you should lockdown and prepare to counter the attacker.

### **About Fleeing**

If it is possible to flee the area safely and avoid danger, do so. If it is safe to do so, consider:

- Escaping out of the other side of the building.
- Do not go to the normal gathering site for your building. Instead, get far away from the shooting scene and then contact the police department to notify them of your location.
- Do not attempt to flee if the shooter is between you and your escape. If you are unsure, do not attempt to flee.

### **Shots Fired**

#### **About Hiding in Place**

- If it is not possible to flee the area safely:
  - Go dark. Turn off all the lights.
  - Lock all windows and doors and secure yourself in your space.
  - Barricade the entrance if possible (heavy furniture, etc.).
  - Prepare to counter the attacker. Don't just hide and wait.
  - Develop a plan (have items to throw (e.g., laptops, chairs, etc.)).

#### **About Notifying Others**

- Alert the police, and alert others in your building or nearby if possible.
- Dial 9-1-1 to notify police and give your location, if that seems practical.
- Do not pull the fire alarm because it will provide the shooter with more opportunities to cause harm.

#### **If the shooter comes into your room or office**

- There is not one procedure that can be recommended in this situation.
- Attempting to negotiate with the individual may be very dangerous.
- Attempting to overcome the individual with force is a last resort that should only be initiated in the most extreme circumstances, but, again, do something!

### **All-Clear**

Wait for the all-clear instruction given by an authorized or known voice, or via a Triton Alert message. If the staff or students do not recognize the voice that is giving instruction, they should not change their status. Call the police to verify that officers are at your location.

- Unknown or unfamiliar voices may be giving false assurances.
- Remember, there may be more than one active shooter.

#### **After a Valid All-Clear**

- Follow the direction of police officers as you leave the building.
- Police may direct you to one collection point.
- When encountering police officers, keep your hands on your head or open in front of you. Officers are trained to be aware of all possible dangers and need to see quickly that you are not a threat.
- Be careful not to make any changes to the scene of the incident since law enforcement authorities will investigate the area later.

Sometimes evacuating is not the best response to an emergency. Listen to authorities and be prepared to shelter in place.

## Shelter in Place

- When a shelter in place directive is issued, find a safe location indoors and remain in place until an all-clear or evacuation order is given.
- Select a small interior room with few/no windows, and close any doors, windows, or vents.
- Watch for Triton Alerts for any updates.

## IX. Missing Persons

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, they should immediately notify the UC San Diego Police Department at 9-1-1 or (858) 534-4357. The Police Department will generate a missing person report and initiate an investigation. California law requires all local police and sheriff's departments to accept any report by any party, including a telephonic report of a missing person, without delay and shall give priority to handling these reports over the handling of reports relating to crimes involving property. The local police or sheriff's department is required to immediately take reasonable steps to locate the missing person. In cases where the report is taken by a department other than that of the city or county of residence of the missing person, the department shall notify and send a copy of the report to the police department(s) having jurisdiction over the residence of the missing person and the place where the missing person was last seen.<sup>10</sup>

Notifications will be made to the following within twenty-four hours of determining that a student is missing:

- The student's designated confidential contact (see [Section IX.A](#) below);
- The student's parent or legal guardian, if they are under the age of eighteen and not emancipated; and
- Surrounding law enforcement agencies, including the law enforcement agency with jurisdiction over the missing person.

In addition to the notifications mentioned above, once an investigation is launched, it may include contacting any or all of the following:

- The student's parents or guardians;
- The law enforcement agency that has jurisdiction where the student's permanent residence is located;
- Law enforcement agencies along a route where the student may have likely traveled; and/or
- Any other person or entity that may have information as to the whereabouts of the missing student.



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### A. Confidential Contact

All students who live on campus are given the opportunity to register a confidential contact through Housing Dining Hospitality. Confidential contact information will only be released to authorized campus or law enforcement officials in furtherance of a missing person investigation. Please note that the University must notify a custodial parent or guardian if the student is under 18 years of age and not emancipated, in addition to notifying

<sup>10</sup> Cal. Penal Code § 14211(g).

any additional contact person designated by the student. Undergraduate students can designate a confidential contact on their housing contract, during room selection or anytime during the year by submitting a confidential contact form to Housing Dining Hospitality located in the Housing Dining Hospitality Administration Building on the Revelle Campus. Graduate students can designate a confidential contact on their housing application prior to move-in or anytime during the year by submitting a confidential contact form to their community Residential Services Office.

### **Call Boxes**

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

For a list, visit: <https://police.ucsd.edu/resources/callbox.html>.

## **X. Alcohol and Drug Policies**

In accordance with the Drug-Free Schools and Communities Act, the following information is provided regarding University and campus policies prohibiting the unlawful possession, use or distribution of drugs or alcohol; sanctions relating to drug and alcohol violations by students or employees; federal, state and local laws and penalties for drug and alcohol offenses; health risks associated with the use of drugs and alcohol abuse; and drug and alcohol counseling, services and resources.

The following are only summaries of existing laws, regulations and University policies. Please refer to the applicable cited laws, regulations and policies for the current and full text of the law, regulation or policy.

### **A. University Policies and Sanctions Relating to Drug and Alcohol Use**

The University strives to maintain communities and workplaces free from the illegal use, possession or distribution of alcohol and controlled substances. 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 and University policies. Students found to be in violation of these laws or policies may be subject to disciplinary action, up to and including dismissal from the University, in addition to any criminal or civil penalties resulting from violating local, state and/or federal law.

Employees found to be in violation of these laws and policies may be subject to disciplinary action, up to and including dismissal, under applicable University policies and labor contracts, and may be required to participate in an appropriate treatment program, in addition to any potential criminal or civil penalties resulting from violating a local, state and/or federal law.

#### **1. Marijuana/Cannabis Use**

On November 8, 2016, California voters passed Proposition 64 legalizing the use of recreational marijuana among people over the age of 21. Notwithstanding Proposition 64, using, distributing and possessing marijuana remains illegal under federal law. The federal Controlled Substances Act criminalizes possession and distribution of controlled substances, including marijuana, with a limited exception for certain federally approved research. The Drug Free Schools and Communities Act and the Drug Free Workplace Act require that the University of California, as a recipient of federal funding, establish policies that prohibit marijuana use, possession and distribution on campus and in the workplace except as otherwise permitted.

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

See <https://www.ucop.edu/research-policy-analysis-coordination/policies-guidance/cannabis/index.html> for guidance documents that summarize applicable laws, regulations, and UC policies related to marijuana and industrial hemp research.

## 2. UC San Diego Alcohol Policy

UC San Diego's Alcohol Policy can be found at <http://adminrecords.ucsd.edu/PPM/docs/510-1.13.HTML>. California state law, the San Diego Municipal Code, and the Alcohol Policy govern the purchase, sale, service, consumption, distribution, and possession of alcoholic beverages on all UC San Diego grounds and facilities and at events.

## B. Federal, State and Local Laws Governing the Unlawful Possession or Distribution of Controlled Substances and Alcohol

### 1. Federal Laws

#### Possession of Controlled Substances:

- Federal law prohibits the illegal possession of a controlled substance.<sup>11</sup>
  - First offense: prison sentences up to one year and/or a minimum fine of \$1,000.
  - Second offense: prison sentences up to two years and a minimum fine of \$2,500.
  - Third offense: prison sentences up to three years and a minimum fine of \$5,000.
  - Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of up to three years, as well as the fine schedule referenced below.

#### Forfeiture of Personal Property and Real Estate:

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.<sup>12</sup>



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<sup>11</sup> 21 U.S.C. § 844(a).

<sup>12</sup> 21 U.S.C. § 853.

## Federal Drug Trafficking Penalties<sup>13</sup>

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<b>First Offense:</b> Not less than 5 years, and not more than 40 years. If death or serious injury, not less than 20 years or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 years, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 years, and not more than life. If death or serious injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 15 years, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Not less than 25 years. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture	100 grams or more pure or 1 kg or more mixture		
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 years. If death or serious injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 years. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. <b>Second Offense:</b> Not more than 20 years. If death or serious injury, not more than 30 years. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>First Offense:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount			
		<b>First Offense:</b> Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

<sup>13</sup> *Drugs of Abuse, A DEA Resource Guide, 2022 Edition at 38.*

## Federal Trafficking Penalties Marijuana<sup>14</sup>

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 years or more than life. If death or serious bodily injury, not less than 20 years, or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 15 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 years or more than 40 years. If death or serious bodily injury, not less than 20 years, or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 years or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not less than 20 years. If death or serious bodily injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 years. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kgs marijuana (but does not include 50 or more marijuana plants regardless of weight) marijuana plants;  1 to 49 marijuana plants;	Not less than 5 years. Fine not more than \$250,000 if an individual, \$1 million if other than an individual.	Not less than 10 years. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less	Not more than 5 years, Fine not more than \$250,000 if an individual, \$1 million if other than an individual.	Not more than 10 years. Fine \$500,000 if an individual, \$2 million if other than an individual.
Hashish Oil (Schedule I)	1 kg or less	Not more than 5 years, Fine not more than \$250,000 if an individual, \$1 million if other than an individual.	Not more than 10 years. Fine \$500,000 if an individual, \$2 million if other than an individual.

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is not less than 25 years imprisonment and a fine up to \$20 million if an individual and \$75 million if other than an individual.

## 2. State of California Law

### A. *Controlled Substances:*

California penalties for offenses involving controlled substances include those set forth in the California Health & Safety Code Section 11350:

- Imprisonment in the county jail or state prison for not more than one year, a fine not to exceed \$70, or probation with fine for felony convictions of at least \$1,000 for the first offense and at least \$2,000 for second or subsequent offenses or community service for unlawful possession of controlled substances.<sup>15</sup>

<sup>14</sup> *Id.* at 39.

<sup>15</sup> Cal. Health & Safety Code § 11350.

- Under California law, possession of certain controlled substances (Schedule I, II, and III) for sale or purchasing for the purpose of sale are punishable by imprisonment of two, three, or four years.<sup>16</sup>
- Penalties are more severe for offenses involving heroin, cocaine, cocaine base, or any analog of these substances and occurring upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility.<sup>17</sup>
- It is unlawful to possess any opium pipe, device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking certain controlled substances.<sup>18</sup>
- Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, distribution, dispensation, or acquired in violation of this division.<sup>19</sup>

### ***B. Alcohol:***

The following summarizes some of the California state laws regarding alcohol that may be relevant to students and employees:

- It is illegal for persons under the age of 21 to possess an alcoholic beverage on any street or highway or in any public place or any place open to the public. Sanctions range from a fine of \$250-\$500 or community service, depending on whether the offense is a first or subsequent violation.<sup>20</sup>
- Any person who sells, furnishes, gives or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor. Potential sanctions include fines of \$250 or higher, community service, and imprisonment, depending on the facts of the case.<sup>21</sup>
- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor.<sup>22</sup>
- It is unlawful for a person to drive a vehicle while under the influence of any alcoholic beverage or any drug or with a blood alcohol level of .08% or higher.<sup>23</sup>
- It is a misdemeanor to ride a bicycle upon a highway under the influence of alcohol, drugs or both.<sup>24</sup>
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle.<sup>25</sup>
- It is unlawful for an owner or driver of a motor vehicle to allow an open container of alcohol in the motor vehicle, unless the container is kept in the trunk of the vehicle.<sup>26</sup>

### **Driving Under the Influence:**

The following is a list of some of the legal sanctions for driving under the influence of alcohol or any other drug:

- First conviction: Imprisonment in the county jail for not less than 96 hours, at least 48 hours which are continuous, nor more than six months and by a fine of not less than \$390 nor more than \$1,000, and except as otherwise provided, suspension of privilege to operate motor vehicle.<sup>27</sup>
- Conviction of driving under the influence with or without bodily injury within ten years of certain other felony convictions, including vehicular manslaughter and driving under the influence: Imprisonment in

<sup>16</sup> §§ 11054, 11055, 11056 & 11351.

<sup>17</sup> § 11353.1.

<sup>18</sup> § 11364.

<sup>19</sup> § 11470(a).

<sup>20</sup> Cal. Bus. & Prof. Code § 25662(a).

<sup>21</sup> § 25658.

<sup>22</sup> Cal. Penal Code § 647(f).

<sup>23</sup> Cal. Veh. Code § 23152.

<sup>24</sup> § 21200.5.

<sup>25</sup> § 23223.

<sup>26</sup> § 23225.

<sup>27</sup> § 23536.



state prison or in the county jail for not more than one year and a fine of not less than \$390, nor more than \$1,000 and revocation of privilege to operate a motor vehicle.<sup>28</sup>

- Driving under the influence causing bodily injury: Imprisonment in state prison or county jail for not less than 90 days nor more than one year and a fine of not less than \$390 nor more than \$1,000 and suspension of privilege to operate a motor vehicle.<sup>29</sup>
- Driving under the influence causing bodily injury or death to more than one victim: Enhancement of one year in state prison for each additional injured victim up to a maximum of three one-year enhancements.<sup>30</sup>
- Second conviction of driving under the influence causing bodily injury within ten years of conviction or within ten years of separate conviction of other specified offenses involving alcohol or drugs: Imprisonment in the county jail for not less than 120 days nor more than one year and a fine of not less than \$390 nor more than \$5,000 and revocation of privilege to operate a motor vehicle.<sup>31</sup>
- Second conviction of driving under the influence: will be required to temporarily install a breathalyzer ignition interlock device in vehicles to regain their licenses.<sup>32</sup>

### 3. San Diego Local Law

San Diego has various ordinances and sentencing guidelines related to the unlawful possession or distribution of illicit drugs and alcohol. Guidelines range from convictions related to open containers, selling to minors, possession of a false ID, and others.

In addition, San Diego local ordinances prevent consumption of alcohol by individuals under 21 in both public places and places not open to the public.<sup>33</sup> San Diego has also enacted a Social Host law, which provides for “a duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at the premises, to take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana, and marijuana products, or other controlled substances by any minor at the gathering. . . . Reasonable steps are controlling access to alcoholic beverages, marijuana and marijuana products at the gathering; prohibiting controlled substances at the gathering, except as legally prescribed; verifying the age of persons attending the gathering by inspecting driver’s licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages, marijuana or marijuana products while at the gathering; and supervising the activities of minors at the gathering.”<sup>34</sup> The ordinance further provides that “[i]t is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at the premises where at least one



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<sup>28</sup> § 23550.5.

<sup>29</sup> § 23554.

<sup>30</sup> § 23558.

<sup>31</sup> § 23560.

<sup>32</sup> § 23573.

<sup>33</sup> S.D., Cal., Municipal Code § 56.61(a)(1), (2).

<sup>34</sup> § 56.62(a).

minor consumes an alcoholic beverage, marijuana, marijuana product or other controlled substance, whenever the person [having control of the premises] either knows a minor has consumed an alcoholic beverage, marijuana, marijuana product or other controlled substance or reasonably should have known . . . had the person taken all reasonable steps [to prevent the consumption by a minor]. . . .”<sup>35</sup> Certain exceptions apply.

San Diego Superior Court Sentencing Guidelines:

<https://www.sdcourt.ca.gov/sites/default/files/sdcourt/criminal2/criminalresources/2024%20CCC%20Prob%20Sent%20Handbook.pdf>

## **C. Health Risks Associated with the Use of Controlled Substances or Abuse of Alcohol**

There are a number of health risks associated with the misuse of alcohol and other controlled substances. These risks can be short-term, long-term, and depend on the drug being used, among other factors.

The National Institute on Alcohol Abuse and Alcoholism provides a comprehensive description of the effects alcohol has on the body. Please see: <https://www.niaaa.nih.gov/alcohols-effects-body>.

The National Institute on Drug Abuse provides a comprehensive description of the health consequences of drug misuse. Please see <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>.

## **D. Drug and Alcohol Counseling, Services and Resources**

### **1. Resources for Students**

#### **Counseling and Psychological Services (CAPS)**

<https://caps.ucsd.edu>

**858-534-3755**

CAPS offers the following services to registered undergraduate, graduate and professional school students:

- Assessment and focused oriented interventions, including referral services, to provide optimal treatment opportunities according to appropriate level of care.
- Dual diagnosis counseling and consultation, connecting students to life- and value-affirming resources within the campus community and surrounding community.
- Psychiatric services and consultation.
- Preventive psycho-education workshops and daily drop-in forums grounded on the latest science of wellbeing and performance psychology to develop, expand, and master new skills towards self-agency and positive coping styles.
- Suite of self-help apps through iFlourish offerings. Students learn at their own pace and have resources at their fingertips, anytime, anywhere.

#### **Health Promotion Services (HPS)**

<https://healthpromotion.ucsd.edu>

**858-246-4500**

HPS offers a variety of prevention education programs for students including workshops, campaigns, and individual services provided by the Health Educators. HPS oversees the Collegiate Recovery Program which

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<sup>35</sup> § 56.62(b).

supports students in recovery from both substance and behavioral addictions.

- The Collegiate Recovery Program hosts sober community building events and recovery meetings, such as: SMART Recovery, Spirit of 12 Steps, Mindful Recovery, and Newcomer’s Recovery.
- The Collegiate Recovery Coordinator facilitates Recovery Ally Training for students, faculty, and staff upon request.
- Health Promotion Services offers free naloxone and fentanyl testing strips to students through the Naloxone Distribution Project. Students can pick up the naloxone and testing strips after completing online training available on the HPS website.
- Health Educators facilitate Brief Alcohol Screening and Intervention for College Students (BASICS) and Cannabis Screening and Intervention for College Students (CASICS).

Health Promotion Services offers smoking/vaping cessation for UC San Diego students free of charge. Students can also access an Incoming Student Survey, an online assessment, which provides personalized feedback about individual drinking patterns, risk patterns, and UC San Diego resources.

### **Student Health Services (SHS)**

<https://studenthealth.ucsd.edu>

**858-534-3300**

SHS offers counseling services with the assistance of the in-house Licensed Clinical Social Worker, in partnership and collaboration with CAPS providers and HPS staff.

## **2. Resources for Faculty and Staff**

The below referenced programs are designed to help prevent substance abuse by University employees, as well as provide assistance and referral services for those who have substance abuse problems or concerns.

### **Campus Faculty and Staff Programs:**

- For all benefits-eligible Campus employees reporting to Campus Vice Chancellors areas only, the Faculty and Staff Assistance Program (FSAP), an internal employee assistance program, offers no-cost services and can be accessed in addition to external programs aligned with chosen medical plans. Services from FSAP include short-term, solution-focused concrete strategies for positive change, improved communication and life transitions, assessment, referral to community resources, People Leader training and consultation, return to work assistance, crisis response, collaboration with Campus stakeholders, including other HR units, and psychoeducational support groups.
- Note: A majority of services are conveniently offered using HIPAA-compliant Zoom tele-health. Employees are encouraged to self-refer and seek this confidential assistance. Please call 858-534-5523, or click on <https://blink.ucsd.edu/sponsor/hr/divisions-units/fsap.html> for more information. To make a confidential appointment using single sign on (SSO) please go to: <https://blink.ucsd.edu/HR/services/support/counseling/appointment.html>.

### **Health System, School of Medicine, School of Pharmacy, School of Public Health and Human Longevity Science and Student Health Programs:**

- For all benefits-eligible UC San Diego Health and Health Sciences employees, the Employee Assistance Program (EAP), managed by Optum Live and Work Well, offers assistance and referral services for those who have substance abuse problems or concerns. Services include assessment, referral to outside resources, consultation, supervisory training, return to work assistance, and follow up. All services are free, and employees are encouraged to self-refer and seek this confidential assistance. For more information visit: <https://www.liveandworkwell.com> (operated by Optum) or call the Substance Use

Helpline 1-855-780-5955 (use company code UCSDMC).

- UC’s medical coverage also includes behavioral health benefits for mental health services and substance abuse treatment. Additional resources are offered through individual medical plans. Employees can visit: <https://ucnet.universityofcalifornia.edu/compensation-and-benefits/health-plans/behavioral-health/index.html> for more information or call:
  - UC Blue & Gold: Managed Health Network (1-800-663-9355)
  - Kaiser: Kaiser services (1-800-900-3277) OR Optum (1-888-440-8225)
  - UC Care, CORE & UC Health Savings Plan (HSP): Anthem providers (1-844-437-0486)

### 3. Community Resources

#### Alcoholics Anonymous San Diego County

<https://www.aasandiego.org/>  
619-265-8762

#### Narcotics Anonymous San Diego County

<https://www.sandiegona.org/>  
619-584-1007

#### Marijuana Anonymous

<https://www.ma-sandiego.org/>

#### Adult Children of Alcoholics

<https://www.adultchildren.org/>  
310-534-1815

#### Smart Recovery

<https://www.smartrecovery.org/>



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### E. Drug-Free Schools and Communities Act Biennial Review

UC San Diego’s most recent biennial review of its drug and alcohol abuse prevention program is available [here](#).

## XI. Campus Safety, Security Awareness and Crime Prevention Education

The UC San Diego Police Department is widely engaged in efforts to educate the campus community about personal safety and crime and security awareness and prevention. Safety presentations are provided for parents/family members and all incoming students during Orientation and Welcome Week, and to students, faculty and staff as requested throughout the year. Workshops and presentations covering a variety of topics are available, including alcohol and drug abuse, bicycle safety, office safety, sexual assault and rape prevention, vehicle and residential security, and self-defense instruction.

The UC San Diego Police Department organizes and sets up a crime prevention display table at various times on Library Walk. This table is staffed by officers at various times during the year.

The UC San Diego Police Department provides call boxes in many campus parking lots and structures for a direct line to request police assistance or a safety escort. Outdoor call boxes are blue towers with a blue strobe light. Multiple broadcast towers, labeled “EMERGENCY,” are located at main pedestrian thoroughfares. These

towers double as call boxes. To use, lift the handset and/or press the button and you'll be quickly connected with police dispatch.

**Active Shooter (ASSERT Training):**

Active Shooter Survival Education and Response Training (ASSERT) prepares and empowers individuals to react in the event of an active shooter/critical incident. The purpose and intent of the training is to provide valuable skills and awareness to respond to critical incidents prior to the arrival of law enforcement or other first responders.

While these events are always unpredictable, the training and concepts taught can better prepare someone to react when a critical incident occurs. The training also teaches basic bleeding control techniques in accordance with the Stop-the-Bleed national awareness campaign.

The training is open to all staff, faculty and students. This course covers the following areas:

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

Incorporated within the ASSERT training is the “Stop the Bleed” campaign, which was initiated by a federal interagency workgroup convened by the National Security Council Staff, at The White House. The purpose of the campaign is to build national resilience by better preparing the public to save lives by raising awareness of basic actions to stop life threatening bleeding following everyday emergencies and man-made and natural disasters.

The class is approximately one hour, and teaches the basics for stemming traumatic blood loss. This includes recognizing life-threatening blood loss situations, safety while providing assistance, the use of direct pressure to stop bleeding, the use of tourniquets to stop bleeding and the use of advanced blood clotting agents to stop bleeding.

In 2023, ASSERT training was provided on the following dates:

- 1/17/2023
- 1/23/2023
- 1/24/2023
- 1/30/2023
- 1/31/2023
- 2/1/2023
- 2/2/2023
- 2/9/2023
- 2/22/2023
- 3/14/2023
- 3/27/2023



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- 4/4/2023
- 4/11/2023
- 4/17/2023
- 4/19/2023
- 4/25/2023
- 4/28/2023
- 5/23/2023
- 6/13/2023
- 6/20/2023
- 7/27/2023
- 8/4/2023
- 8/9/2023
- 9/1/2023
- 9/11/2023
- 9/15/2023
- 9/19/2023
- 9/25/2023

ASSERT training continues to be offered in 2024.

Campus safety escorts are available every day of the academic school year, excluding the summer quarter. Dial (858) 534-WALK (9255) to request one.

Did you know that you can request a Repeating Escort? You can arrange to have a Community Service Officer (CSO) meet you at the same place and time each week without having to request one each night. This makes it convenient to get an escort home after a late class or when practice ends. Community Service Officers (CSOs) are student employees of the UC San Diego Police Department. They receive training in self-defense, first aid, and traffic control. They also assist at special events and act as eyes and ears for the Police Department. Interested in applying? Contact the CSO Coordinator at (858) 822-1177.

After 1 a.m., University Safety Officials may provide this service.

**Parent/Family Orientation:**

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

The Parent/Family orientation program was not offered in 2023. The Parent/Family orientation program may be offered in 2024.

**Physical Security Program:**

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

and effective manner. They offer a variety of consultation and management services including:

- Alarm Monitoring (Fire/Intrusion/Duress/Video Surveillance)
- Physical Security and System Site Assessments
- Access Control Standards and Policy recommendations
- Crime Prevention Through Environmental Design (CPTED) and Security Design recommendations
- Integration of existing physical security systems (i.e., Access, Intrusion, Video, Public Address, etc.) to enterprise-level management systems
- Physical Security System review and audits

The Physical Security Program is an evolving program, which provides both proactive and responsive assessments to various campus departments. This proactive approach to leverage protective measures and technology not only enhances the overall security posture of the community but reduces costs through a methodical, consistent, and best practices application of enterprise-level systems.

### **Rape Aggression Defense (RAD):**

Rape Aggression Defense (R.A.D.) is a national program designed to provide women with the concepts and methods needed for self-defense. The program enables individuals to take a more active role in protecting themselves and their psychological well-being. Classes are taught by certified R.A.D. instructors over three evenings and the cost is \$10. All women in the UC San Diego community – students, staff, faculty, and affiliates – who are at least 16 years old are eligible to attend. R.A.D. classes will teach you:

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

R.A.D. was not offered in 2023. R.A.D. is expected to be offered in 2024.

The UC San Diego Police Department staff will also meet with interested parties to address topics of interest, such as risk management. These programs are all informal and on an ad hoc basis, as requested by the community.

In addition to classroom sessions, information is also available to the campus through the UC San Diego Police Department website, which posts daily crime and arrest activity, as well as security alerts:

[http://www.police.ucsd.edu/docs/reports/callsandarrests/Calls\\_and\\_Arrests.asp](http://www.police.ucsd.edu/docs/reports/callsandarrests/Calls_and_Arrests.asp).

Various campus units produce brochures relating to security practices and crime prevention. On Admit Day, Transfer Admit Day and several other times throughout the year, display tables are set up at key locations on campus to provide information on campus safety.

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

<http://police.ucsd.edu/resources/tips.html> for more safety tips.

## **XII. Programming, Policies and Procedures Relating to Dating Violence, Domestic Violence, Sexual Assault and Stalking**

### **A. Definitions**

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

#### **1. Federal VAWA Definitions**

The following definitions are used for purposes of reporting dating violence, domestic violence, sexual assault and stalking under the Clery Act as amended by the Violence Against Women Act (VAWA).

##### **Dating Violence –**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition –
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.
  - For the purposes of complying with the requirements of this section [34 C.F.R. § 668.46] and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.<sup>36</sup>

##### **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; or
- 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.

For the purposes of complying with the requirements of this section [34 C.F.R. § 668.46] and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.<sup>37</sup>

##### **Sexual Assault –**

An offense that meets the definition of rape, fondling, incest, or statutory rape.

- **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.<sup>38</sup>
- **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 unable to give

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<sup>36</sup> 34 C.F.R. § 668.46(a).

<sup>37</sup> *Id.*

<sup>38</sup> See Appendix A, 34 CFR Subpart D.



consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.<sup>39</sup>

- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.<sup>40</sup>
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.<sup>41</sup>

### **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.

For the purposes of this definition –

- “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section [34 C.F.R. § 668.46] and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.<sup>42</sup>

## **2. State Definitions**

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

### **Dating Violence –**

- Included within the definition of domestic violence as set forth in California Penal Code Section 13700.

### **California Penal Code - Domestic Violence –**

“Domestic violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

- For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship.
  - Factors that may determine whether persons are cohabiting include, but are not limited to: sexual relations between the parties while sharing the same living quarters, sharing of income or expenses, joint use or ownership of property, whether the parties hold themselves out as spouses, the continuity of the relationship, and the length of the relationship.
- “Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.<sup>43</sup>

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<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> 34 C.F.R. § 668.46(a).

<sup>43</sup> Cal. Penal Code § 13700 (a), (b).

### **Punishment for battery generally; Punishment for battery against specified officers or others –**

- (a) A battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment . . . .
- (d) When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.
- (e)(1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant’s child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer’s treatment program . . . or if none is available, another appropriate counseling program designated by the court. . . .
- (f) As used in this section. (4) “Serious bodily injury” means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement . . . (10) “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.<sup>44</sup>

### **California Family Code – Domestic Violence –**

- For purposes of this act, “abuse” means any of the following:
  - To intentionally or recklessly cause or attempt to cause bodily injury.
  - Sexual assault.
  - To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
  - To engage in any behavior that has been or could be enjoined pursuant to Section 6320. [Note: “Section 6320 behavior” includes “molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of the other party, and, in the discretion of the court, on a showing of good cause, of other named family or household members.”]
- Abuse is not limited to the actual infliction of physical injury or assault.<sup>45</sup>
- “**Affinity**,” “when applied to the marriage relation, signifies the connection existing in consequence of marriage between each of the married persons and the blood relatives of the other.”<sup>46</sup>
- “**Cohabitant**” “means a person who regularly resides in the household. “Former cohabitant” means a person who formerly regularly resided in the household.”<sup>47</sup>
- “**Dating relationship**” “means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.”<sup>48</sup>

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<sup>44</sup> § 243.

<sup>45</sup> Cal. Family Code § 6203(a), (b).

<sup>46</sup> § 6205.

<sup>47</sup> § 6209.

<sup>48</sup> § 6210.

- **“Domestic violence”**

- “Domestic violence” is abuse perpetrated against any of the following persons:
  - A spouse or former spouse.
  - A cohabitant or former cohabitant, as defined in Section 6209.
  - A person with whom the respondent is having or has had a dating or engagement relationship.
  - A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).
  - A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
  - Any other person related by consanguinity or affinity within the second degree.<sup>49</sup>

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

**Rape –**

- Rape is an act of sexual intercourse accomplished under any of the following circumstances:
  - (1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.
  - (2) If it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
  - (3) If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.
  - (4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:
    - Was unconscious or asleep.
    - Was not aware, knowing, perceiving, or cognizant that the act occurred.
    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
  - (5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
  - (6) If the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

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<sup>49</sup> § 6211.

- (7) If the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
- As used in this Section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim’s relationship to the defendant, are factors to consider in appraising the existence of duress.
- As used in this Section, “menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.<sup>50</sup>

**Penetration** – The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.<sup>51</sup>

**Sodomy** – Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy. . . .

- (c)(1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six or eight years.
- (2)(A) Any person who commits an act of sodomy when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.
- (B) Any person who commits an act of sodomy with another person who is under 14 years of age when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years.
- (C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years.
- (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.
- (3) Any person who commits an act of sodomy where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.
- (d)(1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim’s will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.
- (2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age,

<sup>50</sup> Cal. Penal Code § 261.

<sup>51</sup> § 263.

when the act is accomplished against the victim’s will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

- (3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim’s will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.
- (4) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. . . .
- (f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:
  - Was unconscious or asleep.
  - Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
  - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (g) [A] person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship. . . ., the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. . . .
- (i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.
- (j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years. . . .
- (k) Any person who commits an act of sodomy, where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
- (l) As used in subdivisions (c) and (d), “threatening to retaliate” means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.
- (m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court, however, shall take into consideration the defendant’s ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.<sup>52</sup>

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<sup>52</sup> § 286.

## Oral Copulation –

- (a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.
- (b)(1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.
- (2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.
- (c)(1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.
- (2)(A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.
- (B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.
- (C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.
- (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.
- (3) Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.
- (d)(1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
- (2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.
- (3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by

- imprisonment in the state prison for 8, 10, or 12 years.
- (4) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.
- (e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.
- (f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:
  - (1) Was unconscious or asleep.
  - (2) Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
  - (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.
- (g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
- (h) Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
- (i) Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.
- (j) Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.
- (k) Any person who commits an act of oral copulation, where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.
- As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does

not actually have to be a public official.

- (l) As used in subdivisions (c) and (d), “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant’s ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.<sup>53</sup>

### **Penetration by Foreign Object –**

- (a)(1)(A) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.
- (B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.
- (C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.
- (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.
- (2) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.
- (b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
- (c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
- (d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of

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<sup>53</sup> § 287.



the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

- (1) Was unconscious or asleep.
  - (2) Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
  - (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.
  - (f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.
  - (g) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.
  - As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
  - (h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.
  - (i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.
  - (j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.
  - (k) As used in this section:
    - (1) “Sexual penetration” is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant’s or another person’s genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.
    - (2) “Foreign object, substance, instrument, or device” shall include any part of the body, except a sexual organ.
    - (3) “Unknown object” shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.
  - (l) As used in subdivision (a), “threatening to retaliate” means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.
  - (m) As used in this section, “victim” includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the

requirements of this section.<sup>54</sup>

### **Sexual Battery (Fondling) –**

- (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- (c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- (d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- (e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.
- (2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.
- (f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of

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<sup>54</sup> § 289.

another person whether accomplished directly or through the clothing of the person committing the offense.

- (g) As used in this section, the following terms have the following meanings:
  - (1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
  - (2) “Sexual battery” does not include the crimes defined in Section 261 or 289.
  - (3) “Seriously disabled” means a person with severe physical or sensory disabilities.
  - (4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
  - (5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
  - (6) “Minor” means a person under 18 years of age.
- (h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.
- (i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.
- (j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).<sup>55</sup>

#### **Incest –**

- Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.<sup>56</sup>

#### **Statutory Rape –**

- (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under 18 years of age and an “adult” is a person who is 18 years of age or older.
- (b) A person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- (c) A person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- (d) A person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.
- (e)(1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:
  - (A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

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<sup>55</sup> § 243.4.

<sup>56</sup> § 285.

- (B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).
- (C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).
- (D) An adult over 21 years of age who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).
- (2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.
- (3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against a person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and a defendant shall not be denied probation because of their inability to pay the fine permitted under this subdivision.
- (f) A person convicted of violating subdivision (d) who is granted probation shall not complete their community service at a school or location where children congregate.<sup>57</sup>

### **Stalking –**

- (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.
- (b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.
- (c)(1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.
- (2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.
- (d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.
- (e) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- (f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”
- (g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her

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<sup>57</sup> § 261.5.

safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

- (h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
- (i) This section shall not apply to conduct that occurs during labor picketing.
- (j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.
- (k)(1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.
- (2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.
- (l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.
- (m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.<sup>58</sup>

#### **Use of electronic communication to instill fear or to harass; Misdemeanor –**

- (a) Every person who, with intent to place another person in reasonable fear for his or her safety, or the safety of the other person’s immediate family, by means of an electronic communication device, and without consent of the other person, and for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment, by a third party, electronically distributes, publishes, e-mails, hyperlinks, or makes available for downloading, personal identifying information, including, but not limited to, a digital image of another person, or an electronic message of a harassing nature about another person, which would be likely to incite or produce that unlawful action, is guilty of a misdemeanor punishable by up to one year in a county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.
- (b) For purposes of this section, “electronic communication device” includes, but is not limited to, telephones, cell phones, computers, Internet Web pages or sites, Internet phones, hybrid cellular/Internet/wireless devices, personal digital assistants (PDAs), video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term is defined in Section 2510(12) of Title 18 of the United States Code.
- (c) For purposes of this section, the following terms apply:
  - (1) “Harassment” means a knowing and willful course of conduct directed at a specific person that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing the person and that serves no legitimate purpose.
  - (2) “Of a harassing nature” means of a nature that a reasonable person would consider as

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<sup>58</sup> § 646.9.

seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing of the person and that serves no legitimate purpose.<sup>59</sup>

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

- (a) In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, “consent” means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.
- (b) A current or previous dating or marital relationship is not sufficient to constitute consent if consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a.
- (c) This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.<sup>60</sup>

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.<sup>61</sup>

Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person’s free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years. As used in this section, “fear” means the fear of physical injury or death to the person or to any relative of the person or member of the person’s family.<sup>62</sup>

## **Marsy’s Law**

Marsy’s Law significantly expands the rights of victims/survivors in California. Under Marsy’s Law, the California Constitution Article I, § 28, section (b) now provides victims/survivors with the following enumerated rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim’s family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim’s family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, **upon request**, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, **upon request**, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, **upon request**, at which

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<sup>59</sup> § 653.2.

<sup>60</sup> § 261.6.

<sup>61</sup> § 261.7.

<sup>62</sup> § 266c.

- the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, **upon request**, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
  9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
  10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
  11. To receive, **upon request**, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
  12. To be informed, **upon request**, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
  13. To restitution.
    - A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
    - B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
    - C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
  14. To the prompt return of property when no longer needed as evidence.
  15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, **upon request**, of the parole or other release of the offender.
  16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
  17. To be informed of the rights enumerated in paragraphs (1) through (16).

### 3. University of California Policy Definitions

*As of July 31, 2024, pursuant to Federal court orders, the [U.S. Department of Education is currently enjoined from enforcing the final Title IX regulations published on April 19, 2024](#) in multiple states and at a majority of the University of California campuses, including UC San Diego. As a result, the University of California has decided to pause finalizing and implementing an updated systemwide Sexual Violence and Sexual Harassment Policy until the courts and the U.S. Department of Education provide further direction. Until then, the University of California's current systemwide Sexual Violence and Sexual Harassment Policy continues to apply. Following the adoption of an updated systemwide Sexual Harassment and Sexual Violence Policy, as appropriate and subject to any further direction from the U.S. Department of Education, UC San Diego will republish its Annual Security and Fire Safety Report to contain all required information regarding the University of California's policies for procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.*

#### A. General Definitions:

The University of California *Sexual Violence and Sexual Harassment Policy* was revised on July 31, 2019, August 14, 2020, and January 1, 2022. Under the policy, the applicable definition of Prohibited Conduct is based on the date of the incident. The definitions of consent, sexual violence, relationship violence and stalking based on the date of the incident are provided below.

**NOTE:** The University of California *Sexual Violence and Sexual Harassment Policy* defines "Prohibited Conduct" to include the incidents defined below. Additional behavior, including, but not limited to sexual

harassment and invasion of sexual privacy, may also qualify as Prohibited Conduct.

i. Consent

For incidents that occurred *on or after July 31, 2019*:

**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.



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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:

- 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 unconscious;
  - 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.

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.

For incidents that occurred *prior to July 31, 2019*:

**Consent** - Consent is *affirmative, conscious, voluntary, and revocable*. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence, do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations



between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

The Respondent's belief that the Complainant consented shall not provide a valid excuse where:

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

ii. Sexual Violence

For incidents that occurred *on or after July 31, 2019*:

**Sexual Violence** -<sup>63</sup>

**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** - 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.

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<sup>63</sup> **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. 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);
- Recording, photographing, transmitting, or distributing intimate or sexual images of Complainant without Complainant's prior knowledge and consent; or
- Effective January 1, 2022: Engaging in the conduct during or in connection with a clinical encounter (as defined in Appendix V of the *Sexual Violence and Sexual Harassment Policy*) in which the Complainant was a patient and the Respondent was a health care provider or health care worker.

For incidents that occurred *prior to July 31, 2019*:

### Sexual Violence -<sup>64</sup>

**Sexual Assault - Penetration** - Without the consent of the Complainant, penetration, no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.

**Sexual Assault - Contact** - Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed.

#### iii. Relationship Violence

For incidents that occurred *on or after July 31, 2019*:

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.
- 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. Relationship violence includes both "dating violence" and "domestic violence."

Conduct by a party in defense of self or another is not Relationship Violence under the *Sexual Violence and Sexual Harassment 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.

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<sup>64</sup> **Note:** As this definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. The Title IX Officer will determine whether the allegation should be treated as sexual violence or sexual harassment.

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

- Overcoming the will of Complainant by:
  - *force* (the use of physical force or inducing reasonable fear of immediate or future bodily injury);
  - *violence* (the use of physical force to cause harm or injury);
  - *menace* (a threat, statement, or act showing intent to injure);
  - *duress* (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit to something that they would not otherwise do);
  - deliberately causing a person to be incapacitated (through drugs or alcohol).
- Intentionally taking advantage of the other person's incapacitation (including voluntary intoxication).
- Recording, photographing, transmitting, or distributing intimate or sexual images without the prior knowledge and consent of the parties involved.

For incidents that occurred *prior to July 31, 2019*:

**Dating Violence** - Conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the Complainant in reasonable fear of serious bodily injury. The nature of the relationship between the Complainant and Respondent is determined by the length, type, and frequency of interaction between them.

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

iv. Stalking

Note the definition of “stalking” was revised on July 31, 2019 and again on August 14, 2020. Please see the relevant definitions below.

For incidents that occurred *on or after August 14, 2020*:

**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.

For incidents that occurred *between July 31, 2019 and August 13, 2020*:

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

For incidents that occurred *prior to July 31, 2019*:

**Stalking** - Repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress.

Stalking of a non-sexual nature is addressed by other University policies including but not limited to the Policy on Student Conduct and Discipline Section 102.10.

See [Section XII.E](#) for definitions relating to non-sex-based stalking.

Effective January 1, 2022, the University of California *Sexual Violence and Sexual Harassment Policy* also defines “sexual exploitation” as a form of Prohibited Conduct:

**Sexual Exploitation:**

- (i) Sexual Exploitation is taking sexual advantage of another, where the conduct is not otherwise

addressed in the *Sexual Violence and Sexual Harassment Policy*, in the following circumstances:

- (a) The trafficking or prostituting of another without their consent: Inducing the Complainant to perform a commercial sex act through force, fraud, or coercion, or where the Complainant is under the age of 18;
- (b) Knowingly making a material false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing the Complainant to participate in a specific sexual act or encounter;
- (c) Providing alcohol or drugs to the Complainant with the specific intent and effect of facilitating Prohibited Conduct; or
- (d) Actively facilitating or assisting another person in committing Prohibited Conduct.
- (ii) As used in the above definition of Sexual Exploitation:
  - (a) Coercion is overcoming the will of Complainant through:
    - credible threats of serious physical or non-physical harm to the Complainant or another person;
    - a plan intended to make the Complainant believe that failure to perform an act would result in serious physical or non-physical harm to the Complainant or another person; or
    - the abuse or credible threat of abuse of a legal or University policy process.
  - (b) A commercial sex act is any sex act for which anything of value is given to or received by any person.
  - (c) Force is physical conduct that would reasonably overcome the will of another.
  - (d) Fraud is intentional deception that would reasonably overcome the will of another.

### ***B. Prohibited Conduct in the Context of Patient Care (Definitions):***

There are many circumstances in which a health care provider or health care worker may touch or penetrate a patient's body as a legitimate part of the patient's health care. On the other hand, conduct that a health care provider or health care worker engages in with a sexual purpose is never a legitimate part of a patient's health care. The Title IX Officer will refer to Appendix V of the *Sexual Violence and Sexual Harassment Policy* when Prohibited Conduct allegedly occurs in the context of patient care.

#### **Sexual Assault – Penetration:**

- Penetration, no matter how slight, of the Complainant's vagina or anus by any part of the Respondent's hand or by a medical device, if the Respondent engaged in the conduct for a sexual purpose.

#### **Sexual Assault – Contact:**

- Intentionally, and for a sexual purpose –
  - touching Complainant's intimate body part (genitals, anus, groin, breast, or buttocks), or
  - making the Complainant touch themselves on an intimate body part, whether the intimate body part is clothed or unclothed.

#### **Invasions of Sexual Privacy:**

- For a sexual purpose:
  - watching or enabling others to watch the Complainant's nudity or sexual acts; or
  - making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting the Complainant's nudity or sexual acts.

**Note on Sexual Purpose:** In determining whether the Respondent engaged in conduct for a sexual purpose, the Title IX Officer will consider all relevant facts and circumstances, such as whether the conduct was Clinically Indicated. Whether the conduct was Clinically Indicated is typically relevant to but not determinative of whether Respondent engaged in Prohibited Conduct. A Respondent has a "sexual purpose" if, for example, they engage in conduct with any sexual motivation, for sexual gratification, or as an expression of dominance.

**Clinical Encounter:**

- An inpatient visit, medical office visit, or ancillary service visit during which a patient has a direct interaction with a health care provider or worker, where a health care provider has responsibility for diagnosing, evaluating, or treating the patient's condition, or a health care worker is tasked with delivering a health care item or service (for example, a test or procedure) prescribed by a health care provider.

**Clinically Indicated:**

- Health care services are clinically indicated in either of the following circumstances.
  - (a) Clinical Care:
    - a health care provider, exercising prudent clinical judgment, would provide them to a patient for the purpose of preventing, evaluating, diagnosing, or treating an illness, injury, disease, condition, or its symptoms;
    - as performed, they meet the applicable Standard of Care (as defined below);
    - as performed, they are appropriate, in terms of type, frequency, extent, site, and duration; and
    - as performed, they are considered effective for the patient's illness, injury, disease, condition, or symptoms.
  - (b) Research or Clinical Trial: They are required for the performance of a clinical trial approved by an IRB with jurisdiction, and are provided consistent with the IRB-approved protocol and with the IRB-approved consent process.

**Note on Informed Consent:** "Informed consent" of a patient or the patient's legally authorized representative to an examination or procedure the health care provider knows or should know is not Clinically Indicated, or to the making or distribution of media involving an examination or procedure for purposes unrelated to Clinically Indicated patient care, or legitimate research or education activities, is not a defense to an allegation of Prohibited Conduct under the *Sexual Violence and Sexual Harassment Policy*.

**Standard of Care:**

- The reasonable degree of skill, knowledge and care, based on credible scientific evidence published in current peer-reviewed medical literature, and ordinarily possessed and exercised by members of a person's profession and specialty under similar circumstances.
- The Standard of Care encompasses whether and under what circumstances a procedure is performed; the way it is performed; and whether and if so in what manner informed consent should be obtained prior to performance (for example, whether consent must be obtained in writing, whether documentation of consent in the medical record is required, or whether it may be implied under the circumstances, and the required content of the consent discussion, form, or both).



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## **B. Primary and On-going Prevention and Awareness Programs**

UC San Diego offers various programs and trainings to support students, staff and faculty with a wide range of topics, including primary and ongoing programs to promote the prevention and awareness of dating violence, domestic violence, sexual assault and stalking. These programs and trainings are primarily offered by CARE at SARC and OPHD. In addition, other University departments and student organizations may organize campaigns throughout the school year on topics that overlap with dating violence, domestic violence, sexual assault and stalking.

In 2023, all incoming first year, transfer students and Education Abroad Program (EAP) Reciprocity students were required to complete an online program administered through Vector Solutions entitled, “Sexual Assault Prevention for Undergraduates” prior to enrolling in classes. All incoming graduate and professional students took a mandatory online program administered through Vector Solutions entitled “Sexual Assault Prevention for Graduate Students.”

CARE at SARC also provides mandatory education for all incoming first year and transfer students during new student orientation. This program includes information about healthy relationships, navigating consent, bystander intervention strategies, cybersafety and seeking support from CARE at SARC. This program includes information about the nature, dynamics and common circumstances associated with dating violence, domestic violence, sexual assault and stalking. The program also includes information about risk reduction and bystander intervention strategies. In addition, CARE at SARC and OPHD provide training to Resident Assistants, House Advisors, Orientation Leaders, Teaching Assistants and other student staff as part of their staff onboarding training. These trainings cover Responsible Employee reporting requirements and campus-wide support resources for incidents of sexual assault, relationship violence and stalking, as well as other forms of discrimination and harassment.

In addition to Orientation, each year CARE at SARC provides on-going education through programs, trainings and outreach events by partnering with on-campus departments, student organizations, residence halls, athletic teams, as well as sororities and fraternities. CARE at SARC also widely distributes several educational brochures and publications about CARE services, supporting survivors and primary prevention topics.

UC San Diego provides periodic training relating to the prevention and handling of dating violence, domestic violence, sexual assault and stalking to all relevant personnel, including UC San Diego police officers and dispatchers, Center for Student Accountability, Growth, and Education staff and hearing officers, University investigators and other staff associated with the Title IX program. OPHD provides education relating to the

prevention and response to disclosures of dating violence, domestic violence, sexual assault and stalking at New Employee Orientation, in addition to online training for supervisors, non-supervisors and faculty. All supervisors, non-supervisors and faculty are required to take a Sexual Violence Sexual Harassment Prevention course upon employment and repeat it every two years.

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

- CARE services
- Bystander intervention techniques
- Clarifying consent
- Cybersafety & stalking prevention
- Dynamics of sexual violence
- How to support survivors
- Responding to disclosures
- Understanding healthy relationships
- Customized content for heritage months and cultural celebrations

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

## **1. Student Program Descriptions**

### **Sexual Assault Prevention for Undergraduate Students - Online Program – Vector Solutions Higher Education Corporation**

In 2023, all incoming undergraduate students were required to complete a mandatory online course entitled "Sexual Assault Prevention for undergraduate Students." This course covers the definitions of dating violence, domestic violence, sexual assault and stalking, the importance of obtaining consent, information on risk reduction and techniques for bystander intervention. It also includes information on the University's disciplinary proceedings.

### **Sexual Assault Prevention for Graduate Students – Online Program – Vector Solutions Higher Education Corporation**

In 2023, all incoming graduate and professional students were required to complete a mandatory online course entitled "Sexual Assault Prevention for Graduate Students." This course covers the definitions of dating violence, domestic violence, sexual assault and stalking, the importance of obtaining consent, risk reduction and techniques for bystander intervention. It also includes information on the University's disciplinary proceedings, and information regarding being a Responsible Employee, for those employed by the University. "Sexual Assault Prevention: Graduate Students" gives students the tools to identify, prevent, and report sexual assault, dating violence, domestic violence, and stalking, and the education they need to be successful as members of the UC San Diego community.

### **"CARE at the Sexual Assault Resource Center: CARE Island" Orientation Program - CARE at SARC**

All first year and transfer students participated in CARE at SARC's orientation program that consisted of multiple educational touchpoints. The first part was an asynchronous learning module delivered on Canvas in which students watched a five-part video series, engaged in an online scavenger hunt of CARE at SARC's

website and then completed short knowledge checks. The second part were small group discussions facilitated by Orientation Leaders during Orientation about the topics covered in the video series. The topics included healthy relationships, bystander intervention techniques, understanding consent, supporting survivors, and campus resources.

### **I <3 Healthy Relationships - CARE at SARC**

This one-hour program explores the dynamics of a healthy relationship and gives students practice with identifying and addressing red flag behaviors. Discussion includes: relationship spectrum, red flag behaviors, power and control tactics, and changing campus culture.

### **Cute or Creepy: Practicing Cybersafety - CARE at SARC**

This program offers tips about online safety, privacy settings, texting/sexting, social networks and how to protect personal information. Discussion includes: definitions of stalking and cyberstalking, digital boundaries, reporting options, and working with campus resources.

### **Party IDEAS - CARE at SARC**

This program uses IDEAS, the UC San Diego Bystander Intervention Techniques (BIT) model, to offer skills and strategies for individuals to intervene in potentially risky or harmful situations. Discussion focuses on: definitions of bystander and active bystander, barriers to intervention, and applying IDEAS.

### **Yes, No, Maybe? Clarifying Consent - CARE at SARC**

This program focuses on communication and consent. Participants learn what consent is and how to ask, listen, and respect. Discussion focuses on definitions, “yes means yes” education, navigating rejection, and scenarios.

### **CARE at SARC Services - CARE at SARC**

This program includes a breakdown of the advocacy support services and prevention education services offered by CARE at SARC. This program is offered to professional staff, student staff, and student organizations.

### **CARE at SARC Services and Responding to Disclosures - CARE at SARC**

This training includes a breakdown of the services CARE at SARC offers, the difference between confidential and non-confidential staff, and the five steps of responding to disclosures. Discussion includes supporting survivors and offering a trauma-informed response. This training is offered to professional staff, student staff, as well as student leaders in athletics, sororities, fraternities and student recognized organizations.

### **Sexual Assault Awareness Month (SAAM)**

CARE at SARC and campus partners offer extensive programs and activities during April, which is Sexual Assault Awareness Month. In 2023 these activities included:

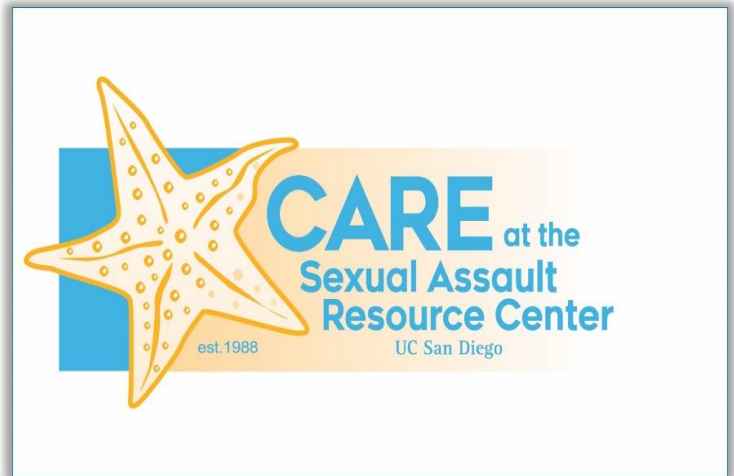
- April 4: SAAM Day of Action
  - CARE at SARC tabled on Library Walk to provide information about SAAM and how Tritons can contribute to the campaign, #TritonsTakeAction. Tritons were encouraged to wear teal and reflect on why raising awareness for SAAM is important.
- April 7: Empowering Employees to Intervene: Sexual Harassment *in collaboration with OPHD*
  - CARE at SARC, in partnership with OPHD, offered staff an in person, interactive training that explored the barriers for intervention and empowered participants to move from a bystander to an active bystander. Participants had the opportunity to apply the IDEAS model, developed by CARE at SARC for students, to workplace sexual harassment scenarios.
- April 12: CARE at SARC Open House
  - Tritons were invited to come by the CARE at SARC office for a self-directed walk through. UCSD students, staff, and faculty had the opportunity to check out the inside of the CARE office,



learn about CARE's services, and meet the CARE staff.

- April 13: Succulents for SAAM *in collaboration with The Zone*
  - Tritons were invited to take a break and recognize the resilience of sexual assault survivors by planting succulents and decorating pots. This event was offered to raise awareness about SAAM and honor survivors.
- April 14: How to Support a Student Survivor *offered through the UC Learning Center*
  - This training is designed to teach non-academic staff how to respond to student disclosures. Training content included an overview of CARE services, definitions of violence, the impact of trauma, and steps to a trauma-informed response.
- April 17: Healing Through Writing *in collaboration with the Women's Center*
  - This workshop focused on how writing and storytelling can be utilized for healing and self-care practice, including tips on how to get started.
- April 19: Rainbow Reef: Art as Healing *in observation of Out & Proud Week and in collaboration with the LGBT Resource Center*
  - This workshop centered around LGBTQ+ identified undergraduate and graduate students. Discussion included: the benefits of art as healing, what that looks like, and a paint art activity.
- April 20: Yes, No, Maybe? Clarifying Consent *in collaboration with the Center for Student Involvement's iLead: Leadership My Way Program*
  - This program focused on communication and consent. Participants learned what consent is and how to ask, listen, and respect. Discussion included: focuses on definitions, "yes means yes" education, and navigating rejection, and scenarios.
- April 21: Empowering Employees to Intervene: Sexual Harassment *in collaboration with OPHD offered through the UC Learning Center*
  - CARE at SARC, in partnership with OPHD, offered staff a virtual, interactive training that explored the barriers for intervention and empowered participants to move from a bystander to an active bystander. Participants had the opportunity to apply the IDEAS model, developed by CARE at SARC for students, to workplace sexual harassment scenarios.
- April 21: Take Back the Night *in collaboration with UCSD Health*
  - The Domestic Violence and Sexual Assault Committee, which is part of UCSD Health invited Tritons to meet at Balboa Park for a program recognizing SAAM with survivor speakers, a resource fair and short walk.
- April 24: SAAM Awareness Tabling
  - CARE at SARC tabled on Library Walk to provide information about SAAM and how Tritons can contribute to the campaign, #TritonsTakeAction.
- April 25: Party IDEAS *in collaboration with the Center for Student Involvement's iLead: Leadership My Way Program*
  - This program used IDEAS, the UC San Diego Bystander Intervention Techniques (BIT) model, to offer skills and strategies for individuals to intervene in potentially risky or harmful situations. Discussion included: definitions of bystanders and active bystanders, barriers to intervention, and applying IDEAS.

- April 26: Denim Day *in collaboration with the Women's Center*
  - Tritons were encouraged to wear denim and meet at the Women's Center for interactive activities and a group community solidarity picture.
  - Students were invited to attend the Women's Center Denim Day Workshop to learn more about the history of Denim Day, Consent in a Digital Age, and Naming Rape Culture.
  - CARE at SARC provided passive education on the significance of Denim Day via social media, including the history and what Tritons can do to take action at UC San Diego.



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

Rape Aggression Defense (R.A.D.) is a national program designed to provide women with the concepts and methods needed for self-defense. The program enables women to take a more active role in protecting themselves and their psychological well-being.

Take a R.A.D. class to learn:

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

R.A.D. was not offered in 2023. R.A.D. is expected to be offered in 2024.

## **2. Faculty and Staff Program Descriptions**

### **Sexual Violence and Sexual Harassment Prevention Training – University of California**

Beginning in 2023, the University of California provided Sexual Violence and Sexual Harassment Prevention Training for Supervisors for supervisors, non-supervisors, and faculty online through the UC Learning Center. This training includes information on dating violence, domestic violence, sexual assault and stalking.

### **How to Support a Student Survivor – CARE at SARC**

This course is offered quarterly through the UC Learning Center. This training is designed to teach non-academic staff how to respond to student disclosures. Training content includes an overview of CARE services, definitions of violence, the impact of trauma, and steps to a trauma-informed response.

### **Empowering Employees to Intervene: Sexual Harassment – CARE at SARC & OPHD**

In 2021, CARE at SARC and OPHD collaborated to develop a bystander intervention program specifically tailored to workplace sexual misconduct. The training explores the barriers for intervention and empowers participants to move from a bystander to an upstander. Participants also learn about the IDEAS model developed by CARE at SARC, and apply it to workplace sexual harassment scenarios.

### **Creating a Culture of CARE – CARE at SARC**

This training is offered based on requests to help create a more inclusive and trauma informed workspace and

campus. This training focuses on exploring the six pillars of primary prevention and how Tritons can apply them on campus. Training content includes the IDEAS bystander intervention techniques model and how to support survivors.

### **Rape Aggression Defense – UC San Diego Police Department**

Rape Aggression Defense (R.A.D.) is a national program designed to provide women with the concepts and methods needed for self-defense. The program enables women to take a more active role in protecting themselves and their psychological well-being.

Take a R.A.D. class to learn:

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

R.A.D. was not offered in 2023. R.A.D. is expected to be offered in 2024.

## **3. Risk Reduction**

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction strategies include knowledge or actions to use in-the-moment should an act of violence take place. Please note that it is never a victim's fault if they experience an act of violence, but some individuals may feel safer knowing that risk reduction strategies exist. Some also may feel more empowered to address situations after learning different risk reduction strategies. Below are some risk reduction strategies to consider:

- Understand consent.
  - Consent is a mutual, affirmative, voluntary, and revocable agreement by each participant to engage in sexual activity or intimacy. An informed verbal “yes” must accompany positive and engaging body language. The initiator of sexual activity or intimacy is responsible for receiving consent from their partner. Obtaining consent is a continuous process, meaning consent to one activity doesn't mean consent to other acts.
  - Consent is voluntary and can be withdrawn at any time. Consent must be given without coercion, force, threats, or intimidation by the initiator.
- Understand the influence of alcohol and other substances.
  - Consent cannot be given when someone is incapacitated by drugs and/or alcohol; and, perpetrators may attempt to use alcohol and/or drugs to facilitate a sexual assault. Statistically, the majority of reported sexual assaults occur while one or both parties are under the influence of alcohol or drugs.
  - Alcohol or drugs are never an excuse for choosing to violate another person or cross boundaries.
  - There are several drugs that may be added to beverages with the intent of altering the consciousness or incapacitating a person without their knowledge. Substances are particularly dangerous when combined with alcohol, and can interfere with memory creation, storage, and/or recall, leaving a victim unclear about what occurred. These drugs can facilitate criminal activity, most often acts of sexual misconduct or sexual assault.
  - It is important to note that although drugs may be used to facilitate sexual assault, the most common substance used is alcohol.
- Know the definition of sexual assault.
  - Sexual assault is any unwanted, non-consensual behavior from kissing and fondling to rape.

Ignorance of the law or of University policy concerning sexual assault, sexual misconduct and sexual harassment is never an excuse for non-consensual sexual behavior.

- Identify common behaviors that often precede an assault.
  - Recognizable red flags include seeing someone who is attempting to separate an intoxicated individual from their friends, or continuing to pour drinks for an individual who is clearly beyond their limit. Tritons can take action as a responsive bystander and use IDEAS (Interrupt, Distract, Engage Peers, Alert Authorities, Safety). Friends, peers, or CSOs can help support a person in need and can also help escort folks home.

#### **4. Bystander Intervention Techniques**

Bystander intervention is when someone chooses to take action when witnessing an uncomfortable, risky, or potentially harmful situation. It encompasses safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

Created by UC San Diego students and staff, the UC San Diego Bystander Intervention Techniques model can empower Tritons with the skills needed to become a responsive bystander in everyday situations. See below how IDEAS can be used to get involved:

- Interrupt – Ask a question to directly engage the situation. “Excuse me, do you need help?”
- Distract – Draw attention to something else. “Hey, your car is getting towed!”
- Engage Peers – Involve a friend or someone else around you. “Let’s do something.”
- Alert Authorities – In some situations, authorities or people with more power may be the best source for help (e.g., Deans, RAs, party hosts, bar staff, designated drivers, and/or first responders like the police or EMTs).
- Safety First – Keep your safety and the safety of others in mind and let that determine how you respond.

Primary and ongoing prevention and awareness programs at UC San Diego emphasize that community members are not limited to just these IDEAS. All campus affiliates are encouraged to choose their own strategy or technique to intervene. Bystander intervention is included in the programming provided by UC San Diego.

### **C. Options, Rights and Procedures for Victims/Survivors of Dating Violence, Domestic Violence, Sexual Assault and Stalking**

UC San Diego is committed to 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, activities and services can work and learn together in an atmosphere free of harassment, exploitation or intimidation. Sexual violence, which includes sexual assault, domestic violence, dating violence and stalking, and other behavior prohibited by the University of California *Sexual Violence and Sexual Harassment Policy* interferes with these goals. Prohibited Conduct, as defined in the University of California *Sexual Violence and Sexual Harassment Policy*, is a violation of University Policy and may violate law.

The safety and well-being of our students, faculty and staff are among the University's highest priorities. Anyone who has been affected by sexual violence, whether on or off campus, is encouraged to utilize the support services provided by the University and in the community. Victims/Survivors of dating violence, domestic violence, sexual assault and stalking have the right to choose whether they want to pursue criminal or civil remedies in court and/or administrative remedies through the University. Victims/Survivors also have the right not to pursue a criminal, civil or administrative remedy. CARE at SARC is available to provide support services to all victims/survivors.



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

- Resources for victims/survivors both within and outside of the community (including resources in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas);
- Non-reporting options;
- Confidentiality/privacy and obtaining supportive and remedial measures and public recordkeeping;
- Law enforcement reporting options, including medical exams and the importance of preserving evidence;
- Civil reporting options & protective orders;
- University reporting options, including the investigative and disciplinary process;
- University-issued no contact orders; and
- University-facilitated supportive measures and remedies.

This information is also summarized below.

## **1. Resources for Victims/Survivors**

The following is a list of on-campus and off-campus resources that offer a variety of services in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas.

CARE at SARC can serve as a referral source or support with any of these resources if requested.

***On-Campus Resources:***

Service Provider	Types of Services	Contact
<p><b>Academic Personnel Services</b></p>	<p>Provides proactive problem-solving for departments and divisions in situations involving issues of faculty conduct, faculty performance, and faculty complaints about discrimination or treatment. This program serves campus administrators seeking resolution for academic personnel performance, attendance and behavioral issues.</p> <p>Available for Deans, Chairs, Provosts and other administrators.</p>	<p><b>General Campus/SIO:</b> <b>(858) 822-4564</b></p> <p><b>Health Sciences:</b> <b>(858) 534-3159</b></p> <p><a href="https://aps.ucsd.edu/">https://aps.ucsd.edu/</a></p>
<p><b>CARE at the Sexual Assault Resource Center</b></p>	<p>Provides confidential &amp; free survivor support, accompaniment, and crisis intervention services to UC San Diego students, staff, and faculty who are victims/survivors.</p>	<p><b>(858) 534-5793</b> <a href="https://care.ucsd.edu">https://care.ucsd.edu</a></p>
<p><b>Counseling and Psychological Services (CAPS)</b></p>	<p>Offers confidential counseling and mental health services for currently registered UC San Diego students.</p>	<p><b>(858) 534-3755</b> <a href="https://caps.ucsd.edu/">https://caps.ucsd.edu/</a></p>
<p><b>Employee Assistance Program (EAP) (Health System, School of Medicine, School of Pharmacy, and Student Health program employees)</b></p>	<p>For all benefits-eligible UC San Diego Health employees, the Employee Assistance Program (EAP), managed by Optum Live and Work Well, offers assistance and referral services for those who may be experiencing issues that are affecting their personal well-being and/or job performance. Services include assessment, referral to outside resources, consultation, supervisory training, return to work assistance, and follow up. All services are free and employees are encouraged to self-refer and seek this confidential assistance.</p>	<p><b>(866) 808-6205 (code: UCSDMC)</b> <a href="https://www.liveandworkwell.com">https://www.liveandworkwell.com</a> (operated by Optum)</p> <p><a href="https://ucnet.universityofcalifornia.edu/cbenefits/health-plans/behavioral-health/index.html">https://ucnet.universityofcalifornia.edu / cbenefits/health- plans/behavioral-health/index.html</a></p>

Service Provider	Types of Services	Contact
<b>Employee Relations (Health Based Staff)</b>	<p>UC’s medical coverage also includes behavioral health benefits for mental health services and substance abuse treatment. Additional resources are offered through an employee’s individual medical plan.</p> <p>Provides neutral services for employees who have questions or need assistance related to conflict in the workplace, policy interpretation, referrals, and consultation on a wide range of matters related to work.</p>	<p><b>(619) 543-3200</b>  <a href="https://uhealth.service-now.com/hrportal">https://uhealth.service-now.com/hrportal</a></p>
<b>Employee Relations (Non-Health Based Staff)</b>	<p>Provides neutral services for employees who have questions or need assistance related to conflict in the workplace, policy interpretation, referrals, and consultation on a wide range of matters related to work.</p>	<p><b>(858) 534-4115</b>  <a href="https://blink.ucsd.edu/sponsor/hr/divisions-units/emp-relations/index.html">https://blink.ucsd.edu/sponsor/hr/divisions-units/emp-relations/index.html</a></p>
<b>Faculty and Staff Assistance Program (FSAP) (campus faculty and staff, post-doctoral Faculty and Staff scholars)</b>	<p>Offers confidential counseling and referrals for UC San Diego campus staff and faculty, and their household members.</p>	<p><b>(858) 534-5523</b>  <a href="https://blink.ucsd.edu/go/fsap">https://blink.ucsd.edu/go/fsap</a></p>
<b>Financial Aid Office</b>	<p>Provides financial aid services to current UC San Diego students.</p>	<p><b>(858) 534-4480</b>  <a href="https://fao.ucsd.edu">https://fao.ucsd.edu</a></p>
<b>Healer Education Assessment and Referral Program (HEAR) (medical and pharmacy students, residents, fellows, health faculty, hospital staff and all health trainees)</b>	<p>Offers confidential counseling and referrals for UC San Diego Health students, staff and faculty</p>	<p><b>(858) 905-2342</b>  <b>(858) 933-6409</b>  <b>(858) 905-2734</b>  <a href="https://hear.ucsd.edu/index.html">https://hear.ucsd.edu/index.html</a></p>
<b>International Services &amp; Engagements Office</b>	<p>Provides advising and immigration services, and facilitates global education through programs and services to the UC San Diego community.</p>	<p><b>(858) 534-3730</b>  <a href="https://iseo.ucsd.edu/student-services/index.html">https://iseo.ucsd.edu/student-services/index.html</a></p>
<b>Office of the Ombuds</b>	<p>Offers confidential, neutral and informal dispute resolution services for faculty, staff, students, non-Senate academics, postdoctoral trainees and employees of the UC San Diego Health System.</p>	<p><b>(858) 534-0777</b>  <a href="https://ombuds.ucsd.edu">https://ombuds.ucsd.edu</a></p>

Service Provider	Types of Services	Contact
<b>Office for the Prevention of Harassment &amp; Discrimination (OPHD) (Title IX)</b>	Receives reports of allegations of discrimination, sexual violence, dating violence domestic violence, and stalking, and conducts the administrative fact-finding investigation and non-investigation processes.	<b>(858) 534-8298</b> <a href="https://ophd.ucsd.edu">https://ophd.ucsd.edu</a>
<b>Center for Student Accountability, Growth, and Education</b>	Receives, processes and resolves student conduct complaints.	<b>(858) 534-6225</b> <a href="https://sage.ucsd.edu/">https://sage.ucsd.edu/</a>
<b>Student Health Services</b>	Provides medical services to registered UC San Diego students.	<b>(858) 534-3300</b> <a href="https://studenthealth.ucsd.edu">https://studenthealth.ucsd.edu</a>
<b>Student Legal Services (SLS)</b>	Offers confidential services and advice to registered UC San Diego students and referrals to private attorneys.	<b>(858) 534-4374</b> <a href="https://sls.ucsd.edu">https://sls.ucsd.edu</a>
<b>Undocumented Student Services</b>	Provides services for UC San Diego students who are undocumented or from mixed-status families regarding legal and financial concerns and visa and immigration services.	<b>(858) 822-6916</b> <a href="https://uss.ucsd.edu">https://uss.ucsd.edu</a>

***Law Enforcement Resources:***

Service Provider	Types of Services	Contact
<b>UC San Diego Police Department</b>	Conducts patrol, investigation, crime prevention education and related law enforcement duties for the UC San Diego community.	<b>(858) 534-4357 (non-emergency)</b> <b>9-1-1 (emergency)</b> <a href="https://police.ucsd.edu">https://police.ucsd.edu</a>
<b>San Diego Police Department</b>	Conducts patrol, investigation, crime prevention, and related law enforcement duties for neighborhoods surrounding UC San Diego.	<b>(858) 484-3154 (non-emergency)</b> <b>9-1-1 (emergency)</b> <a href="https://www.sandiego.gov/police">https://www.sandiego.gov/police</a>
<b>San Diego County Sheriff's Department</b>	Provides general law enforcement, detention and court services for the people of San Diego County.	<b>(858) 868-3200</b> <b>9-1-1 (emergency)</b> <a href="https://www.sdsheriff.gov">https://www.sdsheriff.gov</a>



**Community, National, Global Resources:**

<b>Service Provider</b>	<b>Types of Services</b>	<b>Contact</b>
<b>California Civil Rights Department</b>	Receives and investigates complaints related to discrimination, harassment, or retaliation in the workplace.	<b>(800) 884-1684</b> <a href="https://calcivilrights.ca.gov">https://calcivilrights.ca.gov</a>
<b>Casa Cornelia Law Center</b>	Offers free legal services to victims of human and civil rights violations. Provides assistance with visa and immigration issues for undocumented victims of crime.	<b>(619) 231-7788</b> <a href="https://casacornelia.org/">https://casacornelia.org/</a>
<b>Center for Community Solutions (CCS)</b>	Provides a confidential 24-hour crisis hotline, emergency shelter, accompaniment, legal, counseling services for victims of sexual assault and domestic violence in San Diego County.	<b>(888) 385-4657</b> <a href="https://www.ccssd.org/">https://www.ccssd.org/</a>
<b>RAINN (Rape, Abuse, and Incest National Network)</b>	National network supporting victims/survivors of sexual assault and abuse. 24/7 free and confidential hotline and chat services.	<b>(800) 656-4673</b> <a href="https://www.rainn.org/">https://www.rainn.org/</a>
<b>Your Safe Place (YSP) – formerly, San Diego Family Justice Center</b>	Provides support to victims/survivors and children of family violence, including legal services, food, shelter, clothing, spiritual support, medical services and other services.	<b>(619) 533-6000</b> <a href="https://www.sandiego.gov/sandiegofamilyjusticecenter">https://www.sandiego.gov/sandiegofamilyjusticecenter</a>
<b>San Diego Stalking Hotline</b>	Offers confidential support and information for victims of stalking.	<b>(619) 515-8900</b> <a href="https://www.sdcca.org/preventing/stalking/">https://www.sdcca.org/preventing/stalking/</a>
<b>Women’s Resource Center</b>	Provides confidential 24-hour crisis hotline, support services, counseling, shelter and education for north San Diego County residents involved in or threatened by domestic violence or sexual assault.	<b>(760) 757-3500</b> <a href="https://www.wrcsd.org/">https://www.wrcsd.org/</a>
<b>U.S. Department of Education Financial Aid</b>	Provides federal financial aid assistance.	<b>(800) 433-3243</b> <a href="https://www2.ed.gov/about/contacts/gen/index.html">https://www2.ed.gov/about/contacts/gen/index.html</a>
<b>U.S. Department of Education Office for Civil Rights</b>	Receives and investigates complaints related to discrimination based on race, color, national origin, sex, disability, and age.	<b>(800) 421-3481</b> <a href="https://www2.ed.gov/about/offices/list/ocr/index.html">https://www2.ed.gov/about/offices/list/ocr/index.html</a>
<b>U.S. Department of State – Office of Overseas Citizens Services</b>	Assists victims/survivors who are overseas with local and/or US-based resources for victims of crime, including local legal representation.	<b>From the US or Canada:</b> <b>1 (888) 407-4747</b> <b>From overseas: +1 (202) 501-4444</b> <a href="https://travel.state.gov/content/passports/en/emergencies.html">https://travel.state.gov/content/passports/en/emergencies.html</a>

**2. Non-Reporting Options**

Not reporting or declining to notify authorities is always an option. Victims/Survivors who choose not to report or notify may still utilize any of the confidential resources listed above. CARE at SARC is always available to victims/survivors to provide information, emotional support, crisis intervention support, support groups, and/or assistance with obtaining a forensic medical exam. If the victim/survivor would like to seek support off campus, the Center for Community Solutions (CCS) and Your Safe Place (YSP) provide services to victims/survivors in San Diego County. Other confidential resources on campus include Counseling and Psychological Services (CAPS), Faculty and Staff Assistance Program (FSAP) and the Office of the Ombuds.

If a victim/survivor chooses not to report to or notify law enforcement or to the University, they still have the right to receive medical treatment, advocacy services and an optional sexual assault forensic exam. In San Diego County, this exam is called a Non-Participatory Report (NPR).<sup>65</sup> The evidence will not include the victim/survivor's name. The victim/survivor can decline a copy of the report (history, findings) to be included with evidence. The NPR may or may not trigger an investigation (without the participation of the victim/survivor). The NPR is free of cost to the victim/survivor. If the victim/survivor decides that they want to participate with law enforcement, the victim/survivor must call Palomar Health Services and sign a release. This release allows Palomar Health Services to provide identifying information to law enforcement. Physical evidence will be held by law enforcement for at least 20 years. The victim/survivor will be given written notice if law enforcement decides to destroy evidence. The evidence collected will be tested, unless the victim/survivor chooses to not have it tested at the time of the exam. The victim/survivor has the right to contact law enforcement to learn the status of DNA testing of the kit and other evidence. Under California Penal Code Section 11160, healthcare providers are mandated reporters and must report cases of sexual assault to law enforcement.

The NPR option for UC San Diego students, faculty and staff can be requested by contacting CARE at SARC at (858) 534-5793. CARE at SARC can provide free transportation to the Sexual Assault Response Team (SART) facility for victims who choose the NPR. Victims/Survivors also have the option of requesting the NPR through the county rape crisis hotline: (858) 385-4657.

### **3. Confidentiality/Privacy and Obtaining Supportive and Remedial Measures and Public Recordkeeping**

#### ***A. Confidentiality and Obtaining Supportive and Remedial Measures:***

The University will protect the privacy of everyone involved in a report of sexual violence to the greatest degree possible under applicable law and University policy. Personally identifiable information about the complainant and other necessary parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services to the complainant, including Supportive and Remedial Measures (as defined in the *University of California Sexual Violence and Sexual Harassment Policy*, attached as [Appendix C](#)). By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any Supportive and Remedial Measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive and Remedial Measures, and to the extent permissible under applicable law and policy.

#### ***B. Privacy and Public Recordkeeping:***

UC San Diego completes publicly available recordkeeping, including Clery Act reporting and disclosures, without including personally identifiable information about the victim/survivor as defined in Section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)). Specifically, UC San Diego does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime and Fire Log or in the crime statistics that are disclosed in the *Annual Security and Fire Safety Report*. Furthermore, if a Timely Warning is issued on the basis of a report of dating violence, domestic violence, sexual assault or stalking, the name of the victim/survivor and other personally identifiable information about the complainant will be withheld.

### **4. Law Enforcement Reporting Options**

It is a victim's/survivor's choice to report a crime. A victim/survivor may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should

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<sup>65</sup> In the state of California, the NPR is referred to as the "VAWA Exam" or the "924".

dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report at any time in the jurisdiction where the assault occurred. Victims/Survivors can reach the UC San Diego Police Department at (858) 534-HELP (4357) or the San Diego Police Department at (619) 531-2000. To file a non-emergency police report, a victim/survivor can contact the dispatch lines (858) 534-4357 for the UC San Diego Police Department or (619) 531-2000 for the San Diego Police Department and request an officer meet them at the location of their choosing. An officer will then meet with the victim/survivor and take their statement about the incident. This may include the gathering of physical evidence and/or photographing of injuries. The officer will then provide any necessary follow-up materials or information. CARE at SARC will assist the victim/survivor in filing the report if requested.

**A. Confidential Victim:**

A victim/survivor of specific offenses (enumerated in California Government Code Section 6254(f)(2)(A)) has the right to request to be listed as a confidential victim in a law enforcement agency's report. Being listed as a confidential victim in a law enforcement agency's report prevents the law enforcement agency from disclosing the confidential victim's name and address as a matter of public record. However, the confidential victim's information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code Section 293 for more information.

**B. Medical Exams:**

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

**C. Preserving Evidence:**

Victims/Survivors of sexual assault are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination. In San Diego County, this exam is known as a Sexual Assault Forensic Exam (SAFE). It is recommended that the examination occurs within a reasonable timeframe (roughly 5 days) after the assault for optimal evidence collection. If a sexual assault victim/survivor chooses to make a police report, the law enforcement official will meet with the victim/survivor, determine whether the report as given would constitute a crime, and then alert the Sexual Assault Response Team (SART) facility where the SAFE will be conducted. Law enforcement or CARE at SARC will coordinate transportation to the facility, depending on the victim's/survivor's preference, and the victim/survivor has the option and right to meet with a victim advocate before the exam begins. A specially trained medical provider, called a Sexual Assault Nurse Examiner (SANE), will conduct the exam.

If a victim/survivor chooses not to report to law enforcement, they still have the right to receive medical treatment, advocacy services and an optional sexual assault forensic exam. In San Diego County, this exam is called a Non-Participatory Report (NPR).<sup>66</sup> The evidence will not include the victim's/survivor's name. The victim/survivor can decline a copy of the report (history, findings) to be included with evidence. The NPR may or may not trigger an investigation (without the participation of the victim/survivor). The NPR is free of cost to the victim/survivor. If the victim/survivor decides that they want to participate with law enforcement, the

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<sup>66</sup> In the state of California, the NPR is referred to as the "VAWA Exam" or the "924".

victim/survivor must call Palomar Health Services and sign a release. This release allows Palomar Health Services to provide identifying information to law enforcement. Physical evidence will be held by law enforcement for at least 20 years. The victim/survivor will be given written notice if law enforcement decides to destroy evidence. The evidence collected will be tested, unless the victim/survivor chooses to not have it tested at the time of the exam. The victim/survivor has the right to contact law enforcement to learn the status of DNA testing of the kit and other evidence. Under California Penal Code Section 11160, healthcare providers are mandated reporters and must report cases of sexual assault to law enforcement.

The NPR option for UC San Diego students, faculty and staff can be requested by contacting CARE at SARC at (858) 534-5793. CARE at SARC can provide free transportation through the Lyft ride-share service to the SART facility for victims who choose the NPR. Victims/Survivors also have the option of requesting the NPR through the county rape crisis hotline: (858) 385-4657.

SAFE and NPR forensic exams are also offered at Student Health Services (SHS) on the UC San Diego campus. These exams are available for undergraduate and graduate student victim/survivors who have experienced a sexual assault within the UC San Diego Police Department's jurisdiction and are available after business hours. These exams can be accessed by the UC San Diego Police Department directly or through CARE at SARC. The UC San Diego Police Department and/or CARE at SARC will confirm that the incident meets the jurisdictional guidelines and coordinate directly with the county SANE and SHS to initiate the process.

Jacobs Medical Center does NOT conduct SAFE/NPR forensic exams. If a victim/survivor visits a medical facility solely for the purpose of requesting a forensic exam, law enforcement will be notified. A victim/survivor has the right not to participate in the criminal justice system, either prior to the examination or at any other time.

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

In San Diego County, victims/survivors of dating, domestic violence who experience strangulation or other physical injuries have the right to access a Domestic Assault Forensic Exam (DAFE). The DAFE program is free and provided by Palomar Health Services by qualified forensic nurse examiners who conduct a thorough assessment, collect evidence and document injuries (including strangulation).

## **5. Civil Reporting Options & Protective Orders**

Victims/Survivors are encouraged to connect with CARE at SARC for assistance with civil reporting options and Protective Orders. CARE at SARC has information on how and where to make these requests and can provide support and accompaniment throughout the process.

### ***A. Filing a Civil Lawsuit:***

A victim/survivor may choose to file a civil lawsuit against the suspect, whether or not criminal charges have been filed. A civil lawsuit provides an opportunity to recover actual money damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress. CARE at SARC can assist a victim/survivor with identifying the necessary steps and processes for filing a lawsuit if requested.

### ***B. Court-Ordered Restraining Orders:***

A victim/survivor may choose to obtain a restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect a complainant who has experienced or is reasonably in fear of

physical violence, sexual violence, domestic violence, dating violence and stalking.

**C. *Emergency Protective Order (EPO):***

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

**D. *Temporary Domestic Violence Restraining Order (TRO):***

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

**E. *Criminal Protective Order (CPO):***

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

**F. *Gun Violence Emergency Protective Order***

A court order requested by law enforcement that prohibits someone from having any firearms, firearm parts, ammunition and magazines if they are posing an imminent threat/danger to self/others or community. The court order has to be issued by a judicial officer based on the statements made under penalty of perjury in the protective order.

**G. *Gun Violence Restraining Order***

A Gun Violence Restraining Order is a court order that temporarily prohibits someone from having or buying any firearms, firearms parts and ammunition. This can be requested if you are connected to the person you think is dangerous as: an immediate family member (spouse or domestic partner, your children, your spouse's parents, children, siblings, grandparents, grandchildren, aunts, uncles, nieces, nephews etc.); an employer; an employee; law enforcement officer or agency; a roommate who resided in the household in the past six months and has had substantial and regular interaction with person for at least a year; somebody in a dating relationship; or somebody who shares a child with the person.

**H. *Civil Harassment Restraining Order:***

A type of court order available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment. An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order,

but would not qualify for a civil harassment restraining order.

UC San Diego complies with California law in recognizing restraining orders and protective orders. A complainant who obtains a restraining order should provide a copy of the order to the UC San Diego Police Department. In order to comply with the restraining order, CARE at SARC and the UC San Diego Police Department will assist a complainant with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed. UC San Diego cannot apply for a restraining order for a complainant in California. However, CARE at SARC can offer assistance with obtaining a restraining order.

## 6. University Reporting Options

Complaints of sexual violence, dating violence, domestic violence, or stalking may be addressed through the University administrative process. A complainant or reporting party can report an incident to the University by contacting the Office for the Prevention of Harassment & Discrimination (OPHD) in person, by email, by phone call or by filing a report online at [OPHD Web Form](#). OPHD is the UC San Diego Title IX Office. A complainant has the right to have an advisor and/or a support person or advocate present with them while making a complaint to OPHD. Please note that the University administrative process is separate from any criminal or civil process (see Law Enforcement Reporting Options and/or Civil Reporting Options for more information).



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If the complainant requests of OPHD or another University employee that their identity remain completely confidential, OPHD or the employee will explain that the University cannot always honor that request and cannot guarantee complete confidentiality. If the complainant wishes to maintain confidentiality or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, nondiscriminatory environment for all students, employees and third parties, including the complainant.

Under those circumstances, the University will determine whether the complainant's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. The University may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual or about the same location; whether a weapon was used; whether the school possesses other means to obtain relevant evidence; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g; 34 C.F.R. Part 99. Without information about the complainant's identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be severely limited.

To the extent possible, information reported to OPHD or other University employees will be shared only with

individuals responsible for handling the University’s response to the incident. The University must balance the privacy interests of people involved in a report of “Prohibited Conduct” as defined under the University of California *Sexual Violence and Sexual Harassment Policy*, against the need to gather information, ensure a fair process, and stop, prevent and remedy “Prohibited Conduct” as defined under the *Sexual Violence and Sexual Harassment Policy*. In this context, the University tries to protect people’s privacy to the extent permitted by law and University policies. The University protects the privacy of personally identifiable information per all applicable state and federal privacy laws, and University policies.

The University will not require the complainant to participate in any investigation or disciplinary proceeding if they do not wish to participate. The entire investigation process from initial investigation to final result shall be prompt, fair and impartial. Both the complainant and the respondent will be notified of the investigation. The investigator will meet separately with the complainant, the respondent and other potential witnesses to gather information. When that process is complete (usually within 90 business days; please see [Section XII.D](#) below for more detailed information), the investigator will prepare and submit a report addressing whether or not a University policy was violated. The standard of evidence in these cases is preponderance of the evidence, with the University bearing the burden of proof. Preponderance of the evidence means that it is “more likely than not” that the respondent is responsible for the charged violation.

For an overview of the University complaint process as it pertains to sexual violence, dating violence, domestic violence, and stalking, please see the University of California *Sexual Violence and Sexual Harassment Policy* attached at [Appendix C](#).

## **7. University No Contact Orders, Supportive Measures and Remedies**

### ***A. University-Issued No Contact Orders:***

A complainant, respondent, and/or OPHD staff member may request the Center for Student Accountability, Growth, and Education (SAGE) issue a no contact order relating to a sexual violence and sexual harassment incident involving a UC San Diego student respondent. The request must specify the reasons the requesting party wants the no contact order issued. CARE at SARC can assist victims/survivors and Respondent Support Advisors can assist respondents with requesting no contact orders.

A no contact order issued as an Interim Measure may be unilateral (prohibiting one party from contacting the other) or mutual (prohibiting both parties from contacting each other). However, the University will not prohibit the complainant from contacting the respondent unless the specific circumstances indicate the restriction is necessary or justifiable to protect the respondent’s safety or wellbeing, or to respond to interference with a Sexual Violence Sexual Harassment Resolution Process.

SAGE will evaluate the no contact order request, determine whether it should be issued, and notify the parties of its determination via email.

The complainant, respondent, and/or investigator may request SAGE to consider modifying the no contact order after its issuance and until the order is removed or expires.

Modification requests may be made when the circumstances necessitating the order change and/or new information becomes available to support/not support the order.

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

For staff and faculty at UC San Diego, no contact orders are implemented and facilitated through the department

leadership or Employee or Labor Relations, as appropriate.

### **B. University-Facilitated Supportive Measures:**

The University will provide Supportive Measures<sup>67</sup> if a complainant requests them, and if they are reasonably available, regardless of whether a complainant chooses to report to the police or to the University. If reasonably available, a complainant may be offered changes to academic, living, working or transportation situations. Examples of options for a potential change include the following:

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

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

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<sup>68</sup>, the Title IX Officer will ensure Supportive Measures are non-disciplinary and non-punitive, and that they do not unreasonably burden a party.

CARE at SARC can assist a victim in requesting Supportive Measures to the appropriate department. CARE at SARC can also serve as liaisons to instructors, housing coordinators, supervisors, human resources, financial aid, and other departments as needed to assist with changes to academic, living, working and transportation situations with a complainant's consent. If a victim/survivor chooses not to report to OPHD, it may affect their ability to obtain Supportive Measures. For a complainant who has chosen to report to OPHD, OPHD will determine with them whether any Supportive Measures need to be put into place.

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<sup>67</sup> 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 of the *Sexual Violence Sexual Harassment Policy*) 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 of the *Sexual Violence Sexual Harassment Policy*), 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. See *Sexual Violence and Sexual Harassment Policy Section II.C.3.a.*

<sup>68</sup> 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. The *Sexual Violence and Sexual Harassment Policy* refers to this conduct as "DOE-Covered Conduct."



## D. Administrative Process for Incidents Involving Dating Violence, Domestic Violence, Sexual Assault and Stalking

### 1. Assessment/Resolution Overview

UC San Diego takes all complaints of dating violence, domestic violence, sexual assault and stalking very seriously. Your safety and well-being are among the University's highest priorities, and you have the right to a learning or work environment that is free from any type of harassment or discrimination. UC San Diego responds to reports of dating violence, domestic violence, sexual assault, and stalking according to the University's *Sexual Violence and Sexual Harassment Policy* available at: <https://policy.ucop.edu/doc/4000385/SVSH> and at [Appendix C](#). The University of California *Sexual Violence and Sexual Harassment Policy* contains the definition of "consent" governing the entire University of California system.



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Students, faculty, and staff who choose to make an administrative report to the University will be referred to the Office for the Prevention of Harassment & Discrimination (OPHD). Students, faculty and staff may file a complaint with OPHD in person, by email, by phone call or online by submitting an [OPHD Web Form](#).

OPHD will explain the UC San Diego administrative procedures for responding to complaints of dating violence, domestic violence, sexual assault and stalking. OPHD case handlers receive annual training on issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct an investigation that is trauma-informed, protects the safety of complainants, and promotes accountability. This training is done online, during in-person and Zoom meetings conducted with other University of California campuses, and via external agencies/organizations.

OPHD will also determine with the complainant whether any Supportive and Remedial Measures need to be put into place. The University may implement measures, such as:

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

The specific procedures for investigating and resolving complaints of dating violence, domestic violence, sexual assault and stalking depend on the respondent's identity and relationship to the University. Following is a summary of the assessment and resolution processes. Capitalized terms are defined in the *Sexual Violence and*

*Sexual Harassment Policy* attached as [Appendix C](#). The entire process shall be prompt, fair and impartial.

**A. 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](#) of the *Sexual Violence and Sexual Harassment Policy*. 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 under the University of California *Sexual Violence and Sexual Harassment Policy*; and
- if so, whether the Prohibited Conduct is covered by that *Policy*, including Appendix B covering Prohibited Conduct in the Context of Patient Care (see [Section XII.A.3.B](#)).

The Title IX Officer or designee, in coordination with the Case Management Team, 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), a request to meet with the Title IX Officer or designee, and available campus and community resources.

The Title IX Officer or designee will also inform the Complainant of the range of possible outcomes of the report, including Supportive Measures and Remedial Measures<sup>69</sup> and disciplinary action, the procedures leading to such outcomes, and their right to make a DOE Formal Complaint.

**B. Closure After Initial Assessment:**

Not all reports the Title IX Officer or designee 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 or designee determines that:

- even if true, the alleged conduct is not Prohibited Conduct;
- the conduct is not covered by University Policy;
- 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; 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 or designee will close such matters per written guidelines issued by the UC Systemwide Title IX Office. The Title IX Officer or designee 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,

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<sup>69</sup> Remedial Measures: Services, accommodations, or other measures put in place as a result of a completed Resolution Process (see Section V.A.5). See *Sexual Violence and Sexual Harassment Policy Section II.C.3.b*.

offering resources and Mitigating Measures<sup>70</sup> 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, or comments of a sexual nature during a clinical encounter that do not rise to the level of a Hostile Environment), the Title IX Officer or designee 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 or designee 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.

### ***C. Overview of Resolution Processes:***

Reports of Prohibited Conduct that are not closed after the Title IX Officer or designee'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. At the beginning of any Resolution Process, the Title IX Officer will inform parties of the University's rules of conduct during the process. Each of these is described below. Resolution Processes are non-adversarial proceedings.

#### **i. 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 or designee may—if the Complainant and Respondent agree in writing—begin an Alternative Resolution process. Alternative Resolution is *not* an investigative process. 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 or designee 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

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<sup>70</sup> See Footnote 67.

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 or designee will provide timely written notice to both parties that includes:

- the allegations;
- the Title IX Officer or designee 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;
- they may be accompanied by an advisor throughout the process;
- the Title IX Officer or designee 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 or designee 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 or designee 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 or designee may extend past 60 days for good cause. The Title IX Officer or designee 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 or designee will consider, approve, and communicate extensions per written guidelines from the UC 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 or designee 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 or designee will keep records of all reports and conduct addressed through Alternative Resolution.

## ii. 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 of the University of California *Sexual Violence and Sexual Harassment Policy*. 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 or designee will begin a Formal Investigation when they decide not to close a report after an 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: If the Complainant does not want an investigation, the Title IX Officer or designee will seriously consider this preference. However, the Title IX Officer or designee may determine an investigation is necessary to mitigate a risk to the campus community. If the Title IX Officer or designee decides to open an investigation despite the Complainant's request, the Title IX Officer or designee will tell the Complainant of the decision before beginning the investigation or otherwise notifying the Respondent of the Complainant's identity; tell the Respondent that

the Complainant did not request an investigation, but the Title IX Officer determined one was necessary; and provide the Complainant with all information required by the *Sexual Violence and Sexual Harassment Policy* unless the Complainant states in writing that they do not want it. If the Title IX Officer or designee does not begin an investigation, they will inform the Complainant that this limits possible remedies. The Title IX Officer or designee will nonetheless provide Mitigating Measures as appropriate and consistent with Complainant's privacy and the absence of an investigation.

When the Title IX Officer or designee 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 the University of California *Sexual Violence and Sexual Harassment 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.

- *Timeframe.* The Title IX Officer or designee 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 or designee may extend the timeframe past 90 days for good cause. The Title IX Officer or designee will periodically update the parties on the status of the investigation and notify them 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 or designee will consider, approve, and communicate extensions per written guidelines from the UC Systemwide Title IX Office. If the police are also investigating the alleged conduct, the Title IX Officer or designee will coordinate with the police but must nonetheless act promptly without delaying the investigation until the end of the criminal investigation.
- *Disclosure of Information.* The investigation generally includes interviews with the parties and any witnesses, and a review of evidence. The Title IX Officer or designee 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.
- *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 designee or as required by University policy or a collective bargaining agreement.
- *Academic Freedom/Merit.* When the investigation implicates academic merit or academic freedom, the Title IX Officer or designee will consult with the appropriate academic officer for relevant academic judgment.
- *Initiation of Investigation by University.* The Title IX Officer or designee 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 the University of California *Sexual Violence and Sexual Harassment Policy*) for a reasonable person; or
  - allegations of Prohibited Conduct covered by the University of California *Sexual Violence and Sexual Harassment Policy* in the public realm (such as reports in the news or social media).
- *Administrative Closure.* The Title IX Officer or designee 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 or designee 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 and Mitigating Measures to the Complainant.

### iii. Grievance/Complaint Procedures for Employees

Instead of, or in addition to, reporting to the Title IX Officer or designee 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* of the University of California *Sexual Violence and Sexual Harassment Policy* attached as [Appendix C](#).

Any such grievance or complaint will be forwarded to the Title IX Officer or designee for processing under the University of California *Sexual Violence and Sexual Harassment Policy*, and the grievance or complaint procedure will be held in abeyance pending resolution under that *Policy*, unless the applicable collective bargaining agreement provides otherwise. After completion of the process under the University of California *Sexual Violence and Sexual Harassment Policy*, the grievance or complaint may be reactivated under the applicable grievance or complaint procedure.

### iv. 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 or designee has jurisdiction, the Title IX Officer or designee 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.



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

v. Notifications and Documentation

When engaging in a Resolution Process, the Title IX Officer or designee will provide written notices to the parties and keep records per guidelines issued by the UC 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.

vi. The Investigation Report and Outcome

If either a Formal Investigation or DOE Grievance Process investigation is conducted, the Title IX Officer or designee 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 the University of California *Sexual Violence and Sexual Harassment Policy* was violated.

The report will also include the Title IX Officer's determination of whether the Respondent violated the University of California *Sexual Violence and Sexual Harassment Policy*. However, in a DOE Grievance Process (except for "No-Title IX Hearing DOE-Covered Conduct"),<sup>71</sup> and any time the Respondent is a student, the determination is only preliminary. (See [Appendix D](#), [Appendix E](#), [Appendix F](#) and [Appendix G](#) attached.) In determining whether the University of California *Sexual Violence and Sexual Harassment Policy* was violated, the Title IX Officer or designee will apply the preponderance of evidence standard. At the end of the investigation, the Title IX Officer or designee 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 or designee 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 (except for "No Title IX Hearing DOE-Covered Conduct"), 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, unless certain exceptions apply.<sup>72</sup> If they do, the next stage of the

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<sup>71</sup> When the Respondent is a faculty or staff member, there are certain circumstances in which alleged conduct may constitute DOE-Covered Conduct but a hearing is not required. This applies when the alleged conduct arose outside the University's postsecondary program, meaning in the context of: (i) the Respondent providing patient care to the Complainant or a person in the Complainant's charge, (ii) a program or activity provided for the benefit of minors, including elementary and secondary schools, and the Complainant is a beneficiary, (iii) a program or activity provided for the benefit of people with intellectual disabilities, and the Complainant is a beneficiary, (iv) a program or activity of Agricultural and Natural Resources or Lawrence Berkeley National Laboratory, or (v) a service or function of the UC Police Department. See [Appendix F](#) and [Appendix G](#).

<sup>72</sup> *Id.*

DOE Grievance Process or Formal Investigation is a hearing, unless certain exceptions apply.<sup>73</sup>

vii. Remedy

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 of the University of California *Sexual Violence and Sexual Harassment Policy* attached as [Appendix C](#).

If the remedy has not already been provided, the Title IX Officer or designee will oversee its implementation in consultation with appropriate administrators. The Title IX Officer will consider whether any systemic remedies, such as enhanced training or improved security, are also appropriate.

viii. Discipline

The Title IX Officer or designee will forward the Investigation Report (with attachments) to the appropriate administrator responsible for possible further action, including discipline.

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) of the University of California *Sexual Violence and Sexual Harassment Policy* or other policy.

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;
- 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.

## 2. Student Adjudication Procedures

The University has established standards intended to ensure the consistent application of disciplinary sanctions by the University in responding to conduct that violates the University of California *Sexual Violence and Sexual Harassment Policy*, University of California Policy on Student Conduct and Discipline, and the UC San Diego Student Conduct Procedures. Please see [Appendix D](#) and [Appendix E](#) for the full description of the hearing procedures and appeals process, including the timing of each step.

Staff at the Center for Student Accountability, Growth, and Education (SAGE) receive annual training on issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct a proceeding/hearing that protects the safety of victims and promotes accountability.

### A. Proposed Sanctions:

In cases where the OPHD investigator preliminarily determines a policy violation has occurred, each party may schedule a meeting with or submit a written statement to SAGE to provide input on sanctions. SAGE will review

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<sup>73</sup> *Id.*



the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, Respondent's prior conduct record, any in-person or written comments about potential sanctions submitted by the parties, and any other information relevant to the applicable sanctioning factors. SAGE will then propose sanctions in all cases where there is a preliminary determination that the *Policy* was violated regardless of whether the preliminary determination is contested.

**B. Opportunity to Contest Preliminary Determination:**

i. Non-DOE-Covered Conduct

If either party wishes to discuss the possibility and implications of contesting the preliminary determination, including the hearing that will result if either party contests, they may discuss their options with SAGE (even if the investigator's preliminary determination was that no policy violation occurred).

If either party contests the investigator's preliminary determinations whether the policy was violated within 20 business days of the notice of the investigative findings and preliminary determination, there will be a fact-finding hearing to determine whether the *Sexual Violence and Sexual Harassment Policy* or other student conduct policies have been violated, after which SAGE will determine any sanctions.

In cases where SAGE proposes suspension or dismissal as a sanction, the Respondent is presumed to contest unless they provide SAGE with a written acknowledgement stating they do not contest, accepts the preliminary determination, and waives their right to a hearing. If the Respondent does not provide SAGE with the written acknowledgement during the 20 business days, the matter will proceed to a hearing to determine if a policy violation occurred.

If the Respondent provides the written acknowledgement and the Complainant does not contest during the 20 business days, then the preliminary determination becomes final and SAGE will assign the proposed sanctions. If the Respondent provides the written acknowledgement and the Complainant contests during the 20 business days, the matter will proceed to a hearing to determine if a policy violation occurred.

In cases where SAGE does not propose suspension or dismissal, if either party informs SAGE that they contest during the 20 business days, the matter will proceed to a hearing to determine if a policy violation occurred. If neither party informs SAGE that they contest during the 20 business days, then the preliminary determination becomes final and SAGE will assign the proposed sanction.

ii. DOE-Covered Conduct

If either party wishes to discuss the possibility and 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 SAGE (even if the investigator's preliminary determination was that no policy violation occurred).

Unless both parties accept the investigator's preliminary determinations whether the policy was violated within 20 business days of the notice of the investigative findings and preliminary determination, there will be a fact-finding hearing to determine whether the *Sexual Violence and Sexual Harassment Policy* or other student conduct policies have been violated, after which SAGE will determine any sanctions.

A party may accept the preliminary determination by providing SAGE 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 SAGE with a written response stating that the party does not accept the preliminary determination.

If both parties provide written response that they do not wish to proceed during the 20 business days, then the

preliminary determination becomes final and SAGE will assign the proposed sanctions and the parties will have the right to appeal the sanction.

### ***C. Hearing to Determine Policy Violations:***

#### **i. Non-DOE-Covered Conduct**

If either party contests, or is presumed to contest 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 *Sexual Violence and Sexual Harassment Policy* (and any non-*Sexual Violence and Sexual Harassment Policy* violations charged in conjunction with them) occurred. The University's main role is neutral. The University will consider relevant evidence available, including relevant evidence presented by the parties, to make factual findings and determine whether a policy violation occurred.

The hearing officer may be a University employee or outside contractor appropriately trained as coordinated by OPHD. Each hearing will have a hearing coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

The hearing will be conducted in a respectful manner that promotes fairness and accurate fact findings. The parties and witnesses will address only the hearing officer, and not each other. Only the hearing officer may question witnesses and parties and will determine the order of questioning. The hearing officer will also implement measures they deem appropriate to protect the well-being of parties and witnesses, including separation of the parties, breaks, and the participation of support persons.

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. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the hearing officer.

After the hearing, the hearing officer will decide whether a violation of the *Sexual Violence and Sexual Harassment Policy* (or related non-*Sexual Violence and Sexual Harassment Policy* violation) occurred based on a preponderance of the evidence standard. The hearing officer will take into account the investigative file and evidence presented and accepted at the hearing. On any disputed and material issue, the hearing officer should make their own findings and credibility determinations based on all the evidence before them.

If the hearing officer decides that any policy violation has occurred, they will send their determination and findings to SAGE within 10 business days of the hearing. Based on the hearing officer's findings and determinations, and other information relevant to sanctioning, SAGE will determine appropriate sanctions.

Within 15 business days of the hearing, the hearing coordinator will send written notice to both parties setting forth the hearing officer's determinations about violations and if any, SAGE's determination of any assigned sanctions. The written notice will also include the findings on each disputed, material fact and an analysis of the evidence supporting the findings, a summary of facts found by the investigator that the parties did not dispute, the rationale for the determination of any charge, the rationale for any sanctions, a statement of the right to appeal and relevant information about the appeals process, and an explanation that both parties will receive a copy of any appeal submitted.

#### **ii. DOE-Covered Conduct**

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 *Sexual Violence and Sexual Harassment Policy* (and any non-*Sexual Violence and Sexual Harassment Policy* violations charged in

conjunction with them) occurred. The University's role in the hearing is neutral. The University will consider relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

The hearing officer may be a University employee or outside contractor appropriately trained as coordinated by OPHD, and may not be the same person as the Title IX Officer or the investigator. Each hearing will have a hearing coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

The hearing will be conducted in a respectful manner that promotes fairness and accurate fact findings 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 the framework may question witnesses and parties and will determine the order of questioning.

The hearing will be conducted remotely with any modifications the hearing coordinator has made in response to a party's request for assistance. The hearing officer will also implement measures they deem appropriate to protect the well-being of parties and witnesses, including separation of the parties, breaks, and the participation of support persons.

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. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the hearing officer.

After the hearing, the hearing officer will decide whether a violation of the *Sexual Violence and Sexual Harassment Policy* (or related non-*Sexual Violence and Sexual Harassment Policy* violation) occurred based on a preponderance of the evidence standard. The hearing officer will consider the investigative file and evidence presented and accepted at the hearing. On any disputed and material issue, the hearing officer should make their own findings and credibility determinations based on all the evidence before them.

If the hearing officer decides that any policy violation has occurred, they will send their determination and findings to SAGE within 10 business days of the hearing. Based on the hearing officer's findings and determinations, and other information relevant to sanctioning, SAGE will determine appropriate sanctions.

Within 15 business days of the hearing, the hearing coordinator will send simultaneous written notice to both parties setting forth the hearing officer's determinations about violations and if any, SAGE's determination of any assigned sanctions. The written notice will also include the following:

1. A summary of the allegations that would constitute DOE-Covered Conduct and other Prohibited Conduct under the *Sexual Violence and Sexual Harassment Policy* and any other related student conduct violations;
2. The determinations of whether the *Sexual Violence and Sexual Harassment Policy* and/or other student conduct policies have been violated and assigned sanctions (if any);
3. A statement that the Title IX Officer will determine whether Complainant will be provided additional remedies, and will inform 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 facts found by the investigator that the parties did not dispute;
7. The rationale for the determination of any charge;
8. If the hearing officer determines that DOE-Covered Conduct did not occur, an analysis of whether other charged conduct, including other *Sexual Violence and Sexual Harassment Policy* violations occurred;
9. The rationale for any sanctions;
10. A statement of the right to appeal and relevant information about the appeals process; and

11. An explanation that both parties will receive a copy of any appeal submitted.

***D. Appeal Process:***

***i. Non-DOE-Covered Conduct***

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.

In cases where there was a hearing, the parties submit appeals regarding procedural error in the hearing process that materially affected the outcome, the determination regarding policy violations was unreasonable based on the evidence before the hearing officer, and/or the sanctions were disproportionate to the hearing officer's findings. In cases where there was no hearing, the parties may submit appeals regarding the sanctions being disproportionate to the preliminary determinations.



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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 appeals regarding disproportionate sanctions, the parties may meet separately with the appeal officer to provide input on their desired sanction outcomes. If this occurs, the appeal officer may consider the statements made by the parties in these meetings in their review of the appeal.

The appeal officer will summarize their decision in a written report that includes a statement on the grounds identified on appeal, a summary of the information considered by the appeal officer, and the decision of the appeal officer. The decision will include 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. The decision of the appeal officer will be final.

***ii. DOE-Covered Conduct***

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.

In cases where there was a hearing, the parties may submit appeals regarding:

- A procedural error in the hearing process that materially affected the outcome;

- New evidence that was not reasonably available at the time of the hearing and that could have materially affected the outcome;
- The hearing officer had a conflict of interest or bias that could have affected the outcome;
- The determination regarding policy violations was unreasonable based on the evidence before the hearing officer; and/or
- The sanctions were disproportionate to the hearing officer’s findings.

In cases where there was no hearing because both parties decided to accept the preliminary determination, the parties may submit appeals regarding the sanctions being disproportionate to the preliminary determinations that were accepted.

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 appeals regarding disproportionate sanctions, the parties may meet separately with the appeal officer to provide input on their desired sanction outcomes. If this occurs, the appeal officer may consider the statements made by the parties in these meetings in their review of the appeal.

The appeal officer will summarize their decision in a written report that includes a statement on the grounds identified on appeal, a summary of the information considered by the appeal officer, and the decision of the appeal officer. The decision will include the rationale for the decision, including where the findings or sanctions are overturned or modified, and an explanation of why the ground(s) for appeal were proven. The decision of the appeal officer will be final.

***E. Advisors and Support Persons:***

***i. Non-DOE-Covered Conduct***

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.

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.

***ii. DOE-Covered Conduct***

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.

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 the framework. 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. 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.

The support person’s primary role is to provide emotional support. Generally, the support person may not speak

on behalf of a party. 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 the 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.

#### ***F. Results:***

Both parties will be simultaneously informed in writing of the result of any disciplinary proceeding relating from an allegation of dating violence, domestic violence, sexual assault or stalking; the procedures for appealing the results of the disciplinary proceeding; any change to the results that occurs before the results become final; and when such results become final.

#### ***G. Sanctions:***

When a student is found responsible for violating these policies, the University will assign sanctions that are proportionate and appropriate to the violation, taking into consideration the context and seriousness of the violation. 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 the behavior that violated the policies and preventing its recurrence.

University sanctions include, but are not limited to:

- Dismissal (Expulsion) from the University of California;
- Suspension from the University of California;
- Exclusion from areas of the campus and/or from 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.

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

- Sexual Assault – Penetration or Sexual Assault – Contact that is aggravated as defined in the *Sexual Violence and Sexual Harassment Policy* will result in a minimum sanction of suspension for two calendar years.
- 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.
- Sexual Assault – Contact will result in a minimum sanction of suspension for one calendar year, unless there are exceptional circumstances.
- Sexual Harassment and Other Prohibited Behavior, as defined by the *Sexual Violence and Sexual Harassment Policy*, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified below.

In determining the appropriate and proportionate sanction, the following factors will be considered when applicable:

- Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; presence of weapons, use of force, violence; physical injury; menace; deliberately causing or taking advantage of a person's incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.
- Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; use of authority to abuse trust or confidence; planned or

predatory conduct; hate or bias based on the complainant's membership or perceived membership in a protected group as defined in UC PACAOS Section 104.90.

- Whether the conduct is aggravated, as defined in the *Sexual Violence and Sexual Harassment Policy*.
- 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.
- Disciplinary history: prior violations unrelated, prior violations related. A Respondent's disciplinary history is cumulative. Therefore, increased sanctions may be assigned to take into consideration the Respondent's overall record of violations of all types, not just those of a similar type. Violations of University policies during the period of an active sanction may be cause for further action.
- Impact on others: input from the complainant, protection or safety of the community.

### **3. Faculty/Staff Adjudication Procedures**

The following is an outline of UC San Diego's adjudication process and sanctioning for employee (staff and faculty) respondents. Please see [Appendix F SVSH Investigation and Adjudication Framework for Senate and Non-Senate Faculty](#) and [Appendix G SVSH Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel](#) for the University's procedures for resolving both DOE and non-DOE-Covered Conduct.

#### ***A. Assessment and Consultation:***

At the conclusion of a Formal Investigation by OPHD, the appropriate administrative authority will decide what action to take in response to the findings of the Investigative Report. The 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 OPHD.

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 appropriate administrative authority will propose a resolution, in consultation with the appropriate office, as described below, and the parties will decide whether to accept the preliminary determination and the proposed resolution. At the conclusion of a DOE Grievance Process investigation of No-Title IX Hearing DOE-Covered Conduct, the parties have the opportunity to appeal. Once any appeal is final or the period for submitting an appeal has lapsed, the supervisor or other appropriate administrative authority has the responsibility to propose and implement action in response to the findings.

The appropriate administrative authority may consult with OPHD, Human Resources, Academic Personnel Services, or any other appropriate entities at any time during the decision-making process.

The Complainant and the Respondent will have an opportunity to respond to the notice of investigation outcome and accompanying Investigative Report through an in-person meeting and/or a written statement submitted to the appropriate administrative authority. The purpose of this response is not to challenge the factual findings in the Investigative 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 for Staff and Non-Faculty Academic Personnel:***

In the event that an investigation determines or preliminarily determines that a Respondent is responsible for violating the University of California *Sexual Violence and Sexual Harassment 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 OPHD and Human Resources or Academic Personnel Services (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 University of California *Sexual Violence and Sexual Harassment Policy*. Human Resources or Academic Personnel Services 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 discipline before approving or disapproving it.

**C. Peer Review Committee for Senate Faculty:**

In the event that the investigation determines or preliminarily determines that a Senate faculty respondent is responsible for violating the University of California *Sexual Violence and Sexual Harassment Policy*, the Chancellor or Chancellor’s designee will engage the campus Peer Review Committee (PRC) to advise on appropriate resolution.



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The PRC will advise the Chancellor or Chancellor’s designee regarding how to resolve the matter. At the conclusion of a Formal Investigation or a DOE Grievance Process investigation of No-Title IX Hearing DOE- Covered Conduct, 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 PRC should provide advice on the appropriate discipline or other corrective or remedial measures.

The PRC will be trained by OPHD on the University of California *Sexual Violence and Sexual Harassment Policy* and Response Procedures, the application of a trauma-informed approach, and how to analyze the elements of sexual violence or sexual harassment charges. The PRC will be engaged in all cases where the Title IX investigator has determined or preliminarily determined that a Senate faculty respondent has violated the University of California *Sexual Violence and Sexual Harassment Policy*.

**D. Peer Review Committee or Consultation with Academic Personnel Services for Non-Senate Faculty:**

In the event that the investigation determines or preliminarily determines that a non-Senate faculty respondent is responsible for violating the University of California *Sexual Violence and Sexual Harassment Policy*, the Chancellor or Chancellor’s designee will engage the Peer Review Committee or consult with Academic



Personnel Services. Such consultation, as decided by the campus, will occur in all cases where the OPHD investigation has determined or preliminarily determined that the non-Senate faculty respondent has violated the University of California *Sexual Violence and Sexual Harassment Policy*.

**E. Title IX Officer Consultation for Senate and Non-Senate Faculty:**

In all cases where the investigation determines or preliminarily determines that a Senate or non-Senate faculty respondent is responsible for violating the University of California *Sexual Violence and Sexual Harassment 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.

**F. DOE Grievance Process - Hearing and Appeal:**

The DOE Grievance Process (except No-Title IX Hearing DOE-Covered Conduct) may include a fact-finding hearing and option to appeal the hearing officer's finding. After the assessment and consultation described above, the appropriate administrative authority will inform Human Resources or Academic Personnel Services, and Title IX Officer, of the proposed decision and its rationale, and Human Resources, Academic Personnel Services, or the 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 University of California *Sexual Violence and Sexual Harassment Policy* was violated.

i. Opportunity to Accept the Preliminary Determination

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. If both parties provide written acknowledgment that they accept the preliminary determination and proposed resolution during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and the appropriate administrative authority will impose the proposed resolution, including any discipline or corrective measures.

ii. Hearing Procedures

Unless both parties accept the preliminary determination and proposed resolution, there will be a fact-finding hearing before a single hearing officer (not the Title IX Officer) to determine whether the University of California *Sexual Violence and Sexual Harassment Policy* was violated. 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. Within 15 business days of the hearing, the Complainant and Respondent will be sent written notice setting forth the hearing officer's determination on whether the University of California *Sexual Violence and Sexual Harassment Policy* has been violated.

iii. Appeal Process

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.

An appeal must be submitted to the hearing coordinator within 20 business days following issuance of the investigation outcome (in cases of No-Title IX Hearing DOE-Covered Conduct) or of the notice of the hearing

officer's determination (in all other cases). 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 their right to submit a written statement in response to the appeal within 3 business days with supporting documentation, as appropriate.

Within 10 business days of receiving the appeal, the appeal officer will send their written decision to the Complainant and Respondent. Unless the appeal officer remands the matter to the hearing officer, the matter is closed at this point, with no further right to appeal. If the appeal officer remands the matter to the hearing officer, they will issue their decision within 10 business days of receiving the hearing officer's additional factual findings; this decision will be final.

#### iv. Additional Assessment and Consultation for Staff

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 Respondent's supervisor or appropriate administrative authority, with a summary explanation of any difference between the investigator's determination or preliminary determination (whichever applies) 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. They may determine that additional investigation is required to determine whether violations of other policies occurred, but will not reconsider the findings and determinations regarding University of California *Sexual Violence and Sexual Harassment Policy* violations made through the hearing and any appeal. If the final finding is that a Respondent is responsible for violating the University of California *Sexual Violence and Sexual Harassment 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 the [Assessment and Consultation](#) section above.

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.

Human Resources or Academic Personnel Services 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. Additional Assessment and Consultation for Faculty

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 determination or preliminary determination (whichever applies) 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 violations of other policies occurred, but will not reconsider the findings and determinations regarding the University of California *Sexual Violence and Sexual Harassment Policy* violations made through the hearing and any appeal. If the final finding is that a faculty Respondent violated the University of California *Sexual Violence and Sexual Harassment 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 Academic Personnel Services, as described in the [Assessment and Consultation](#) section above. The Chancellor or Chancellor’s designee will decide what action to take to resolve the matter.

**G. Corrective or Other Actions for Staff and Non-Faculty Academic Personnel:**

The below provisions apply when a Respondent is found in violation of the *Sexual Violence and Sexual Harassment Policy* following a Formal Investigation, following an investigation and any appeal in a DOE Grievance Process addressing No-Title IX Hearing DOE-Covered Conduct, or following a hearing and any appeal in any other DOE Grievance Process.

i. Decision Approval and Implementation for Personnel Policy for Staff Members (PPSM) Covered Staff

Following approval by the Chancellor’s designee (in a Formal Investigation) or final adjudication (in a DOE Grievance Process), the Respondent’s supervisor will implement the approved decision in accordance with applicable CBAs or PPSMs, including PPSM-62 and PPSM-64.

- **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.

- **Action Not Requiring Notice of Intent:** The supervisor may propose corrective or remedial actions that do not amount to corrective action or termination. The proposed actions will be reviewed by the Chancellor’s designee for approval.



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- **Notice of Intent:** The supervisor may propose to issue a Notice of Intent to institute corrective action or Notice of Intent to terminate. 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 be issued. Following the provision of a Notice of Intent, corrective action will be taken and/or actions to terminate will be taken.

ii. Decision Approval and Implementation for Non-Faculty Academic Personnel

Following approval by the Chancellor’s designee (in a Formal Investigation) or final adjudication (in a DOE Grievance Process), the respondent’s supervisor or other appropriate administrative authority will implement the approved action in accordance with APM-150.

- **No Further Action:** The supervisor or other 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.

- **Informal Resolution:** The supervisor or other appropriate administrative authority may propose an informal resolution, 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.
- **Notice of Intent:** The supervisor or other appropriate administrative authority may propose to issue a notice of intent instituting dismissal or other corrective action. 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.

***H. 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 Investigative 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.

***I. Process Following Action Taken:***

In the event that a PPSM-covered Respondent submits a complaint or a non-faculty academic appointee Respondent submits a grievance, 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.

***J. Decision on Sanctions for Senate Faculty:***

The steps outlined below apply when a Senate faculty Respondent is found in violation of the University of California *Sexual Violence and Sexual Harassment Policy* following a Formal Investigation or following a hearing and any appeal in a DOE Grievance Process.

Following consultation with the Peer Review Committee and Title IX Officer, the Chancellor or Chancellor’s designee will decide what action to take to resolve the matter.

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. For 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 Office.

- **No Formal Discipline:** The Chancellor or Chancellor’s designee may determine to resolve the matter without taking any formal disciplinary action.
- **Early Resolution:** The Chancellor or Chancellor’s designee can enter into an early resolution with the Respondent. An early resolution can be achieved at any time prior to the final imposition of discipline.
- **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 the Respondent does not

agree to early resolution.

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 Investigative 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.

The Investigative 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 the Complainant and Respondent receive regular updates regarding the status of the proceedings. Within fourteen (14) calendar days of receiving the recommendation from the Academic Senate's Committee on Privilege & Tenure, the Chancellor will make a final decision regarding discipline, unless the decision involves dismissal for a faculty member who has tenure or security of employment. 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. Authority for the denial or curtailment of emeritus status of a faculty member rests with the President, on recommendation of the Chancellor.

#### ***K. Decision on Sanctions for Non-Senate Faculty:***

The below provisions apply when a non-Senate faculty Respondent is found in violation of the University of California *Sexual Violence and Sexual Harassment Policy* following a Formal Investigation or following a hearing and any appeal in a DOE Grievance Process.

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

For 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.

- **No Disciplinary Action:** The Chancellor or Chancellor's designee may determine to resolve the matter without taking any formal disciplinary action.
- **Informal Resolution:** The Chancellor or Chancellor's designee can pursue an informal resolution, 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.
- **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.

The Chancellor or Chancellor's designee should implement their decision promptly and simultaneously, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying Investigative 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.

Should the Respondent submit a grievance under APM-140 alleging a violation of APM-150 or otherwise challenging an administrative decision, the Chancellor's designee will ensure that both the Complainant and Respondent receive regular updates regarding the status of the grievance. When a non-Senate faculty member receives notice of termination before the expiration of their appointment, they may select as a grievance mechanism either APM-140 or Section 103.9 of the Standing Orders of The Regents.

**L. Disciplinary Procedures from Staff and Faculty Policies:**

**i. The Faculty Code of Conduct (APM-015)**

The Faculty Code of Conduct (APM-015) 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 of California *Sexual Violence and Sexual Harassment Policy* may constitute a violation of the Faculty Code of Conduct. The University Policy on Faculty Conduct and the Administration of Discipline (APM-016) outlines sanctions and disciplinary procedures for faculty. The types of discipline that may be imposed on a member of the faculty are as follows, in order of increasing severity:

- **Written Censure:** A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor. Written censure is to be distinguished from an informal written or spoken warning, and must be delivered confidentially to the recipient and maintained in a designated personnel file or files indefinitely or for a lesser period of time specified in the writing. Informal written or spoken warning is not an official disciplinary action.
- **Reduction in Salary:** Reduction to lower salary without change in rank or step. The authority to reduce the salary of any faculty member rests with the Chancellor. This authority may not be re-delegated. The amount and duration of the reduced salary shall be specified.
- **Demotion:** Reduction to lower rank or step with corresponding reduction in salary. Demotion as a disciplinary action should be imposed in a manner consistent with the merit based system for advancement. Generally, demotion is an appropriate sanction when the misconduct is relevant to the academic advancement process of the faculty member. The authority to reduce the rank of a faculty member who does not have tenure or security of employment rests with the Chancellor. The authority to reduce, within rank, the step of any faculty member to a lower step rests with the Chancellor. This authority may not be re-delegated. Authority for demoting a faculty member with tenure or with security of employment to a lower rank, also with tenure or with security of employment, rests with the President, on recommendation of the Chancellor. Demotion of a faculty member with tenure or with security of employment to a lower rank without tenure or security of employment is not an option.
- **Suspension:** Suspension of a faculty member without pay for some stated period of time from the continuance of the appointment on its normal terms. Unless otherwise noted, the terms of a suspension will include loss of normal faculty privileges such as access to University property, participation in departmental governance, voting rights, administration of grants, supervision of graduate students, and use of University administrative staff, and may include loss of other campus privileges such as parking and library privileges. The degree and duration of the suspension shall be specified. Authority for the suspension of a faculty member rests with the Chancellor and may not be re-delegated. Suspension as a disciplinary action is to be distinguished from involuntary leave, which is a precautionary action.
- **Denial or Curtailment of Emeritus Status:** Denial or curtailment of current or future emeritus status of a faculty member, including the privileges associated with the emeritus status. The denial or curtailment of emeritus status does not affect the faculty member's entitlement to earned retirement benefits. Authority

for the denial or curtailment of emeritus status of a faculty member rests with the President, on recommendation of the Chancellor.

- **Dismissal from the Employ of the University:** The Chancellor has authority to dismiss a faculty member who does not have tenure or security of employment. This authority may not be re-delegated. 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.

Prior to the imposition of any disciplinary sanction(s) as described above, the Chancellor may waive or limit any or all disciplinary sanction(s) on the condition that the respondent faculty member performs some specified action(s) designed to address the harm and/or to prevent future harm. Such actions may include, but are not limited to, monetary restitution, repayment of misappropriated resources, compliance with a commitment not to repeat the misconduct, or other act to make whole injury caused by the faculty member's professional misconduct or to prevent future misconduct. If the imposition of a disciplinary sanction is waived, the subsequent failure to perform the required act or otherwise comply with the conditions of the waiver will immediately subject the faculty member to the implementation of the underlying sanction without an additional hearing. The authority to determine whether the faculty member has complied with the conditions of the waiver rests with the Chancellor. The Chancellor may designate a fixed time period for compliance with the terms of the waiver, after which the authority to impose discipline will lapse. If a faculty member disputes the Chancellor's determination, the faculty member may grieve under applicable faculty grievance procedures.

A Chancellor is authorized to initiate involuntary leave with pay prior to the initiation of a disciplinary action if it is found that there is a strong risk that the respondent faculty member's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the University community or impede the investigation of their wrongdoing, or in situations where the faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency. When such action is necessary, it must be possible to impose the involuntary leave swiftly, without resorting to normal disciplinary procedures. In rare and egregious cases, a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action. This is in addition to the Chancellor's power to suspend the pay of a faculty member who is absent without authorization and fails to perform their duties for an extended period of time, pending the resolution of the faculty member's employment status with the University. Thereafter, the faculty member may grieve the decision to place them on involuntary leave pursuant to applicable faculty grievance procedures. The Divisional Committee on Privilege and Tenure shall handle such grievances on an expedited basis and may recommend reinstatement of pay and back pay in cases where pay status was suspended. Within five (5) working days after the imposition of involuntary leave, the Chancellor must explain to the faculty member in writing the reasons for the involuntary leave and initiate disciplinary procedures by bringing charges against the faculty member on leave.

The Faculty Code of Conduct applies to all faculty members, Senate and non-Senate. For members of the Academic Senate, the procedures for disciplinary actions are governed by Senate Bylaws and Divisional rules. For academic appointees who are not members of the Academic Senate (and this group includes certain categories of faculty members), there are procedures for disciplinary actions separate from that of the Senate's committees. Those procedures are found in the Faculty Code of Conduct and relevant collective bargaining agreements or Memoranda of Understanding.

A disciplinary action against a faculty member holding an administrative title may proceed in two parts. One part involves the removal of an administrative title or other administrative action under procedures established by The Regents and the administration. Such action need not adhere to the disciplinary procedures set forth in this policy.

The other part involves the proposed imposition of any type of disciplinary sanction set forth in this policy, which must proceed in accordance with the procedures for discipline outlined in the Faculty Code of Conduct and the

applicable Senate Bylaws and Divisional rules.

The removal of the administrative title or other administrative action does not preclude or require the imposition of a disciplinary sanction under this policy. Administrative incompetence does not in itself constitute a violation of the Faculty Code of Conduct.

ii. General University Policy Regarding Academic Appointees: Non-Senate Academic Appointees/Corrective Action and Dismissal (APM-150)

APM-150 applies to all academic appointees who are not members of the Academic Senate. Student academic appointees not covered by an MOU are subject to this policy to the extent that corrective action or dismissal are based solely upon their employment relationship with the University. Non-Senate faculty appointees are also subject to the standards set forth in the Faculty Code of Conduct.

Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, dereliction of duty, or violation of University policy. Corrective action or dismissal may be instituted and implemented by the department chair, unit head, supervisor, or other appropriate administrative authority in accordance with campus procedures. Campus procedures shall outline appropriate consultation requirements for corrective action and dismissal.

The types of corrective action and dismissal that may be imposed are as follows:



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- **Written Warning:** A communication that informs the appointee of the nature of the misconduct or deficiency, the method of correction, and the probable consequence of continued misconduct or deficiency. A written warning is to be distinguished from an informal spoken warning. An informal spoken warning or a letter outlining performance expectations is not an official corrective action.
- **Written Censure:** A formal written expression of institutional rebuke which contains a description of the censured conduct. A written censure must be delivered to the recipient and a copy must be maintained in a designated file or files, or for the period of time specified in the writing.
- **Suspension without Pay:** Debarment without pay from appointment responsibilities for stated period of time. Unless otherwise noted, the terms of a suspension will include loss of normal employee privileges such as access to University property and parking and library privileges.
- **Reduction in Salary:** A reduction to a lower salary without a change in rank or step. The amount and duration of the reduced salary shall be specified.
- **Demotion:** A reduction to a lower rank or step with a corresponding reduction in salary.
- **Dismissal:** The termination of an appointment for good cause initiated by the University prior to the ending date of appointment. Good cause includes, but is not limited to, misconduct, continued unsatisfactory work performance, dereliction of duty, or serious violation of University policy.

The procedures for corrective action are as follows:

- **Informal Resolution:** Prior to instituting corrective action or dismissal, efforts to resolve the issue(s) informally should be attempted where appropriate.
- **Investigatory Leave:** An appointee may be placed on immediate investigatory leave with pay, without



prior written notice, for the purpose of reviewing or investigating conduct which in the judgment of the Chancellor requires removing the appointee from University premises. While on such leave, the appointee's return to University premises without written permission may create independent grounds for dismissal. Such investigatory leave must be documented in writing after it is instituted.

- **Written Notice of Intent:** The University shall provide a written Notice of Intent to the appointee prior to initiating the actions of written censure, suspension without pay, reduction in salary, demotion, or dismissal. The Notice shall state: the intended action, including reasons for the action and the proposed effective date; the basis of the charges, including copies of pertinent materials supporting the charges; the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written Notice of Intent; and the name of the person to whom the appointee should respond. No Notice of Intent is required for a written warning. Prior to instituting the dismissal of a non-Senate faculty member, the appointee should be apprised of the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate.
- **Response to Written Notice of Intent:** The appointee who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the administration.
- **Written Notice of Action:** If the University determines to institute the corrective action or dismissal following the review of a timely response, if any, from the appointee, and within thirty (30) calendar days of the date of issuance of the written Notice of Intent, the University shall issue a written Notice of Action to the appointee of the corrective action or dismissal to be taken and its effective date. The Notice of Action also shall notify the appointee of the right to grieve the action. The Notice of Action may not include an action more severe than that described in the Notice of Intent. A copy of the Notice of Action also shall be placed in the employee's personnel file(s).
- **Representation:** Appointees may represent themselves or may be represented by another person at any stage of the corrective action or dismissal process.
- **Extension of Time:** Upon written request and prior to the expiration of any time limit stated in this policy, the Chancellor may grant extensions, as appropriate.

The procedures for dismissal of a non-Senate faculty appointee are as follows: Termination of the appointment of any member of the faculty before the expiration of their appointment shall be only for good cause, after the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate, except as otherwise provided in a MOU for faculty who are not members of the Academic Senate. A non-Senate faculty appointee is entitled to select only one grievance review mechanism. If a non-Senate faculty appointee elects an Academic Senate hearing, good cause shall be defined. For a non-Senate faculty appointee with a term appointment if the hearing has not commenced by the ending date of the appointment, the dismissal becomes a non-reappointment effective at the end of the appointment. The appointee has thirty (30) calendar days from the ending date of the appointment to grieve the non-reappointment.

### iii. Personnel Policies for Staff Members

The following policies for staff address responding to conduct that violates the University of California *Sexual Violence and Sexual Harassment Policy*.

- **PPSM-62: Corrective Action**

Prior to taking any corrective action, managers and supervisors shall review the need for corrective action with Employee & Labor Relations. The types of corrective action that can be used to provide an opportunity for an employee to correct conduct or work performance standards are written warning, corrective salary decrease, suspension, and demotion. These four types of corrective action can be used in the progressive discipline process; however, corrective action does not need to follow a specific order. As appropriate, the corrective action taken should correspond to the severity and circumstances of the situation.

- **Written Warning:** Generally, at least one written warning will be given to an employee prior to proceeding with any other corrective action; however, no written warning will be needed if the corrective action is a result of misconduct or work performance that an employee knows or reasonably should have known was unacceptable. The written warning must describe how the employee failed to meet acceptable conduct or work performance standards.
- **Corrective Salary Decrease:** An employee may be subject to a temporary or permanent corrective salary decrease when removal from the workplace is not appropriate, yet discipline is warranted.
- **Suspension:** An employee may be subject to removal from the workplace and suspended for a defined period of time without pay. For exempt employees, suspension without pay must be imposed in a minimum increment of one workday.
- **Demotion:** An employee may be subject to a temporary or permanent demotion for disciplinary reasons.

- **PPSM-63: Investigatory Leave**

An employee may be placed on an investigatory leave, with or without prior written notice, to permit the University to review or investigate actions including, but not limited to dishonesty; theft or misappropriation of University property; insubordination; violation of federal or state law; exploitation, intimidation, discrimination, or harassment; acts endangering employees, students, visitors, or other University constituents; sexual violence, sexual harassment, or other prohibited behavior; or any other conduct which warrants removing the employee from the work site to conduct a University investigation.

Employees placed on investigatory leave must be notified in writing no later than three (3) working days after commencement of the leave if the written notice is not provided when the leave commenced. The written notice must include the reason(s) for the leave and the expected duration. Such leaves may be extended by written notice to the employee. It should also direct the employee to remain available to speak with and provide information to the University investigator upon request. Such leaves may be extended by written notice to the employee.

Upon conclusion of the University's investigation, the employee must be notified in writing of the outcome of the investigation and whether the investigation's findings will result in continued employment, corrective action, or termination of employment.

- **PPSM-64: Termination of Career Employees**

- **Professional and Support Staff:** Regular status professional and support staff may be terminated from employment because of misconduct or failure to maintain appropriate work performance standards. Normally, termination is preceded by corrective action unless immediate dismissal is warranted.
- **Managers & Senior Professionals:** Managers and senior professionals (Manager 3 and Below and Equivalent Positions) who hold career appointments may be terminated when, in management's judgment, the needs or resources of the department or the performance or conduct of the employee do not justify the continuation of the employee's appointment.
- **Managers & Senior Professionals:** Managers and senior professionals (above Manager 3 and Equivalent Positions) who hold career appointments serve at the discretion of the Chancellor and may be terminated at will and at any time with or without cause.

## **Sanctioning and Investigatory Leave for Represented Employees**

The bargaining units for employees represented by a union have separate employment contracts that include provisions covering corrective action and discipline, as well as investigatory leave.

- **Disciplinary Procedures for Faculty and Staff:**

***Policies for Faculty:***

The Faculty Code of Conduct (APM – 015)

- [https://ucop.edu/academic-personnel-programs/\\_files/apm/apm-015.pdf](https://ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf)

University Policy on Faculty Conduct and the Administration of Discipline (APM 016)

- [https://www.ucop.edu/academic-personnel-programs/\\_files/apm/apm-016.pdf](https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-016.pdf)

Non-Senate Academic Appointees/Corrective Action and Dismissal (APM 150)

- [https://ucop.edu/academic-personnel-programs/\\_files/apm/apm-150.pdf](https://ucop.edu/academic-personnel-programs/_files/apm/apm-150.pdf)

University Policy on Non-Senate Academic Appointees/Grievances (APM 140)

- [ucop.edu/academic-personnel-programs/\\_files/apm/apm-140.pdf](https://ucop.edu/academic-personnel-programs/_files/apm/apm-140.pdf)

***Personnel Policies for Staff Members:***

Corrective Action (PPSM-62)

- [policy.ucop.edu/doc/4010411/PPSM-62](https://policy.ucop.edu/doc/4010411/PPSM-62)

Investigatory Leave (PPSM-63)

- [policy.ucop.edu/doc/4010412/PPSM-63](https://policy.ucop.edu/doc/4010412/PPSM-63)

Termination of Career Employees (PPSM-64)

- [policy.ucop.edu/doc/4010413/PPSM-64](https://policy.ucop.edu/doc/4010413/PPSM-64)

Termination of Appointment – Senior Management Group (PPSM II-64)

- [policy.ucop.edu/doc/4010578/PPSM-II-64](https://policy.ucop.edu/doc/4010578/PPSM-II-64)

Complaint Resolution (PPSM-70)

- <https://policy.ucop.edu/doc/4010417/PPSM-70>

***M. Disciplinary Procedures when the Respondent is a Physician/Healthcare Provider:***

When the Respondent is a physician or other health care provider credentialed and privileged by hospital medical staff, or a health professional training program student, resident or fellow, then in addition to the above frameworks they may be subject to investigation and adjudication of professional misconduct under other rules and policies (e.g., medical staff bylaws and school-based policies) potentially resulting in corrective action or termination.

***N. Incident Response Team – Medical Centers:***

On December 9, 2019, the University of California Office of the President issued guidelines and directives collectively entitled *Prevention, Detection, and Response to Sexual Violence and Sexual Harassment in the Context of Patient Care*. As part of that issuance, and in response to the *Guidelines on Investigating Prohibited Conduct in the Context of Patient Care*, UC San Diego has established an Incident Response Team (IRT) to help coordinate a trauma-informed, fair, effective and timely response to reports of Prohibited Conduct in the context of patient care; review trends; and identify areas of concern and recommend action to address them within our medical centers and clinical locations. The IRT is chaired by the Title IX Officer, and includes the Chief Medical

Officer and the Chief Clinical Officer as members.

## E. Non-Sex-Based Stalking

Non-sex-based stalking is addressed by University policies other than the *Sexual Violence and Sexual Harassment Policy*. Some University policies contain definitions of behavior that may meet the threshold for non-sex-based stalking.

The University of California *Abusive Conduct in the Workplace* policy available at <https://policy.ucop.edu/doc/4000701/AbusiveConduct> applies to employees, unpaid interns and third parties. This policy does not define “stalking”, but it does include a definition of “Abusive Conduct.” Some forms of “Abusive Conduct” could meet the threshold of stalking under the Clery Act. “Abusive Conduct” includes but is not limited to “Harassing or threatening behavior that is sufficiently severe, persistent, or pervasive conduct in the Workplace that 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. The conduct creates an environment, whether intended or not, that a reasonable person would find to be intimidating or offensive and unrelated to the University’s legitimate educational, employment, and business interests...”<sup>74</sup> “Abusive Conduct” can be reported at <https://blink.ucsd.edu/HR/policies/conduct/abusive.html>, to an employee’s manager or supervisor or through the whistleblower hotline.

California law requires employers to implement a Workplace Violence Prevention Program. Some forms of “Workplace Violence” could meet the threshold of stalking under the Clery Act.

The statute defines “Workplace Violence” as “any act of violence or threat of violence that occurs in a place of employment: . . .(B)“Workplace violence” includes, but is not limited to, the following:

- The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
- (ii) An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury. . . .”<sup>75</sup>

**Note: Any acts of violence or threats indicating an imminent risk of violence should be reported directly to the UC San Diego Police Department or to the local police department if an employee is away from campus.**

Student conduct procedures define stalking as “behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose.”<sup>76</sup>

While faculty policies do not specifically define stalking, they provide guidance for “unacceptable conduct,” which includes “[f]orcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person’s performance of University activities.”<sup>77</sup> Similarly, staff related policies do not specifically define non-sex-based stalking, but do cover “violations of federal or state

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<sup>74</sup> See Section II of the University of California Abusive Conduct in the Workplace policy at

<https://policy.ucop.edu/doc/4000701/AbusiveConduct>.

<sup>75</sup> Cal. Labor Code § 6401.9(6).

<sup>76</sup> See PACAOS 102.10 at <https://policy.ucop.edu/doc/2710530/PACAOS-100>.

<sup>77</sup> See General University Policy Regarding Academic Appointees: APM - 015 - The Faculty Code of Conduct Part II.C.4 at [https://www.ucop.edu/academic-personnel-programs/\\_files/apm/apm-015.pdf](https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf).

law” or “acts endangering employees, students, visitors, or other University constituents.”<sup>78</sup> The California Penal Code does not distinguish between sex or non-sex-based stalking.<sup>79</sup>

Reports of non-sex-based stalking should be reported to the Police, Center for Student Accountability, Growth, and Education, Academic Personnel Services, Employee Relations or the Whistleblower Hotline, as appropriate. UC PACAOS 100, Section 103.11 describes the minimum procedural requirements for all campuses when conducting a formal hearing into alleged social misconduct, including non-sex-based stalking:

- (a) Written notice, including a brief statement of the factual basis of the charges, the University policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing;
- (b) The opportunity for a prompt and fair hearing where the University shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the University; no inference shall be drawn from the silence of the accused;
- (c) A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and
- (d) An appeals process.

For Senate Appointees, in conjunction with the applicable policies noted above, the process provided for in [Academic Senate Bylaw 336](#) also applies.

Disciplinary charges shall be filed by the appropriate Chancellor or Chancellor's designee, once probable cause has been established. The disciplinary charges shall be in writing and shall contain notice of proposed disciplinary sanctions and a full statement of the facts underlying the charges. The Chancellor must file disciplinary charges by delivering notice of proposed disciplinary action to the respondent no later than three years after the Chancellor is deemed to have known about the alleged violation. The accused shall have 14 calendar days from the date of receipt of the disciplinary charges in which to file an answer in writing with the Committee on Privilege and Tenure.

Within five business days after receiving the disciplinary charges, the Chair of the Committee on Privilege and Tenure shall contact the accused, the Chancellor or Chancellor's designee and/or their representatives in writing in order to schedule the hearing. The hearing shall begin no later than 60 calendar days from the date disciplinary charges are filed with the Committee on Privilege and Tenure. The Chancellor or Chancellor's designee, the accused, and/or their representatives shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received.

Each party shall have the right to be represented by counsel, to present its case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.

A full text of the procedures can be found within Academic Senate Bylaw 336 here: <https://senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart3.html#bl336>.

The disciplinary process for staff mirrors that for *Sexual Violence and Sexual Harassment Policy* violations. Please see [Section XII.D.3.L.iii](#) above.

Sanctions for students relating to incidents of non-sex-based stalking could include any of the following.<sup>80</sup>

- Suspension (minimum one year) plus probation for tenure

<sup>78</sup> See PPSM 63: Investigative Leave Section III.B at <https://policy.ucop.edu/doc/4010412/PPSM-63> and PPSM 64: Termination and Job Abandonment Section VII.4 at <https://policy.ucop.edu/doc/4010413/PPSM-64>.

<sup>79</sup> Cal Penal Code § 646.9.

<sup>80</sup> See <https://policy.ucop.edu/doc/2710530/PACAOS-100> at PACAOS at 102.10.

- Practical Decision Making Assessment and Reflection
- No Contact Order with Complainant(s)
- Exclusion from areas or activities
- Creative/other sanctions
- Expulsion (egregious violations)
- Meetings
- Probation (minimum tenure; only if significant mitigating factors are present)

Sanctions for non-sex-based stalking for faculty and staff are generally the same as for sex-based stalking. See [Section XII.D.3.L.](#)

### **XIII. Victim Notification Policy**

UC San Diego will provide both the complainant and the respondent with simultaneous written notification of any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault (including non-forcible sex offenses, which are classified as statutory rape or incest for Clery reporting purposes) or stalking pursuant to federal law and the University of California *Sexual Violence and Sexual Harassment Policy*.

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

### **XIV. Sex Offender Registration Information**

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The law also requires sex offenders already required to register in a State, to provide notice, as required under State law, to each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. In addition, California law requires sex offenders who reside on campus, and all campus affiliated sex offenders, to register with campus law enforcement.

Members of the public may access sex offender information at the Megan’s Law website maintained by the Department of Justice: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). For information concerning offenders who have registered with the UC San Diego Police Department, please contact Investigations at (858) 534-4359.

### **XV. Crime Statistics**

#### **A. Sources for Crime Statistics**

This report contains crime statistics compiled for the 2023, 2022 and 2021 calendar years. The statistics provided in the *Annual Security and Fire Safety Report* are based upon reports of Clery Act crimes occurring on Clery geography that are (1) reported directly to the UC San Diego Police Department; (2) reported to Campus Security Authorities, who then submit reports of the crimes to the UC San Diego Police Department; or (3) reported to local law enforcement agencies.

## B. Crime Statistics

### 1. Criminal Offenses Reporting Table

OFFENSE	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
Murder/Non-Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	9	16	4	0	20
	2022	12	14	4	1	19
	2021	33	40	2	1	43*
Fondling	2023	3	16	4	1	21
	2022	4	12	8	2	22
	2021	5	11	8	1	20
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	1	2	1	4
	2022	0	2	0	1	3
	2021	0	1	0	2	3
Aggravated Assault	2023	4	8	7	4	19
	2022	9	12	4	0	16
	2021	4	8	10	6	24
Burglary	2023	17	36	1	0	37
	2022	9	25	4	0	29
	2021	5	16	2	0	18
Motor Vehicle Theft	2023	6	472	4	6	482**
	2022	3	308	6	8	322**
	2021	5	64	2	8	74**
Arson	2023	5	7	2	1	10***
	2022	1	5	0	0	5***
	2021	0	1	1	0	2

\* As noted in the 2023 and 2022 *Annual Security and Fire Safety Report*, in 2021, there was an increase in the number of reported incidents of rape and domestic violence. This is primarily due to a report in 2021 of multiple allegations of abuse spanning several years. In accordance with the Clery Act, the recurring incidents were all included in the year in which they were reported, 2021.

\*\* As noted in the 2023 and 2022 *Annual Security and Fire Safety Report*, the increase in motor vehicle thefts in 2021, 2022 and 2023 is largely due to the thefts of electric scooters and electric bicycles, which have become more prevalent on campus.

\*\*\* As noted in the 2023 *Annual Security and Fire Safety Report*, the San Diego metropolitan area has prioritized public transportation opportunities in the region. This priority has increased access to the UC San Diego campus for staff, students, and faculty, as well as the general public. This expanded accessibility has increased the number of people visiting campus and the UC San Diego Police Department has seen an associated increase in some criminal incidents.

## 2. VAWA Offenses Reporting Table

OFFENSE	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
Domestic Violence	2023	13	17	0	1	18
	2022	19	22	1	2	25
	2021	34	37	1	3	41*
Dating Violence	2023	5	8	0	0	8
	2022	10**	11**	0	0	11**
	2021	6	10	1	2	13
Stalking	2023	5	14	1	0	15
	2022	6	14	0	0	14
	2021	7	20	1	0	21

\* As noted in the 2022 and 2023 *Annual Security and Fire Safety Report*, in 2021, there was an increase in the number of reported incidents of rape and domestic violence. This is primarily due to a report in 2021 of multiple allegations of abuse spanning several years. In accordance with the Clery Act, the recurring incidents were all included in the year in which they were reported, 2021.

\*\* In 2022, there was an additional incident of dating violence in an on-campus student housing facility.

## 3. Arrests and Disciplinary Referrals Reporting Table

OFFENSE	YEAR	ON-CAMPUS STUDENT HOUSING FACILITIES	ON-CAMPUS TOTAL	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
Weapons Law Arrests	2023	0	14	0	2	16
	2022	0	18	1	2	21*
	2021	0	4	0	0	4
Weapons Law Disciplinary Referrals	2023	0	1	2	0	3
	2022	1	1	0	0	1
	2021	0	0	0	0	0
Drug Abuse Arrests	2023	4	58	4	5	67*
	2022	1	19	1	1	21
	2021	1	9	3	1	13
Drug Abuse Disciplinary Referrals	2023	55	68	1	0	69
	2022	49	57	3	0	60
	2021	28	38	0	0	38
Liquor Law Arrests	2023	0	2	0	0	2
	2022	0	1	0	0	1
	2021	0	0	0	0	0
Liquor Law Disciplinary Referrals	2023	282	333	0	0	333
	2022	255	299	0	0	299
	2021	280	309	0	0	309

\* The San Diego metropolitan area has prioritized public transportation opportunities in the region. This priority has increased access to the UC San Diego campus for staff, students, and faculty, as well as the general public. This expanded accessibility has increased the number of people visiting campus and the UC San Diego Police Department has seen an associated increase in some criminal incidents.



#### 4. Hate Crimes

2023: One hate crime was reported in 2023:

- One on-campus Simple Assault incident characterized by sexual orientation bias.

2022: Two hate crimes were reported in 2022:

- One non-campus Intimidation incident characterized by sexual orientation bias.
- One on-campus Intimidation incident characterized by sexual orientation bias.

2021: There were zero hate crimes reported in 2021.

#### 5. Unfounded Crimes

2023: Five unfounded crimes.

2022: Four unfounded crimes.

2021: Three unfounded crimes.



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## C. Offense Definitions

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

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

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

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

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

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

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

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

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

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

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

Please see [Section XII.A](#) for the federal definitions of *dating violence*, *domestic violence*, *sexual assault (rape, fondling, incest and statutory rape)* and *stalking*.

The following definitions come from the U.S. Department of Education Code of Federal Regulations implementing the Clery Act as they relate to hate crimes and are used for purposes of reporting hate crimes under the Clery Act.

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

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

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

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

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

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

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

## D. Geographic Definitions

Crimes are reported according to the following geographic definitions:

### **On Campus (34 CFR § 668.46(a))**

- (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- (2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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

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

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

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### ***Public Property (34 CFR § 668.46(a))***

All public property (including thoroughfares, streets, sidewalks, and parking facilities) that is within the campus, or immediately adjacent to and accessible from the campus. UC San Diego's campus Clery map is available at: <http://go.ucsd.edu/2hsOHyr>.

## **XVI. Annual Fire Safety Report**

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

If you have any questions relating to fire safety policies, procedures or statistics, please contact: Chuck Weber, Interim Campus Fire Marshal at (858) 534-7525, [jweber@ucsd.edu](mailto:jweber@ucsd.edu).

The UC San Diego Police Department maintains a Daily Crime and Fire Log. The fire log entries include any fire that occurred in an on-campus student housing facility, including the nature, date, time, and general location of each fire. The log for the most recent 60-day period is open for public inspection during normal business hours at Campus Services Complex, Bldg. B and is available at [http://www.police.ucsd.edu/docs/reports/CallsandArrests/Calls\\_and\\_Arrests.asp](http://www.police.ucsd.edu/docs/reports/CallsandArrests/Calls_and_Arrests.asp). Subject to applicable federal and state retention periods, any portion of the log that is older than 60 days will be made available within two business days of a request for public inspection. See also [Section III.E](#).

### **A. On-Campus Student Housing Facility Fire Safety Systems**

Every UC San Diego building designated as on-campus student housing facility has an early detection and warning system consisting of automatic fire sprinklers, fire alarm pull stations, audible/visual alarms, and smoke detection. The majority of the UC San Diego graduate and family housing facilities have automatic fire sprinkler systems. These systems help ensure the safety and well-being of each student and faculty member. Fire and Life safety systems are monitored by a constantly attended location (Campus Police Dispatch Center) and work together to alert occupants of an emergency.

Automatic fire sprinklers provide protection and are reliable up to 99%. Each fire sprinkler system in a UC San Diego on-campus student housing facility is equipped with waterflow and valve tamper switches that are monitored by the Fire Alarm Control Panel (FACP) within each building. All automatic fire sprinkler systems in UC San Diego on-campus student housing facilities are maintained, inspected, and tested in accordance with the National Fire Protection Association (NFPA) 13 standards.

Fire detection systems exist to provide early warning and the opportunity to safely evacuate the building should it be necessary. There are automatic fire detection systems in every UC San Diego on-campus student housing facility. These systems include smoke detectors located in bedrooms and hallways, horns/strobes to notify occupants, manual pull stations as well as smoke/heat detectors in mechanical rooms, custodial closets and

lounges. All fire alarms in UC San Diego on-campus student housing facilities are tested regularly per the requirements of the National Fire Protection Association (NFPA), Standard 72.

Residents are encouraged to report mechanical problems that might arise with the equipment to Housing Dining Hospitality (HDH)'s [Fix It Hotline](#).

Please see [Appendix A](#), which details the fire protection systems and number of fire drills in 2023 for each UC San Diego on-campus student housing facility.

Please note that in 2023, UC San Diego continued to utilize the Residence Inn San Diego La Jolla to house students who needed to quarantine due to Covid-19. The Residence Inn San Diego La Jolla was considered an on-campus student housing facility for the period in which students quarantined at the hotel due to its proximity to the campus. Please see [Appendix A](#) for information regarding the Residence Inn San Diego La Jolla's fire safety systems which are independently managed by the hotel.

## **B. Fire Evacuation Policies and Procedures**

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

### **1. General Policies and Procedures**

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

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

#### **Response to an Audible Fire Alarm:**

- If an audible fire alarm sounds, evacuate the building immediately through the nearest door with an exit sign. Wear closed-toe shoes and take your keys and ID with you.
- Do not use the elevator; do utilize the nearest safe stairway.
- If requested, accompany and assist persons with disabilities who appear to need assistance.
- Touch closed doors before opening. If the surface is hot, do not open — use another exit route.
- Close, but do not lock, all doors as you leave.
- Walk, do not run.
- Report to your designated assembly area.
- Stay in your designated outdoor assembly area for a head count.
- Report any missing individuals and last known locations to emergency responders.
- Notify emergency responders about sensitive research, operating equipment, animals left in buildings, etc.
- Wait for instructions from emergency responders.

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

It is mandatory that all residents evacuate if a fire alarm is activated. Other policies, procedures and guidelines as listed below are available at: <https://blink.ucsd.edu/safety/fire/index.html>:

[Fire Extinguisher Training](#)

[Frequently Asked Questions About Fire Sprinklers](#)

[Corridor Safety Requirements](#)

[Electrical Safety Requirements](#)

## 2. Evacuation of On-Campus Housing Facilities

### A. *Emergency Exit Plan:*

Review the Emergency Plan prior to an emergency.

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

### **Emergency Phone Numbers:**

- Fire, Police, Medical – 911
- UC San Diego Police – 911
- Emergency Services: La Jolla Sulpizio Cardiovascular Center – (858) 657-8530
- Emergency Services: Hillcrest UC San Diego Medical Center – (858) 657-7000
- Poison Control Center – (800) 222-1222
- UC San Diego Emergency Status – (888) 308-8273
- EH&S Front Office – (858) 534-3660

### **Calmly state:**

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

### **Fire Procedures:**

- Fire Alarm: Bell/Horn with flashing light;

- Pull the fire alarm and call UC San Diego Police at 9-1-1;
- Alert people in the area to evacuate; and
- Close door to confine the fire.

**In case of small fire:**

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

**Evacuation maps are included in the following housing locations:**

- Eleanor Roosevelt College: Residence Halls
- Eighth College, Building 1 (Pulse)
- Eighth College, Building 2 (Azad)
- Eighth College, Building 3 (Survivance)
- Eighth College, Building 4 (Sankofa)
- Eighth College, Building 5 (Podemos)
- Mesa Nueva Apartments
- Muir College: Apartments and Residence Halls
- Nuevo East Apartments
- Nuevo West Apartments
- One Miramar Street Apartments
- Pepper Canyon Apartments
- Pepper Canyon West - Rya
- Pepper Canyon West - Vela
- Revelle College: Argo and Blake Residence Halls and Keeling Apartments
- Rita Atkinson Residences
- Seventh College East and West Apartments
- Sixth College Apartments and Residence Halls at North Torrey Pines Living Learning Neighborhood
- Warren College: Apartments and Residence Halls

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

Fire alarm testing and evacuation drills are generally conducted annually.

**A. Evacuation Locations:**

Please note: Evacuees should gather at least 50 feet away from any structure. Please see below for individual housing evacuation locations. Please note that these locations are subject to change based on the particular emergency. Follow directions of local officials.

Undergraduate Housing	Evacuation Location
Eighth College – Building 1 (Pulse)	South Galbraith Hall Lawn

Undergraduate Housing	Evacuation Location
Eighth College – Building 2 (Azad)	South Galbraith Hall Lawn
Eighth College – Building 3 (Survivance)	South Galbraith Hall Lawn
Eighth College – Building 4 (Sankofa)	South Galbraith Hall Lawn
Eighth College – Building 5 (Podemos)	South Galbraith Hall Lawn
ERC Apartments – Africa Hall	ERC Green
ERC Apartments – Asante Hall	International Lane, directly east of building
ERC Apartments – Asia Hall	ERC Green
ERC Apartments – Cuzco Hall	International Lane, directly east of building
ERC Apartments – Earth Hall North	ERC Green
ERC Apartments – Earth Hall South	ERC Green
ERC Apartments – Europe Hall	ERC Green
ERC Apartments – Geneva Hall	Plaza in front of ERC Administration Building
ERC Apartments – Kathmandu Hall	International Lane, directly east of building
ERC Apartments – Latin America Hall	ERC Green
ERC Apartments – Mesa Verde Hall	Plaza in front of ERC Administration Building
ERC Apartments – Middle East Hall	ERC Green
ERC Apartments – North America Hall	ERC Green
ERC Apartments – Oceania Hall	ERC Green



Undergraduate Housing	Evacuation Location
Marshall Apartments	Marshall Uppers Cul-de-Sac
Marshall Residence Halls	Parking Lot P304 on North Scholars Drive
Muir Apartments and Residence Halls	Muir Field
Revelle Apartments and Residence Halls	Revelle Plaza
Sixth College – Building 2 (Catalyst)	East Quad
Sixth College – Building 3 (Kaleidoscope)	West Quad and Basketball Court
Sixth College – Building 4 (Tapestry)	West Quad and Basketball Court
Sixth College – Building 5 (Mosaic)	East Quad
Seventh College East Apartments	Parking Lot P357 (east of building)
Seventh College West Apartments	South of Village West Building #3 (along the Wedge; rocky landscape)
Matthews Apartments	Warren Field
Pepper Canyon Apartments	Warren Field
Pepper Canyon West – Rya	Rya Courtyard
Pepper Canyon West – Vela	Vela Courtyard
Rita Atkinson Residences	100 Osler Lane, Parking Lot P603
Warren Apartments and Residence Halls	Walkway between Engineering Building Unit II (EBU II) and Computer Science and Engineering Building (EBU III)—immediately across the Paseo Walkway leading to the Warren residential complex

Graduate and Family Housing	Evacuation Location
Central Mesa Apartments	9146 Regents Road
Coast Apartments	9350 Redwood Drive
La Jolla del Sol Apartments	8046 Regents Road
Mesa Nueva Apartments	Northwest parking lot outside of Cala Building
Nuevo East Apartments	Parking Lot, Exchange Building
Nuevo West Apartments	3739 Miramar St. (Grassy Area between Viento and Brisa)
One Miramar Street Apartments	One Miramar Street, Building 5
South Mesa Apartments	9146 Regents Road



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## C. Policies Related to Smoking, Portable Electrical Devices and Open Flames in On-Campus Student Housing Facilities

**Smoking:** Per the University's *Smoke-Free & Tobacco-Products-Free Campus Policy*, smoking of any kind is not permitted in any area owned or leased by UC San Diego.

**Portable Electrical Appliances:** Every electrical appliance must be UL-listed and may only be used within the limitations of that listing. All appliances (e.g., cooking, portable heaters) with exposed heating elements are prohibited. Microwaves must be 750 watts or less and refrigerators must be 5.0 cubic feet or less. Heat producing cooking appliances (e.g., toasters, electric grills, water boilers, coffee makers, rice cookers, etc.) must be used in kitchen areas only. Portable or installed air conditioning or heating units are prohibited.

**Open Flames:** Use of candles, charcoal grills, incense, tiki torches, or any other open flames are prohibited in or around the residential facilities. Individual residents cannot bring barbecues (including electric barbecues, smokers, and similar products) as they are prohibited in all facilities. In addition, propane gas and charcoal for BBQs may not be stored in or around any residential facility. Gas BBQs are available for resident use in Graduate and Family Housing Communities.

### Note about Covid-19 Student Quarantine Housing:

In 2023, the Residence Inn San Diego La Jolla continued to be classified as an on-campus student housing facility when it was used to house students quarantining due to Covid-19. The Residence Inn San Diego La Jolla follows the City of San Diego Code regarding smoking and smoking is not permitted inside the building or within 25 feet of a building entrance or window. All appliances in guest rooms are UL listed. Rooms already have microwaves and other heat producing appliances. No open coils or space heaters are allowed. No open flames are permitted in guest rooms.

## D. Fire Safety Education and Training

All students who occupy a UC San Diego on-campus student housing facility receive instruction on how to evacuate the building when a fire alarm is activated, the evacuation location, and they participate in an exercise assuring their understanding of this process. Resident Assistants are trained regarding conducting an orderly evacuation.

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

**Emergency First Responder Training:** The first responders and public safety agency that is responsible for responding to emergency incidents on the UC San Diego campus, is the City of San Diego Fire-Rescue Department. As a result, they frequently train and familiarize their personnel with the physical layout of the University. This effort allows them to become familiar with the buildings' construction and design, chemical inventories of laboratories, and the campus personnel who work in these facilities. The Campus Fire Marshal's Office has a designated liaison to the City of San Diego Fire-Rescue Department. This keeps the fire department up-to-date on issues relating to fire safety and response to the campus.

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

See [Section XVI.B](#) for a description of the procedures students and employees should follow in the event of a fire.

## **E. Plans for Future Improvements in Fire Safety**

Fire alarms are continually being upgraded and modernized to be addressable systems. This pinpoints which devices have been activated along with the location within the building. UC San Diego renewed a contract for the annual testing and maintenance of fire sprinkler systems, standpipes, and fire pumps. Contracts have also been awarded for testing and maintenance of fire alarm systems.

The University's multi-year plan for installing fire protection (fire sprinkler) systems in all on-campus residential housing facilities has been achieved. As of now, all undergraduate housing is fully protected by fire sprinklers. The plan for installing fire protection in the remaining UC San Diego graduate and family housing is currently in progress.

The campus alarm system and how alarms are received has been upgraded and modernized. KELTRON Wireless transceivers are part of an active network radio system, which provide a two-way alarm transmission from monitored locations to a central receiving station at UC San Diego Police Department dispatch. Replacing expensive and unreliable telephone lines, active network radio is a self-routing and self-healing solution that ensures instant life safety event monitoring over a wide geographic area. Each transceiver serves as both a transceiver and a repeater to improve the strength and range of the entire network. The two-way transceiver provides high integrity communications that ensure every signal is authenticated and acknowledged. This five-year plan to transition to the wireless system is now complete. Redundancy for the system server is the next step in the project. Another priority is to install Emergency Responder Radio Communications Systems (ERRCS). ERRCS is a network that re-transmits police and fire radio frequencies inside buildings to improve radio signal strength. These systems have been mandated on all new buildings and added to any requiring major renovations.

As the student population grows with more residential buildings and the opening of the new residential neighborhoods, the University's efforts in fire safety education grow. As UC San Diego welcomes students, faculty, and staff, improvements in the area of fire prevention education will be provided. This is to include ongoing training for students, faculty, and staff in the safe use of fire extinguishers. An electronic fire extinguisher training device has been acquired to provide training in any setting. A fire safe cooking practices and housing safety program has been provided to the Housing Dining Hospitality group. This interactive web-based training will also be provided to students living in campus housing. The University's goal is to have students take the course as part of their lease agreement. UC San Diego continues to educate students, faculty and staff regarding the fire dangers around campus and how to improve their safety awareness.

UC San Diego also continues to improve the wildland urban interface fuel modification program to remove undergrowth and prune trees to reduce ladder fuels and provide defensible space. Past projects include the removal of dead or fallen eucalyptus trees along the wooded areas on campus.

There are no additional plans for future improvements in fire safety for the 2024-2025 academic year.

## **F. Reporting Fires for Annual Statistics**

Pursuant to federal law, UC San Diego is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. In the event of an emergency/active fire, call 9-1-1. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing facilities. These are fires of which you are unsure whether the UC San Diego Police Department may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact the UC San Diego Police Department at 9-1-1 or the Campus Fire Marshal at (858) 534-7525. When calling, please provide as much

information as possible about the location, date, time and cause of the fire. You may also report a non-emergency fire by visiting <https://blink.ucsd.edu/sponsor/EHS/forms-ehs/fire-incident-form.html>.

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

## **Appendix A**

### **UC San Diego On-Campus Student Housing Facilities:**

#### **Fire Protection Systems and 2023 Fire Drills**

**UNDERGRADUATE HOUSING**

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
<b>Eleanor Roosevelt College</b>						
<b>Eleanor Roosevelt College (ERC) Apartments</b>						
Asante Hall East 9826 International Ln., La Jolla, CA	X	X	X	X		1
Asante Hall West 9822 International Ln., La Jolla, CA	X	X	X	X		1
Cuzco Hall East 9856 International Ln., La Jolla, CA	X	X	X	X		1
Cuzco Hall West 9852 International Ln., La Jolla, CA	X	X	X	X		1
Earth Hall North 9906 Scholars Dr. N., La Jolla, CA	X	X	X	X		1
Earth Hall South 9906 Scholars Dr. N., La Jolla, CA	X	X	X	X		1
Geneva Hall East 9956 International Ln., La Jolla, CA	X	X	X	X		1
Geneva Hall West 9952 International Ln., La Jolla, CA	X	X	X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Kathmandu Hall East 9876 International Ln., La Jolla, CA	X	X	X	X		1
Kathmandu Hall West 9872 International Ln., La Jolla, CA	X	X	X	X		1
Mesa Verde Hall North 9997 International Ln., La Jolla, CA	X	X	X	X		1
Mesa Verde Hall South 9995 International Ln., La Jolla, CA	X	X	X	X		1
Middle East Hall 9958 Scholars Dr. N., La Jolla, CA	X	X	X	X		1
Oceania Hall 9878 Scholars Dr. N., La Jolla, CA	X	X	X	X		1
<b>Eleanor Roosevelt College (ERC) Residence Halls</b>						
Africa Hall 10002 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Asia Hall 9982 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.



Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Europe Hall 9922 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Latin America Hall 9882 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
North America Hall 9862 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
<b>Thurgood Marshall College</b>						
<b>Marshall Lower Apartments (demolished June 2023)</b>						
Bldg. A – Activism 2937 Voigt Dr., La Jolla, CA	X	X	X	X		0
Bldg. B – Bravery 2963 Voigt Dr., La Jolla, CA	X	X	X	X		0
Bldg. C – Collective 3021 Voigt Dr., La Jolla, CA	X	X	X	X		0
Bldg. D – Dialogue 3031 Voigt Dr., La Jolla, CA	X	X	X	X		0
Bldg. E – Empower 3041 Voigt Dr., La Jolla, CA	X	X	X	X		0

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. F – Freedom 2915 Voigt Dr., La Jolla, CA	X	X	X	X		0
<b>Marshall Upper Apartments</b>						
Bldg. G – Grassroots 2997 Thurgood Marshall Ln., La Jolla, CA	X	X	X	X		1
Bldg. H – Human Rights 2995 Thurgood Marshall Ln., La Jolla, CA	X	X	X	X		1
Bldg. J – Justice 2973 Thurgood Marshall Ln., La Jolla, CA	X	X	X	X		1
Bldg. K – Knowledge 2957 Thurgood Marshall Ln., La Jolla, CA	X	X	X	X		1
Bldg. L – Liberation 2955 Thurgood Marshall Ln., La Jolla, CA	X	X	X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. M – Movement 2953 Thurgood Marshall Ln., La Jolla, CA	X	X	X	X		1
<b>Marshall Residence Halls</b>						
Bldg. N – Narrative 2947 Pangea Dr., La Jolla, CA	X	X	X	X		1
Bldg. O – Opportunity 2943 Pangea Dr., La Jolla, CA	X	X	X	X		1
Bldg. P – Peace 2933 Pangea Dr., La Jolla, CA	X	X	X	X		1
Bldg. Q – Quest 2923 Pangea Dr., La Jolla, CA	X	X	X	X		1
Bldg. R – Revolutionary 2917 Pangea Dr., La Jolla, CA	X	X	X	X		1
Bldg. S – Solidarity 2913 Pangea Dr., La Jolla, CA	X	X	X	X		1
Bldg. T – Truth 2911 Pangea Dr., La Jolla, CA	X	X	X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. U – Unity 2915 Pangea Dr., La Jolla, CA	X	X	X	X		1
Bldg. V – Voice 2921 Pangea Dr., La Jolla, CA	X	X	X	X		1
<b>John Muir College</b>						
<b>Muir Apartments</b>						
Tamarack Apts. East 2948 Scholars Ln., La Jolla, CA	X	X	X	X	X	1
Tamarack Apts. West 2942 Scholars Ln., La Jolla, CA	X	X	X	X	X	1
Tuolumne Apts. – S House East 2914 Scholars Ln., La Jolla, CA	X	X	X	X	X	1
Tuolumne Apts. – S House North 2918 Scholars Ln., La Jolla, CA	X	X	X	X	X	1
Tuolumne Apts. – S House South 2902 Scholars Ln., La Jolla, CA	X	X	X	X	X	1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Tuolumne Apts. – S House West 2906 Scholars Ln., La Jolla, CA	X	X	X	X	X	1
Tuolumne Apts. – T House East 2932 Scholars Ln., La Jolla, CA	X	X	X	X	X	1
Tuolumne Apts. – T House North 2922 Scholars Ln., La Jolla, CA	X	X	X	X	X	1
Tuolumne Apts. – T House South 2930 Scholars Ln., La Jolla, CA	X	X	X	X	X	1
Tuolumne Apts. – T House West 2920 Scholars Ln., La Jolla, CA	X	X	X	X	X	1
<b>Muir Residence Halls</b>						
Tenaya Hall 9505 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	1
Tioga Hall 9485 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
<b>Revelle College</b>						
<b>Revelle Keeling Apartments</b>						
Bldg. 1 9231 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	1
Bldg. 2 9203 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	1
Bldg. 3 9201 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	1
<b>Revelle Residence Halls</b>						
Argo Hall 9257 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	1
Atlantis Hall 9211 Scholars Dr. S., La Jolla, CA	X	X	X	X		1
Beagle Hall 9217 Scholars Dr. S., La Jolla, CA	X	X	X	X		1
Blake Hall 9259 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	1
Challenger Hall 9219 Scholars Dr. S., La Jolla, CA	X	X	X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Discovery Hall 9225 Scholars Dr. S., La Jolla, CA	X	X	X	X		1
Galathea Hall 9223 Scholars Dr. S., La Jolla, CA	X	X	X	X		1
Meteor Hall 9221 Scholars Dr. S., La Jolla, CA	X	X	X	X		1
<b>Sixth College</b>						
<b>Sixth College Apartments and Residence Halls</b>						
Catalyst 9685 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Kaleidoscope 9690 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Mosaic 9605 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Tapestry 9610 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
<b>Seventh College</b>						
<b>Seventh College East Apartments</b>						
Bldg. 1 (Seventh College East Tower) 10195 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 2 10185 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 3 10165 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 4 10155 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 5 10135 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
<b>Seventh College West Apartments</b>						
Bldg. 1 (Seventh College West Tower) 10176 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 2 10156 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.



Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 3 10116 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 4 10114 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 5 10112 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 6 10152 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 7 10154 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
Bldg. 8 10172 Scholars Dr. N., La Jolla, CA	X	X	X	X	X	1
<b>The Village at Pepper Canyon</b>						
<b>Matthews Apartments</b>						
Bldg. A 9475 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. B 9465 Innovation Ln., La Jolla, CA	X	X	X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. C 9445 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. D 9450 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. E 9460 Innovation Ln., La Jolla, CA	X	X	X	X		1
<b>Pepper Canyon Apartments</b>						
Bldg. 100 9409 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 200 9413 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 300 9405 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 400 9411 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 500 9403 Innovation Ln., La Jolla, CA	X	X	X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 600 9401 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 700 9400 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 800 9402 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 900 9412 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 1000 9414 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 1100 9404 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 1200 9406 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 1300 9424 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 1400 9426 Innovation Ln., La Jolla, CA	X	X	X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 1500 9420 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 1600 9422 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 1700 9410 Innovation Ln., La Jolla, CA	X	X	X	X		1
Bldg. 1800 9408 Innovation Ln., La Jolla, CA	X	X	X	X		1
<b>Pepper Canyon West (opening fall 2024)</b>						
Rya 9620 Gilman Dr., La Jolla, CA	X	X	X	X	X	0
Vela 9610 Gilman Dr., La Jolla, CA	X	X	X	X	X	0
<b>Rita Atkinson Residences</b>						
<b>Rita Atkinson Residences</b>						
Rita Atkinson Residences 9165 Pharmacy Ln., La Jolla, CA	X	X	X	X	X	1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
<b>Earl Warren College</b>						
<b>Warren Apartments</b>						
Bates Hall 9820 Justice Ln., La Jolla, CA	X	X	X	X	X	1
Black Hall 9770 Justice Ln., La Jolla, CA	X	X	X	X	X	1
Brennan Hall 9780 Justice Ln., La Jolla, CA	X	X	X	X	X	1
Brown Hall 9800 Justice Ln., La Jolla, CA	X	X	X	X	X	1
Douglas Hall 9790 Justice Ln., La Jolla, CA	X	X	X	X	X	1
Goldberg Hall 9781 Equality Ln., La Jolla, CA	X	X	X	X	X	1
<b>Warren Residence Halls</b>						
Frankfurter Hall 9851 Equality Ln., La Jolla, CA	X	X	X	X	X	1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Harlan Hall 9860 Justice Ln., La Jolla, CA	X	X	X	X	X	1
Stewart Hall 9840 Justice Ln., La Jolla, CA	X	X	X	X	X	1
<b>Eighth College (opened 2023)</b>						
Building 5 - Podemos 9185 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	1
<b>Eighth College (opening 2024)</b>						
Building 1 – Pulse 9155 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	0
Building 2 – Azad 9145 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	0
Building 3 – Survivance 9175 Scholars Dr. S. La Jolla, CA	X	X	X	X	X	0
Building 4 – Sankofa 9165 Scholars Dr. S., La Jolla, CA	X	X	X	X	X	0

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

**GRADUATE AND FAMILY HOUSING**

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
<b>Central Mesa Apartments</b>						
Bldg. 9226 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9228 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9230 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9232 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9234 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9236 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9240 Regents Rd., La Jolla, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 9242 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9244 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9246 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9248 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9250 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9252 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9254 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9256 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9258 Regents Rd., La Jolla, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.



Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 9260 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9262 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9266 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9268 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9270 Regents Rd., La Jolla, CA	X		X	X		1
<b>Coast Apartments</b>						
Bldg. 9310 Redwood Dr., La Jolla, CA	X		X	X		1
Bldg. 9321 Discovery Wy., La Jolla, CA	X		X	X		1
Bldg. 9331 Discovery Wy., La Jolla, CA	X		X	X		1
Bldg. 9334 Redwood Dr., La Jolla, CA	X		X	X		1

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Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 9344 Redwood Dr., La Jolla, CA	X		X	X		1
Bldg. 9355 Discovery Wy., La Jolla, CA	X		X	X		1
Bldg. 9366 Redwood Dr., La Jolla, CA	X		X	X		1
Bldg. 9369 Discovery Wy., La Jolla, CA	X		X	X		1
Bldg. 9383 Discovery Wy., La Jolla, CA	X		X	X		1
Bldg. 9388 Redwood Dr., La Jolla, CA	X		X	X		1
Bldg. 9393 Discovery Wy., La Jolla, CA	X		X	X		1
<b>La Jolla del Sol Apartments</b>						
Bldg. 3353 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3355 Lebon Dr., San Diego, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 3357 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3359 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3363 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3365 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3367 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3371 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3373 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3381 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3383 Lebon Dr., San Diego, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 3391 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3393 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 3395 Lebon Dr., San Diego, CA	X		X	X		1
Bldg. 8006 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8018 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8030 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8042 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8054 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8066 Regents Rd., San Diego, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 8078 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8090 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8098 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8114 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8126 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8138 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8150 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8162 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8174 Regents Rd., San Diego, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 8186 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8202 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8212 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8222 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8232 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8242 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8252 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8272 Regents Rd., San Diego, CA	X		X	X		1
Bldg. 8282 Regents Rd., San Diego, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
<b>Mesa Nueva Apartments</b>						
Bldg. A (Cala) 3869 Miramar St., La Jolla, CA	X	X	X	X	X	1
Bldg. C (Cresta) 3857 Miramar St., La Jolla, CA	X	X	X	X	X	1
Bldg. D (Arena) 3807 Miramar St., La Jolla, CA	X	X	X	X	X	1
Bldg. E (Marea) 3855 Miramar St., La Jolla, CA	X	X	X	X	X	1
Bldg. F (Artesa) 3867 Miramar St., La Jolla, CA	X	X	X	X	X	1
<b>Nuevo East Apartments</b>						
Porton 4059 Miramar St., La Jolla, CA	X	X	X	X	X	1
Capa 3969 Miramar St., La Jolla, CA	X	X	X	X	X	1
Piedra 3939 Miramar St., La Jolla, CA	X	X	X	X	X	1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Tierra 3927 Miramar St., La Jolla, CA	X	X	X	X	X	1
Astilla 3967 Miramar St., La Jolla, CA	X	X	X	X	X	1
<b>Nuevo West Apartments</b>						
Viento 3739 Miramar St., La Jolla, CA	X	X	X	X	X	1
Brisa 3787 Miramar St., La Jolla, CA	X	X	X	X	X	1
<b>One Miramar Street Apartments</b>						
Bldg. 1 3615 Miramar Cir., La Jolla, CA	X	X	X	X	X	1
Bldg. 2 3625 Miramar Cir., La Jolla, CA	X	X	X	X	X	1
Bldg. 3 3635 Miramar Cir., La Jolla, CA	X	X	X	X	X	1
Bldg. 4 3645 Miramar Cir., La Jolla, CA	X	X	X	X	X	1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.



Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
<b>South Mesa Apartments</b>						
Bldg. 9100 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9106 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9114 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9118 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9122 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9130 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9134 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9138 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9142 Regents Rd., La Jolla, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 9146 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9148 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9152 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9160 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9162 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9168 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9172 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9176 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9180 Regents Rd., La Jolla, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
Bldg. 9188 Regents Rd., La Jolla, CA	X		X	X		1
Bldg. 9192 Regents Rd., La Jolla, CA	X		X	X		1

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

**COVID-19 Student Quarantine Housing**

Facility	Fire Alarm Monitoring done on site by UC Police Department	Full Sprinkler System <sup>1</sup>	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Fire Evacuation Drills Held in 2023
<b>Residence Inn San Diego La Jolla*</b>						
Residence Inn San Diego La Jolla 8901 Gilman Dr., La Jolla, CA 92037			X	X		0

\* UC San Diego secured housing for students who needed to quarantine due to Covid-19 at the Residence Inn San Diego La Jolla in 2023, which qualified as an on-campus student housing facility because of its proximity to campus. The Residence Inn San Diego La Jolla is comprised of 36 separate buildings with guest rooms. Students could be quarantined in buildings 19-30. All of the buildings (Building 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30) have the same fire safety system and there were no fire evacuation drills for hotel guests in 2023. Please note that fire alarms are monitored by Tyco who has direct contact with emergency services.

<sup>1</sup> Full sprinkler system means all portions of the building are protected by fire sprinklers.

## **Appendix B**

### **UC San Diego On-Campus Student Housing Facilities:**

**2023, 2022 and 2021 Fire Statistics**

## 2023 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>UNDERGRADUATE HOUSING</b>							
<b>Eleanor Roosevelt College</b>							
<b>Eleanor Roosevelt College (ERC) Apartments</b>							
ERC – Asante Hall East	9826 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Asante Hall West	9822 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Cuzco Hall East	9856 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Cuzco Hall West	9852 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Earth Hall North	9906 Scholars Dr. N., La Jolla, CA	1	1	Intentional – Person lit restroom supplies/ equipment on fire.	0	0	\$100 - \$999
ERC – Earth Hall South	9906 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Geneva Hall East	9956 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
ERC – Geneva Hall West	9952 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Kathmandu Hall East	9876 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Kathmandu Hall West	9872 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Mesa Verde Hall North	9997 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Mesa Verde Hall South	9995 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Middle East Hall	9958 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Oceania Hall	9878 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Eleanor Roosevelt College (ERC) Residence Halls</b>							
ERC – Africa Hall	10002 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
ERC – Asia Hall	9982 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Europe Hall	9922 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Latin America Hall	9882 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – North America Hall	9862 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Thurgood Marshall College</b>							
<b>Marshall Lower Apartments</b>							
Bldg. A – Activism	2937 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. B – Bravery	2963 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. C – Collective	3021 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. D – Dialogue	3031 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. E – Empower	3041 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A



Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. F – Freedom	2915 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Marshall Upper Apartments</b>							
Bldg. G – Grassroots	2997 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. H – Human Rights	2995 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. J – Justice	2973 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. K – Knowledge	2957 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. L – Liberation	2955 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. M – Movement	2953 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Marshall Residence Halls</b>							
Bldg. N – Narrative	2947 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. O – Opportunity	2943 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. P – Peace	2933 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. Q – Quest	2923 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. R – Revolutionary	2917 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. S – Solidarity	2913 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. T – Truth	2911 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. U – Unity	2915 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. V – Voice	2921 Pangea Dr., La Jolla, CA	1	1	Intentional – Person lit a chicken bone on fire.	0	0	\$100 - \$999

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>John Muir College</b>							
<b>Muir Apartments</b>							
Muir – Tamarack Apts. East	2948 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tamarack Apts. West	2942 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House East	2914 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House North	2918 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House South	2902 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House West	2906 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House East	2932 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House North	2922 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Muir – Tuolumne Apts. – T House South	2930 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House West	2920 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Muir Residence Halls</b>							
Muir – Tenaya Hall	9505 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tioga Hall	9485 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Revelle College</b>							
<b>Revelle Keeling Apartments</b>							
Revelle – Keeling Apts. – Bldg. 1	9231 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Keeling Apts. – Bldg. 2	9203 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Keeling Apts. – Bldg. 3	9201 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Revelle Residence Halls</b>							
Revelle – Argo Hall	9257 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Atlantis Hall	9211 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Beagle Hall	9217 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Blake Hall	9259 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Challenger Hall	9219 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Discovery Hall	9225 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Galathea Hall	9223 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Meteor Hall	9221 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Sixth College</b>							
<b>Sixth College Apartments and Residence Halls</b>							
Catalyst	9685 Scholars Dr. N., La Jolla, CA	1	1	Unintentional – Smoking Materials	0	0	\$50,000 - \$99,999
Kaleidoscope	9690 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Mosaic	9605 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Tapestry	9610 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Seventh College</b>							
<b>Seventh College East Apartments</b>							
Bldg. 1 (Seventh College East Tower)	10195 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 2	10185 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3	10165 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 4	10155 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 5	10135 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Seventh College West Apartments</b>							
Bldg. 1 (Seventh College West Tower)	10176 Scholars Dr. N., La Jolla, CA	1	1	Unintentional – overheated bluetooth battery caught on fire	0	0	\$100 - \$999
Bldg. 2	10156 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3	10116 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 4	10114 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 5	10112 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 6	10152 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 7	10154 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 8	10172 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>The Village at Pepper Canyon</b>							
<b>Matthews Apartments</b>							
Bldg. A	9475 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. B	9465 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. C	9445 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. D	9450 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. E	9460 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A



Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Pepper Canyon Apartments</b>							
Bldg. 100	9409 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 200	9413 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 300	9405 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 400	9411 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 500	9403 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 600	9401 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 700	9400 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 800	9402 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 900	9412 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1000	9414 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1100	9404 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1200	9406 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1300	9424 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1400	9426 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1500	9420 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 1600	9422 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1700	9410 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1800	9408 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Rita Atkinson Residences</b>							
<b>Rita Atkinson Residences</b>							
Rita Atkinson Residences	9165 Pharmacy Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Earl Warren College</b>							
<b>Warren Apartments</b>							
Warren – Bates Hall	9820 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Warren – Black Hall	9770 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Brennan Hall	9780 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Brown Hall	9800 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Douglas Hall	9790 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Goldberg Hall	9781 Equality Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Warren Residence Halls</b>							
Warren – Frankfurter Hall	9851 Equality Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Harlan Hall	9860 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Stewart Hall	9840 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Eighth College (opened 2023)</b>							
Eighth College – Bldg. 5 – Podemos	9185 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Eighth College (opening 2024)</b>							
Eighth College – Bldg. 1 – Pulse	9155 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Eighth College – Bldg. 2 – Azad	9145 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Eighth College – Bldg. 3 – Survivance	9175 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Eighth College – Bldg. 4 – Sankofa	9165 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>GRADUATE AND FAMILY HOUSING</b>							
<b>Central Mesa Apartments</b>							
Bldg. 9226	9226 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9228	9228 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9230	9230 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9232	9232 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9234	9234 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9236	9236 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9240	9240 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9242	9242 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9244	9244 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9246	9246 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9248	9248 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9250	9250 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9252	9252 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9254	9254 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9256	9256 Regents Rd., La Jolla, CA	1	1	Unintentional – Electrical Fire	0	0	\$100 - \$999
Bldg. 9258	9258 Regents Rd., La Jolla, CA	1	1	Unintentional – Cooking Fire	0	0	\$0 - \$99

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9260	9260 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9262	9262 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9266	9266 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9268	9268 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9270	9270 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Coast Apartments</b>							
Bldg. 9310	9310 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9321	9321 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9331	9331 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9334	9334 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9344	9344 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A



Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9355	9355 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9366	9366 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9369	9369 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9383	9383 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9388	9388 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9393	9393 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>La Jolla del Sol Apartments</b>							
Bldg. 3353	3353 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3355	3355 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3357	3357 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3359	3359 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3363	3363 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 3365	3365 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3367	3367 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3371	3371 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3373	3373 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3381	3381 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3383	3383 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3391	3391 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3393	3393 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3395	3395 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8006	8006 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8018	8018 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8030	8030 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 8042	8042 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8054	8054 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8066	8066 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8078	8078 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8090	8090 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8098	8098 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8114	8114 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8126	8126 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8138	8138 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8150	8150 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8162	8162 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8174	8174 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 8186	8186 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8202	8202 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8212	8212 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8222	8222 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8232	8232 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8242	8242 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8252	8252 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8272	8272 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8282	8282 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Mesa Nueva Apartments</b>							
Mesa Nueva Apts. Bldg. A (Cala)	3869 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Mesa Nueva Apts. Bldg. C (Cresta)	3857 Miramar St., La Jolla, CA	3	1	Intentional – Person lit cardboard/paper on fire.	0	0	\$50,000 - \$99,999
			2	Intentional – Person lit cardboard/paper on fire.	0	0	\$100 - \$999
			3	Intentional – Person lit cardboard/paper on fire.	0	0	\$1,000 - \$9,999
Mesa Nueva Apts. Bldg. D (Arena)	3807 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Mesa Nueva Apts. Bldg. E (Marea)	3855 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Mesa Nueva Apts. Bldg. F (Artesa)	3867 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Nuevo East Apartments</b>							
Nuevo East Apts. (Porton)	4059 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo East Apts. (Capa)	3969 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Nuevo East Apts. (Piedra)	3939 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo East Apts. (Tierra)	3927 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo East Apts. (Astilla)	3967 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Nuevo West Apartments</b>							
Nuevo West Apts. (Viento)	3739 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo West Apts. (Brisa)	3787 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>One Miramar Street Apartments</b>							
Bldg. 1	3615 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 2	3625 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3	3635 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 4	3645 Miramar Cir., La Jolla, CA	2	1	Unintentional – Electrical Fire	0	0	\$100 - \$999
			2	Unintentional – Cooking Fire	0	0	\$1,000 - \$9,999
<b>South Mesa Apartments</b>							
Bldg. 9100	9100 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9106	9106 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9114	9114 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9118	9118 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9122	9122 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9130	9130 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9134	9134 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9138	9138 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Appendix B – 2023 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9142	9142 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9146	9146 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9148	9148 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9152	9152 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9160	9160 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9162	9162 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9168	9168 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9172	9172 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9176	9176 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9180	9180 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9188	9188 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9192	9192 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A



Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>COVID Student Quarantine Housing</b>							
<b>Residence Inn San Diego La Jolla*</b>							
Residence Inn San Diego La Jolla	8901 Gilman Dr. La Jolla, CA 92037	0	N/A	N/A	N/A	N/A	N/A

\*Because of the Covid-19 pandemic, UC San Diego secured housing for students who needed to quarantine due to Covid-19 at the Residence Inn San Diego La Jolla in 2023, which qualified as an on-campus student housing facility because of its proximity to campus. The Residence Inn San Diego La Jolla is comprised of 36 separate buildings with guest rooms. Students could be quarantined in buildings 19-30. There were no fires in any of the buildings in 2023 (Building 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30).

## 2022 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>UNDERGRADUATE HOUSING</b>							
<b>Eleanor Roosevelt College</b>							
<b>Eleanor Roosevelt College (ERC) Apartments</b>							
ERC – Asante Hall East	9826 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Asante Hall West	9822 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Cuzco Hall East	9856 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Cuzco Hall West	9852 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Earth Hall North	9906 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Earth Hall South	9906 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
ERC – Geneva Hall East	9956 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Geneva Hall West	9952 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Kathmandu Hall East	9876 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Kathmandu Hall West	9872 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Mesa Verde Hall North	9997 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Mesa Verde Hall South	9995 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Middle East Hall	9958 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Oceania Hall	9878 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Eleanor Roosevelt College (ERC) Residence Halls</b>							
ERC – Africa Hall	10002 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
ERC – Asia Hall	9982 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Europe Hall	9922 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Latin America Hall	9882 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – North America Hall	9862 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Thurgood Marshall College</b>							
<b>Marshall Lower Apartments</b>							
Bldg. A – Activism	2937 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. B – Bravery	2963 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. C – Collective	3021 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. D – Dialogue	3031 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. E – Empower	3041 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. F – Freedom	2915 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Marshall Upper Apartments</b>							
Bldg. G – Grassroots	2997 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. H – Human Rights	2995 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. J – Justice	2973 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. K – Knowledge	2957 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. L – Liberation	2955 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. M – Movement	2953 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Marshall Residence Halls</b>							
Bldg. N – Narrative	2947 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. O – Opportunity	2943 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. P – Peace	2933 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. Q – Quest	2923 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. R – Revolutionary	2917 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. S – Solidarity	2913 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. T – Truth	2911 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. U – Unity	2915 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. V – Voice	2921 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>John Muir College</b>							
<b>Muir Apartments</b>							
Muir – Tamarack Apts. East	2948 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tamarack Apts. West	2942 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House East	2914 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House North	2918 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House South	2902 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House West	2906 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House East	2932 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House North	2922 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Muir – Tuolumne Apts. – T House South	2930 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House West	2920 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Muir Residence Halls</b>							
Muir – Tenaya Hall	9505 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tioga Hall	9485 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Revelle College</b>							
<b>Revelle Keeling Apartments</b>							
Revelle – Keeling Apts. – Bldg. 1	9231 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Keeling Apts. – Bldg. 2	9203 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Keeling Apts. – Bldg. 3	9201 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A



Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Revelle Residence Halls</b>							
Revelle – Argo Hall	9257 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Atlantis Hall	9211 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Beagle Hall	9217 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Blake Hall	9259 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Challenger Hall	9219 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Discovery Hall	9225 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Galathea Hall	9223 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Meteor Hall	9221 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Sixth College</b>							
<b>Sixth College Apartments and Residence Halls</b>							
Catalyst	9685 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Kaleidoscope	9690 Scholars Dr. N., La Jolla, CA	1	1	Unintentional – Smoking Materials	0	0	\$1,000 - \$9,999
Mosaic	9605 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Tapestry	9610 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Seventh College</b>							
<b>Seventh College East Apartments</b>							
Bldg. 1 (Seventh College East Tower)	10195 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 2	10185 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3	10165 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 4	10155 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 5	10135 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Seventh College West Apartments</b>							
Bldg. 1 (Seventh College West Tower)	10176 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 2	10156 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3	10116 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 4	10114 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 5	10112 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 6	10152 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 7	10154 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 8	10172 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>The Village at Pepper Canyon</b>							
<b>Camp Snoopy (demolished summer 2022)</b>							
Bldg. 703	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 704	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 705	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 706	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 707	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 708	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 709	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 710	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Matthews Apartments</b>							
Bldg. A	9475 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. B	9465 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. C	9445 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. D	9450 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. E	9460 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Pepper Canyon Apartments</b>							
Bldg. 100	9409 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 200	9413 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 300	9405 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 400	9411 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 500	9403 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 600	9401 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 700	9400 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 800	9402 Innovation Ln., La Jolla, CA	1	1	Unintentional – Electrical Fire	0	0	\$1,000 - \$9,999
Bldg. 900	9412 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1000	9414 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1100	9404 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1200	9406 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1300	9424 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1400	9426 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1500	9420 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 1600	9422 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1700	9410 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1800	9408 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Rita Atkinson Residences</b>							
<b>Rita Atkinson Residences</b>							
Rita Atkinson Residences	9165 Pharmacy Ln., La Jolla, CA	1	1	Unintentional – Cooking Fire	1	0	\$1,000 - \$9,999
<b>Earl Warren College</b>							
<b>Warren Apartments</b>							
Warren – Bates Hall	9820 Justice Ln., La Jolla, CA	0	0	N/A	N/A	N/A	N/A



Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Warren – Black Hall	9770 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Brennan Hall	9780 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Brown Hall	9800 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Douglas Hall	9790 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Goldberg Hall	9781 Equality Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Warren Residence Halls</b>							
Warren – Frankfurter Hall	9851 Equality Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Harlan Hall	9860 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Stewart Hall	9840 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Eighth College (opened fall 2023)</b>							
Eighth College – Bldg. 5 - Podemos	9185 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>GRADUATE AND FAMILY HOUSING</b>							
<b>Central Mesa Apartments</b>							
Bldg. 9226	9226 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9228	9228 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9230	9230 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9232	9232 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9234	9234 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9236	9236 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9240	9240 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9242	9242 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9244	9244 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9246	9246 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9248	9248 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9250	9250 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9252	9252 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9254	9254 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9256	9256 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9258	9258 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9260	9260 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9262	9262 Regents Rd., La Jolla, CA	1	1	Unintentional – Cooking Fire	0	0	\$100 - \$999
Bldg. 9266	9266 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9268	9268 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9270	9270 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Coast Apartments</b>							
Bldg. 9310	9310 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9321	9321 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9331	9331 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9334	9334 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9344	9344 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9355	9355 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9366	9366 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9369	9369 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9383	9383 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9388	9388 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9393	9393 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>La Jolla del Sol Apartments</b>							
Bldg. 3353	3353 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3355	3355 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3357	3357 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3359	3359 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3363	3363 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 3365	3365 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3367	3367 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3371	3371 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3373	3373 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3381	3381 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3383	3383 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3391	3391 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3393	3393 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3395	3395 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8006	8006 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8018	8018 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8030	8030 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 8042	8042 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8054	8054 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8066	8066 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8078	8078 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8090	8090 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8098	8098 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8114	8114 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8126	8126 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8138	8138 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8150	8150 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8162	8162 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8174	8174 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A



Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 8186	8186 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8202	8202 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8212	8212 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8222	8222 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8232	8232 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8242	8242 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8252	8252 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8272	8272 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8282	8282 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Mesa Nueva Apartments</b>							
Mesa Nueva Apts. Bldg. A (Cala)	3869 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Mesa Nueva Apts. Bldg. C (Cresta)	3857 Miramar St., La Jolla, CA	2	1	Unintentional – Cooking Fire (cutting board left on hot stove)	0	0	\$100 - \$999
			2	Unintentional – Cooking Fire (material left on hot stove)	0	0	\$100 - \$999
Mesa Nueva Apts. Bldg. D (Arena)	3807 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Mesa Nueva Apts. Bldg. E (Marea)	3855 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Mesa Nueva Apts. Bldg. F (Artesa)	3867 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Nuevo East Apartments</b>							
Nuevo East Apts. (Porton)	4059 Miramar St., La Jolla, CA	1	1	Unintentional – Cooking Fire (oven mitt left on stove)	0	0	\$0 - \$99
Nuevo East Apts. (Capa)	3969 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo East Apts. (Piedra)	3939 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo East Apts. (Tierra)	3927 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo East Apts. (Astilla)	3967 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Nuevo West Apartments</b>							
Nuevo West Apts. (Viento)	3739 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo West Apts. (Brisa)	3787 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>One Miramar Street Apartments</b>							
Bldg. 1	3615 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 2	3625 Miramar Cir., La Jolla, CA	1	1	Unintentional - Open Flames	0	0	\$100 - \$999
Bldg. 3	3635 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 4	3645 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>South Mesa Apartments</b>							
Bldg. 9100	9100 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9106	9106 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9114	9114 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9118	9118 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9122	9122 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9130	9130 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9134	9134 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9138	9138 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9142	9142 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9146	9146 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9148	9148 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9152	9152 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9160	9160 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9162	9162 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9168	9168 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9172	9172 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9176	9176 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9180	9180 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9188	9188 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9192	9192 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>COVID Student Quarantine Housing*</b>							
<b>Residence Inn San Diego La Jolla**</b>							
Residence Inn San Diego La Jolla	8901 Gilman Dr. La Jolla, CA 92037	0	N/A	N/A	N/A	N/A	N/A
<b>San Diego Marriott La Jolla***</b>							
San Diego Marriott La Jolla	4240 La Jolla Village Dr., La Jolla, CA 92037	0	N/A	N/A	N/A	N/A	N/A

\*Because of the Covid-19 pandemic, UC San Diego secured housing for students who needed to quarantine due to Covid-19 at multiple hotels in San Diego County. In 2022, two hotels (Residence Inn San Diego La Jolla and San Diego Marriott La Jolla) qualified as on-campus student housing facilities because of their proximity to campus.

\*\* The Residence Inn San Diego La Jolla is comprised of 36 separate buildings with guest rooms. Students could be quarantined in buildings 19-30. There were no fires in any of the buildings in 2022 (Building 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30).

\*\*\* The San Diego Marriott La Jolla is comprised of a single building. There were no fires in 2022.

## 2021 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>UNDERGRADUATE HOUSING</b>							
<b>Eleanor Roosevelt College</b>							
<b>Eleanor Roosevelt College (ERC) Apartments</b>							
ERC – Asante Hall East	9826 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Asante Hall West	9822 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Cuzco Hall East	9856 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Cuzco Hall West	9852 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Earth Hall North	9906 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Earth Hall South	9906 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Appendix B – 2021 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
ERC – Geneva Hall East	9956 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Geneva Hall West	9952 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Kathmandu Hall East	9876 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Kathmandu Hall West	9872 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Mesa Verde Hall North	9997 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Mesa Verde Hall South	9995 International Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Middle East Hall	9958 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Oceania Hall	9878 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Eleanor Roosevelt College (ERC) Residence Halls</b>							
ERC – Africa Hall	10002 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Asia Hall	9982 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A



Appendix B – 2021 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
ERC – Europe Hall	9922 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – Latin America Hall	9882 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
ERC – North America Hall	9862 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Thurgood Marshall College</b>							
<b>Marshall Lower Apartments</b>							
Bldg. A – Activism	2937 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. B – Bravery	2963 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. C – Collective	3021 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. D – Dialogue	3031 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. E – Empower	3041 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. F – Freedom	2915 Voigt Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Marshall Upper Apartments</b>							
Bldg. G – Grassroots	2997 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. H – Human Rights	2995 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. J – Justice	2973 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. K – Knowledge	2957 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. L – Liberation	2955 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. M – Movement	2953 Thurgood Marshall Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Marshall Residence Halls</b>							
Bldg. N – Narrative	2947 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Appendix B – 2021 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. O – Opportunity	2943 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. P – Peace	2933 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. Q – Quest	2923 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. R – Revolutionary	2917 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. S – Solidarity	2913 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. T – Truth	2911 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. U – Unity	2915 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. V – Voice	2921 Pangea Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>John Muir College</b>							
<b>Muir Apartments</b>							
Muir – Tamarack Apts. East	2948 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Appendix B – 2021 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Muir – Tamarack Apts. West	2942 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House East	2914 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House North	2918 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House South	2902 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – S House West	2906 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House East	2932 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House North	2922 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House South	2930 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tuolumne Apts. – T House West	2920 Scholars Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Muir Residence Halls</b>							
Muir – Tenaya Hall	9505 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Muir – Tioga Hall	9485 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Revelle College</b>							
<b>Revelle Keeling Apartments</b>							
Revelle – Keeling Apts. – Bldg. 1	9231 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Keeling Apts. – Bldg. 2	9203 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Keeling Apts. – Bldg. 3	9201 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Revelle Residence Halls</b>							
Revelle – Argo Hall	9257 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Atlantis Hall	9211 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Revelle – Beagle Hall	9217 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Blake Hall	9259 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Challenger Hall	9219 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Discovery Hall	9225 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Galathea Hall	9223 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Revelle – Meteor Hall	9221 Scholars Dr. S., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Sixth College</b>							
<b>Sixth College Apartments and Residence Halls</b>							
Catalyst	9685 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Kaleidoscope	9690 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Mosaic (opened July 2021)	9605 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Tapestry	9610 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Seventh College</b>							
<b>Seventh College East Apartments</b>							
Bldg. 1 (Seventh College East Tower)	10195 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 2	10185 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3	10165 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 4	10155 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 5	10135 Scholars Dr. N., La Jolla, CA	1	1	Unintentional – Cooking Fire	0	0	\$0 - \$99

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Seventh College West Apartments</b>							
Bldg. 1 (Seventh College West Tower)	10176 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 2	10156 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3	10116 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 4	10114 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 5	10112 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 6	10152 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 7	10154 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8	10172 Scholars Dr. N., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A



Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>The Village at Pepper Canyon</b>							
<b>Camp Snoopy (demolished summer 2022)</b>							
Bldg. 703	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 704	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 705	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 706	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 707	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 708	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 709	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 710	9500 Gilman Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Matthews Apartments</b>							
Bldg. A	9475 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. B	9465 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. C	9445 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. D	9450 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. E	9460 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Pepper Canyon Apartments</b>							
Bldg. 100	9409 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 200	9413 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 300	9405 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 400	9411 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 500	9403 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 600	9401 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Appendix B – 2021 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 700	9400 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 800	9402 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 900	9412 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1000	9414 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1100	9404 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1200	9406 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1300	9424 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 1400	9426 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1500	9420 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1600	9422 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1700	9410 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 1800	9408 Innovation Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Rita Atkinson Residences</b>							
<b>Rita Atkinson Residences</b>							
Rita Atkinson Residences	9165 Pharmacy Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Earl Warren College</b>							
<b>Warren Apartments</b>							
Warren – Bates Hall	9820 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Black Hall	9770 Justice Ln., La Jolla, CA	1	1	Unintentional – Cooking Fire	0	0	\$0 - \$99
Warren – Brennan Hall	9780 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Brown Hall	9800 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Douglas Hall	9790 Justice Ln., La Jolla, CA	1	1	Unintentional – Cooking Fire	0	0	\$0 - \$99
Warren – Goldberg Hall	9781 Equality Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>Warren Residence Halls</b>							
Warren – Frankfurter Hall	9851 Equality Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Harlan Hall	9860 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Warren – Stewart Hall	9840 Justice Ln., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>GRADUATE AND FAMILY HOUSING</b>							
<b>Central Mesa Apartments</b>							
Bldg. 9226	9226 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9228	9228 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9230	9230 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9232	9232 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9234	9234 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9236	9236 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9240	9240 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A



Appendix B – 2021 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9242	9242 Regents Rd., La Jolla, CA	1	1	Unintentional – Electrical Fire	0	0	\$0 - \$99
Bldg. 9244	9244 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9246	9246 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9248	9248 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9250	9250 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9252	9252 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9254	9254 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9256	9256 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9258	9258 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9260	9260 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9262	9262 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9266	9266 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9268	9268 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9270	9270 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Coast Apartments</b>							
Bldg. 9310	9310 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9321	9321 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9331	9331 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9334	9334 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9344	9344 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9355	9355 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9366	9366 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9369	9369 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9383	9383 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9388	9388 Redwood Dr., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9393	9393 Discovery Wy., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>La Jolla del Sol Apartments</b>							
Bldg. 3353	3353 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3355	3355 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3357	3357 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 3359	3359 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3363	3363 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3365	3365 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3367	3367 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3371	3371 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3373	3373 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3381	3381 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3383	3383 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3391	3391 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3393	3393 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3395	3395 Lebon Dr., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 8006	8006 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8018	8018 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8030	8030 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8042	8042 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8054	8054 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8066	8066 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8078	8078 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8090	8090 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8098	8098 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8114	8114 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8126	8126 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 8138	8138 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8150	8150 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8162	8162 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8174	8174 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8186	8186 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8202	8202 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8212	8212 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8222	8222 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8232	8232 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8242	8242 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8252	8252 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 8272	8272 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 8282	8282 Regents Rd., San Diego, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Mesa Nueva Apartments</b>							
Mesa Nueva Apts. Bldg. A (Cala)	3869 Miramar St., La Jolla, CA	1	1	Unintentional – Cooking Fire	0	0	\$100 - \$999
Mesa Nueva Apts. Bldg. C (Cresta)	3857 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Mesa Nueva Apts. Bldg. D (Arena)	3807 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Mesa Nueva Apts. Bldg. E (Marea)	3855 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Mesa Nueva Apts. Bldg. F (Artesa)	3867 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Nuevo East Apartments</b>							
Nuevo East Apts. (Porton)	4059 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo East Apts. (Capa)	3969 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Nuevo East Apts. (Piedra)	3939 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo East Apts. (Tierra)	3927 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo East Apts. (Astilla)	3967 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>Nuevo West Apartments</b>							
Nuevo West Apts. (Viento)	3739 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Nuevo West Apts. (Brisa)	3787 Miramar St., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>One Miramar Street Apartments</b>							
Bldg. 1	3615 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 2	3625 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 3	3635 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A



Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 4	3645 Miramar Cir., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
<b>South Mesa Apartments</b>							
Bldg. 9100	9100 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9106	9106 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9114	9114 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9118	9118 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9122	9122 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9130	9130 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9134	9134 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9138	9138 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Appendix B – 2021 Fires

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9142	9142 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9146	9146 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9148	9148 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9152	9152 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9160	9160 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9162	9162 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9168	9168 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9172	9172 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9176	9176 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9180	9180 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A
Bldg. 9188	9188 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
Bldg. 9192	9192 Regents Rd., La Jolla, CA	0	N/A	N/A	N/A	N/A	N/A

Name of facility	Street address	Total fires in each building	Fire #	Cause of fire	Number of injuries related to fire that required treatment at a medical facility	Number of deaths related to fire	Value of property damage caused by the fire
<b>COVID Student Quarantine Housing*</b>							
<b>Residence Inn San Diego La Jolla**</b>							
Residence Inn San Diego La Jolla	8901 Gilman Dr. La Jolla, CA 92073	0	N/A	N/A	N/A	N/A	N/A
<b>San Diego Marriott La Jolla***</b>							
San Diego Marriott La Jolla	4240 La Jolla Village Dr, La Jolla, CA 92037	0	N/A	N/A	N/A	N/A	N/A

\*Because of the Covid-19 pandemic, UC San Diego secured housing for students who needed to quarantine due to Covid-19 at multiple hotels in San Diego County. In 2021, two hotels (Residence Inn San Diego La Jolla and San Diego Marriott La Jolla) qualified as on-campus student housing facilities because of their proximity to campus.

\*\* The Residence Inn San Diego La Jolla is comprised of 36 separate buildings with guest rooms. Students could be quarantined in buildings 19-30. There were no fires in any of the buildings in 2021 (Building 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30).

\*\*\* The San Diego Marriott La Jolla is comprised of a single building. There were no fires in 2021.

## **Appendix C**

### **University of California Policy: Sexual Violence and Sexual Harassment Interim Policy**



# Sexual Violence and Sexual Harassment

[Violencia sexual y acoso sexual](#)

[中文版本，請按這裡](#)

[Sekswal na Karahasan at Sekswal na Panliligalig](#)

<b>Responsible Officer:</b>	Systemwide Title IX Director
<b>Responsible Office:</b>	Systemwide Title IX Office
<b>Issuance Date:</b>	8/29/2024
<b>Effective Date:</b>	8/29/2024
<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>	Catherine Spear
<b>Title:</b>	Interim Systemwide Title IX Director
<b>Email:</b>	SystemwideTitleIX@ucop.edu
<b>Phone:</b>	(510) 987-9201

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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.

## 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).

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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);
- Recording, photographing, transmitting, or distributing intimate or sexual images of Complainant without Complainant’s prior knowledge and consent; or
- Engaging in the conduct during or in connection with a clinical encounter (as defined in Appendix V) in which the Complainant was a patient and the Respondent was a health care provider or health care worker.

**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

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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](#).
- e. Sexual Exploitation:**
- i. Sexual Exploitation is taking sexual advantage of another, where the conduct is not otherwise addressed in this Policy, in the following circumstances:
    - a) The trafficking or prostituting of another without their consent: Inducing the Complainant to perform a commercial sex act through force, fraud, or coercion, or where the Complainant is under the age of 18;
    - b) Knowingly making a material false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing the Complainant to participate in a specific sexual act or encounter;
    - c) Providing alcohol or drugs to the Complainant with the specific intent and effect of facilitating Prohibited Conduct; or
    - d) Actively facilitating or assisting another person in committing Prohibited Conduct.
  - ii. As used in the above definition of Sexual Exploitation:
    - a) Coercion is overcoming the will of Complainant through:
      - credible threats of serious physical or non-physical harm to the Complainant or another person;
      - a plan intended to make the Complainant believe that failure to perform an act would result in serious physical or non-physical harm to the Complainant or another person; or
      - the abuse or credible threat of abuse of a legal or University policy process.

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- b) A commercial sex act is any sex act for which anything of value is given to or received by any person.
- c) Force is physical conduct that would reasonably overcome the will of another.
- d) Fraud is intentional deception that would reasonably overcome the will of another.

**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;
  - iii. Using depictions of nudity or sexual activity to extort something of value from a person; or.

- iv. Threatening to post or share depictions of nudity or sexual activity unless a person takes a particular action.
- 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 One:** 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.

**Note Two:** When Prohibited Conduct allegedly occurs in the context of patient care, the Title IX Officer will refer to Appendix V and, when indicated, apply the definitions in that Appendix.

### 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,
  - 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; and.
  - e. Pastoral counselors (persons associated with a religious order or denomination, who are recognized by that religious order or denomination as someone who provides confidential counseling).

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 or that Prohibited Conduct may have occurred in the context of patient care, 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 (as defined in Section 14.00 of the Policies Applying to Campus Activities, Organizations, and Students, and including applicants who become students and former students, as described in Section 101.00 of the Policy on Student Conduct and Discipline), employees, and third parties (such as Regents, contractors, vendors, visitors, guests,

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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 XI 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 and Appendix V. 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 1 Section 2 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, 011 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. Confidential Resources will inform a person who discloses experiencing possible Prohibited Conduct of the discloser's right to report directly to the Title IX Officer and how to do so.

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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 or Executive Vice President of UC Health) 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 Civil Rights Department ([CRD](#)) investigate reports of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (DOE-OCR) investigates complaints of sexual harassment, including sexual violence, of students and employees in University programs or activities. The U.S. Department of Health & Human Services Office for Civil Rights (HHS-OCR) investigates complaints of sexual harassment, including sexual violence, occurring in the context of clinical, health, research, education and employment programs. 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, CRD, DOE-OCR, or HHS-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 \(APM-150\)](#); collective bargaining agreements; policies governing competence and conduct of health professionals and trainees; 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 [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, including a post-MD resident, 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 physician or other health care provider credentialed and privileged by hospital medical staff, or a health professional training program student, resident or fellow, then in addition to the above frameworks they may be subject to investigation and adjudication of professional misconduct under other rules and policies (for example, medical staff bylaws and school-based policies), potentially resulting in corrective action or termination.
- Where the Respondent is a Regent, the procedures are in *Regents Policy 1112: Policy on Review of Allegations of Board Member Misconduct*.

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- 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 Appendix V; and

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- 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, Student Affairs Offices for complaints involving students, Human Resources or Employee and Labor Relations Offices for complaints involving staff and health professionals for complaints stemming from a clinical encounter.

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 with the parameters described in Appendix III), and
- outreach to the Complainant per a template issued by the Systemwide Title IX Office that includes, for example, an explanation of rights and reporting options (including the right to report to the police), a request to meet with the Title IX Officer, and available campus and community resources.

Also see Appendix III and Location Responsibilities in Section V.B.11. 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 (see Section II and Appendix IV);
- 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 or comments of a sexual nature during a clinical encounter that do not rise to the level of a Hostile Environment), 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. Resolution Processes are non-adversarial proceedings. 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

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- 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 decides to open an investigation despite the Complainant's request, the Title IX Officer will: tell the Complainant of the decision before beginning the investigation or otherwise notifying the Respondent of the Complainant's identity; tell the Respondent that the Complainant did not request an investigation but the Title IX Officer determined one was necessary; and 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 periodically update parties on the status of the investigation and notify them 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. The Title IX Officer will consider whether any systemic remedies, such as enhanced training or improved security, are also appropriate.

## 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.
  - c. Coordinate with other responsible units to ensure that local sexual violence and sexual harassment prevention education and training programs are offered and provided, as required by the Policy.
  - d. Provide educational materials to promote compliance with the Policy and familiarity with local reporting procedures.
  - e. Ensure University employees and contractors responsible for reporting or responding to reports of Prohibited Conduct, including those with responsibility in the investigation, adjudication and appeal processes, have proper training. Provide and track training for employees who are investigators, other key members of the Title IX Officer's staff, and hearing officers and coordinators per guidelines issued by the Systemwide Title IX Office. Ensure University training materials promote impartial investigations and adjudications. Make training materials publicly available on the campus website if required by law.

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- f. Implement measures to help ensure University employees and contractors who are responsible for investigating, resolving, and adjudicating reports of Prohibited Conduct do not have a conflict of interest or bias for or against any individual party, or for or against complainants or respondents generally.
    - g. Respond promptly and equitably to reports of Prohibited Conduct according to the Policy.
    - h. Keep records of reports of Prohibited Conduct, and any actions taken in response to reports, including records of decisions regarding Supportive and Remedial Measures, investigations, resolutions, and disciplinary action, per University records management policies and guidelines issued by the Systemwide Title IX Office.
    - i. Identify and address any patterns or systemic problems that arise during the review of Prohibited Conduct reports.
    - j. Post on the sexual violence website the names and contact information of the Title IX Officer and of additional designated, trained, sexual harassment or sexual violence advisors.
  2. Designate persons who can offer confidential consultations, without reporting the incident to the Title IX Officer, to any member of the University community seeking information, or advice about making a report of Prohibited Conduct. Each location will post information about how and where to contact confidential resources on its web site.

People who consult with such confidential resources will be advised that their discussions in these settings are not considered actual reports of Prohibited Conduct and that without additional action by the person, these discussions will not result in any formal action by the University to resolve their concerns.
3. Establish an independent, confidential Advocacy Office for addressing Sexual Violence called *CARE: Advocacy Office for Sexual and Gender-Based Violence and Misconduct*.
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.

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- 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.
  - h.** Distribute and post this Policy. Each location is required to distribute this Policy to students, faculty, other academic appointees, staff, volunteers who regularly interact with students, and contractors who provide services involving regular interaction with students, by such means as websites, student information boards, student handbook, faculty handbook and staff websites and information boards and during training and student orientation.

## **VI. RELATED INFORMATION**

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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 Anti-Discrimination Policy](#)
- 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](#)
- E. The Affordable Care Act, 18 U.S.C. section 18116

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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](#).

**13. Does this Policy’s prohibition on sexual harassment include sex-based harassment, including on the basis of sex stereotypes, sex characteristics, sexual orientation, and gender identity?**

Yes. This Policy defines sexual harassment to include sex-based conduct that creates a hostile environment. Sex-based conduct is defined in this Policy to include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation. These categories also would be interpreted to include conduct based on sex characteristics (a term that typically refers to physiological sex characteristics based on a person’s anatomy, hormones, or chromosomes), trans identities, and those who identify as intersex.

**14. What are some examples of harassment based on gender identity covered by this Policy?**

Prohibited Conduct under this Policy includes intentional or repeated use of a name or pronoun inconsistent with the individual’s gender identity (i.e., misgendering). For example, when a transgender man is intentionally and repeatedly called by his dead name (i.e., refers to a name that a transgender person was given at birth but that they no longer use) or intentionally and repeatedly referred to by “Miss” or “Ms.” by a professor in an intentionally mocking manner.

**15. What are some examples of harassment based on sexual orientation under this Policy?**

Some examples of conduct that is prohibited under this Policy include the use of derogatory names or slurs related to an individual’s sexual orientation. For example, a student expresses that they are gay during a class session. Following that session, a classmate calls this student a derogatory term related to their sexual orientation, or offensive terms related to a student’s sexual orientation are written on their residence hall door. Or, alternatively, students laugh at a student for “acting gay” or spread rumors about how they spend their weekends, with sexual innuendo. A workplace example would be that, after a staff member discloses their sexual orientation to their coworkers, the coworkers are constantly making jokes and trying to recommend dates for the employee.

## VIII. REVISION HISTORY

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**August 29, 2024:** Technical updates and addition of new FAQs (13-15).

**January 1, 2022:** This Policy was updated to comply with Senate Bill 493, which amended Section 66262.5 and added Section 66281.8 of the California Education Code. Provisions specifically addressing Prohibited Conduct in the clinical setting were also added.

**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	<a href="#">Senate Bylaw 335</a>
Non-Senate Academic Appointees	<a href="#">APM - 140</a>
Exclusively Represented Academic Appointees	<a href="#">Bargaining Units &amp; Contracts</a>

#### Students:

[Policies Applying to Campus Activities, Organizations and Students, Section 110.00](#)

#### Staff Personnel:

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

#### 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 against 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.

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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.

When determining limitations on parties' contact, the Title IX Officer will follow the parameters in paragraph vi (No-Contact Options) below.

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;
  - Assist the parties in changing, as appropriate, living, transportation, dining, and working situations, or academic and extracurricular activities;
  - Assist the parties in requesting and understanding the terms, parameters and consequence of violating no--contact orders; and
  - Arrange for escort services to ensure that the parties can move safely to work, classes, and activities
- Parameters for No-Contact Orders Between Parties:
  - A no-contact order restricting a party from contacting the other party maybe appropriate as a Supportive Measure (Interim or Mitigating) or a Remedial Measure (see Section II.C.3). No-contact orders may also be appropriate under other University policies.
  - A no-contact order issued as an Interim Measure may be unilateral (prohibiting one party from contacting the other) or mutual (prohibiting both parties from contacting each other). However, the University will not prohibit the Complainant from contacting the Respondent unless the specific circumstances indicate the restriction is necessary or justifiable to protect the Respondent's safety or well-being, or to respond to interference with a Resolution Process.
  - A no-contact order issued as a Remedial Measure will restrict only a party found in violation of University policy.
- A no-contact order issued as an Interim or Remedial Measure will include an explanation of its terms, including what conduct could violate it and result in corrective action. If the no-contact order is mutual, then the notice will also explain why it is mutual.
- Respondent's Restrictions:
  - Allowing 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

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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.

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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



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- engaged in Sexual Harassment (Quid Pro Quo or Hostile Environment);
- watched or enabled others to watch Complainant’s nudity or sexual acts (Invasion of Sexual Privacy); or
- made or attempted to make photographs (including videos) or audio recordings, or posted, transmitted or distributed such recorded material, depicting the Complainant’s nudity or sexual acts (Invasion of Sexual Privacy).

For all other allegations (such as that Respondent penetrated Complainant’s mouth with Respondent’s genitalia, used depictions of Complainant’s sexual activity to extort Complainant, or exposed their genitals), the Title IX Officer will apply the definitions in Section II (not this Appendix V).

**B. Definitions.**

**1. Prohibited Conduct.**

- a. Sexual Assault – Penetration.** Penetration, no matter how slight, of the Complainant’s vagina or anus by any part of the Respondent’s hand or by a medical device, if the Respondent engaged in the conduct for a sexual purpose.
- b. Sexual Assault – Contact.** Intentionally, and for a sexual purpose --
  - touching Complainant’s intimate body part (genitals, anus, groin, breast, or buttocks), or
  - making the Complainant touch themselves on an intimate body part, whether the intimate body part is clothed or unclothed.
- c. Invasions of Sexual Privacy.** For a sexual purpose:
  - watching or enabling others to watch the Complainant’s nudity or sexual acts; or
  - making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting the Complainant’s nudity or sexual acts.
- d. Sexual Harassment.** Conduct that meets the definition of Pro Quo Sexual Harassment or Hostile Environment Sexual Harassment as defined in Section II of the SVSH Policy, if Respondent engaged in the conduct for a sexual purpose.

**Note on Sexual Purpose:** In determining whether the Respondent engaged in conduct for a sexual purpose, the Title IX Officer will consider all relevant facts and circumstances, such as whether the conduct was Clinically Indicated. Whether the conduct was Clinically Indicated is typically relevant to but not determinative of whether Respondent engaged in Prohibited Conduct. A Respondent has a “sexual purpose” if, for example, they engage in conduct with any sexual motivation, for sexual gratification, or as an expression of dominance.

- 2. Clinical Encounter:** An inpatient visit, medical office visit, or ancillary service visit during which a patient has a direct interaction with a health care provider or worker,

where a health care provider has responsibility for diagnosing, evaluating, or treating the patient’s condition, or a health care worker is tasked with delivering a health care item or service (for example, a test or procedure) prescribed by a health care provider.

**3. Clinically Indicated:** Health care services are clinically indicated in either of the following circumstances.

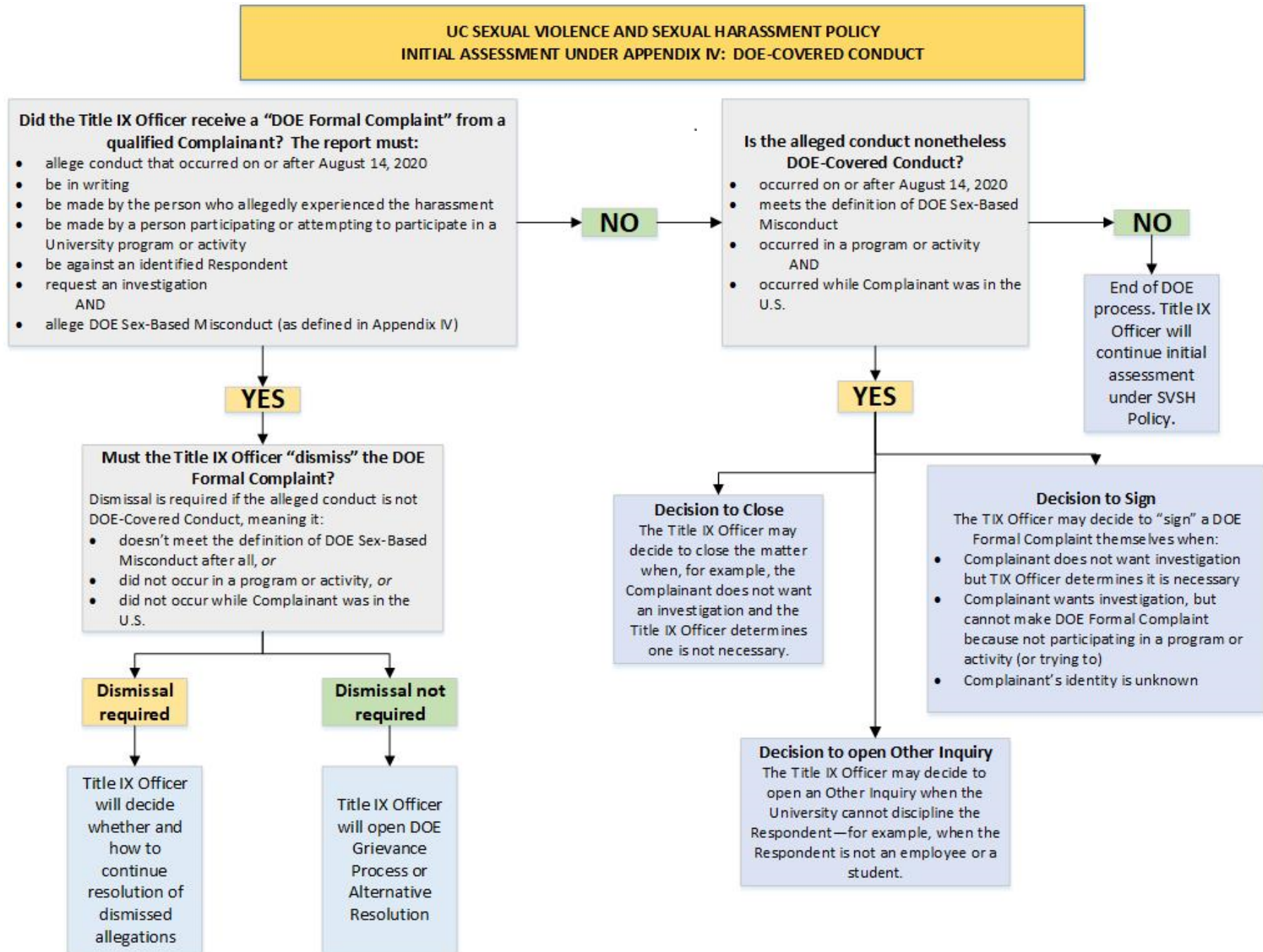
**a. Clinical Care:**

- a health care provider, exercising prudent clinical judgment, would provide them to a patient for the purpose of preventing, evaluating, diagnosing, or treating an illness, injury, disease, condition, or its symptoms;
- as performed, they meet the applicable Standard of Care (as defined below);
- as performed, they are appropriate, in terms of type, frequency, extent, site, and duration; and
- as performed, they are considered effective for the patient’s illness, injury, disease, condition, or symptoms.

**b. Research or Clinical Trial:** They are required for the performance of a clinical trial approved by an IRB with jurisdiction, and are provided consistent with the IRB-approved protocol and with the IRB-approved consent process.

**Note on Informed Consent:** “Informed consent” of a patient or the patient’s legally authorized representative to an examination or procedure the health care provider knows or should know is not Clinically Indicated, or to the making or distribution of media involving an examination or procedure for purposes unrelated to Clinically Indicated patient care, or legitimate research or education activities, is not a defense to an allegation of Prohibited Conduct under the SVSH Policy.

**4. Standard of Care:** The reasonable degree of skill, knowledge and care, based on credible scientific evidence published in current peer-reviewed medical literature, and ordinarily possessed and exercised by members of a person’s profession and specialty under similar circumstances. The Standard of Care encompasses whether and under what circumstances a procedure is performed; the way it is performed; and whether and if so in what manner informed consent should be obtained prior to performance (for example, whether consent must be obtained in writing, whether documentation of consent in the medical record is required, or whether it may be implied under the circumstances, and the required content of the consent discussion, form, or both).





## Appendix D

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



# 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>	12/17/2021
<b>Effective Date:</b>	1/01/2022
<b>Last Review Date:</b>	12/8/2021
<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>	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. Any evidence available to but not disclosed by a party during the investigation might not be considered at a subsequent hearing. The investigator has discretion to determine which witnesses to interview and what questions to ask, and must decline to ask questions that are, repetitive, irrelevant, or harassing.
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. If the investigator does allow sexual history evidence to be presented, they will provide a written explanation to the parties as to why consideration of the evidence is consistent with the principles in this section.

**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.

- h. The party who is not contesting is encouraged, but not required, to participate in the pre-hearing meeting.
2. Within 5 business days after concluding meetings with both parties (or determining that a non-contesting 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. 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 and procedural requirements in Section IV.C.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.
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. 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.
  6. 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. 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. 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.

## **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, and implement the evidentiary principles and procedural requirements in Section IV.C.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.
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 must exclude questions that are repetitive, irrelevant, or harassing. They may also exclude questions that are unduly time consuming. Whenever practical, the hearing officer will briefly state their reasons for excluding or rephrasing questions submitted by the parties.
13. Parties are allowed to note, in writing only, any objections to questions posed at the hearing: they will do so by keeping a running written record of any objections during the hearing, and they may not object to questions by speaking. Only at the conclusion of the hearing will parties provide the record of their objections, if any, to the hearing officer, for inclusion in the record.
14. The University will audio record the hearing.
15. 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>11</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*.

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<sup>11</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

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;
  - 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**

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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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**January 1, 2022:** Revised to comply with California Senate Bill (SB) 493.

**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.

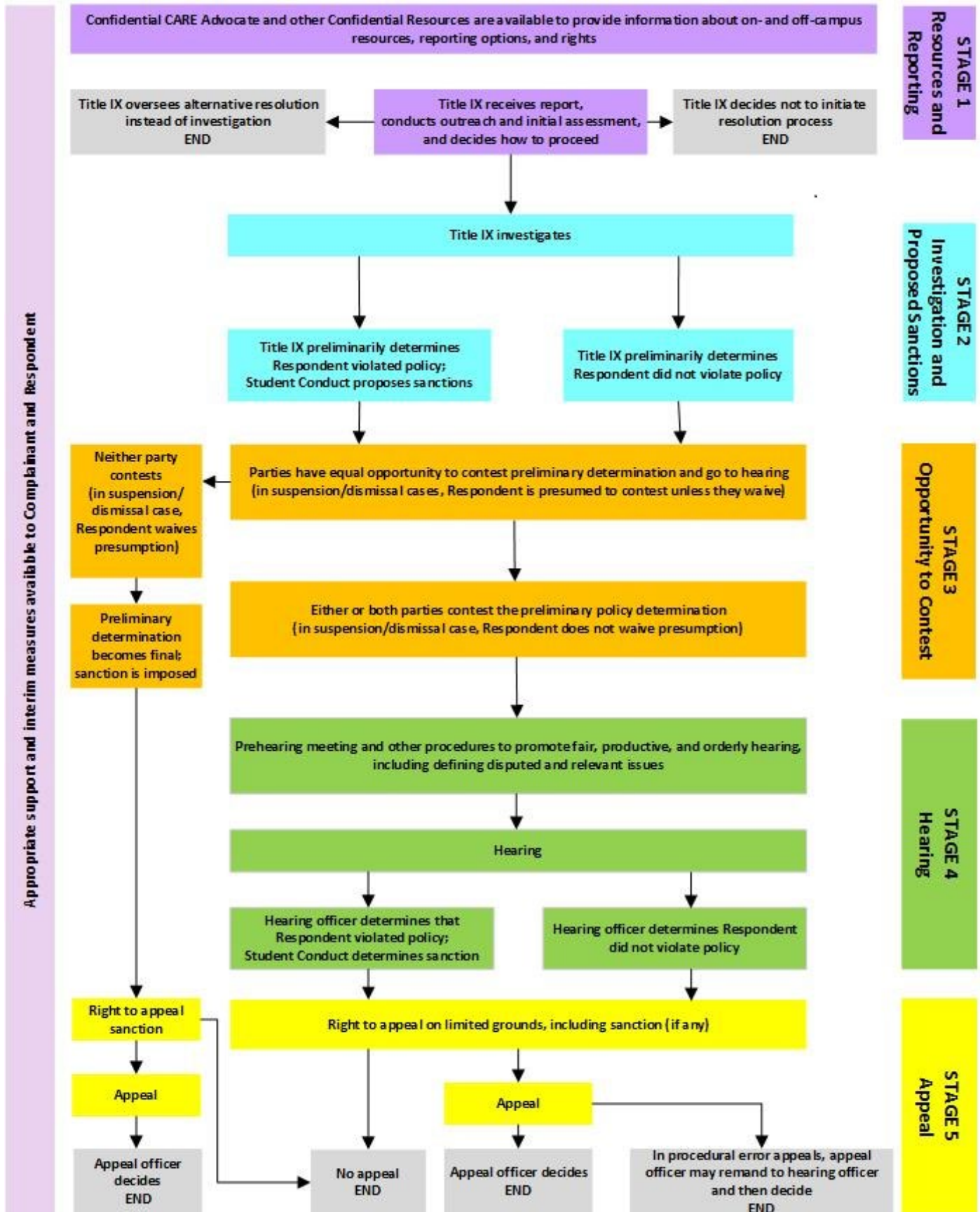
**July 31, 2019:** Revised version incorporating a hearing into adjudication issued. This Policy was remediated to meet Web Content Accessibility Guidelines (WCAG) 2.0.

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

**January 1, 2016:** Initial issuance

## IX. APPENDIX

Student Investigation and Adjudication Process Flowchart



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

## Appendix E

### **Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct (Interim PACAOS – Appendix F)**





# 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>	12/17/2021
<b>Effective Date:</b>	1/01/2022
<b>Last Review Date:</b>	12/08/2021
<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.

Contact:	Eric Heng
Title:	Director, Student Policies & Governance
Email:	<a href="mailto:Eric.Heng@ucop.edu">Eric.Heng@ucop.edu</a>
Phone:	(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. (“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.
- 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. 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. Any evidence available to but not disclosed by a party during the investigation might not be considered at a subsequent hearing. 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 will decline to ask questions that are not relevant or unduly repetitive, or that would violate the SVSH rules of conduct.
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, 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. If the investigator does allow sexual history evidence to be presented, they will provide a written explanation to the parties as to why consideration of the evidence is consistent with the principles in this section.
- 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, 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. 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 and procedural requirements in Section IV.C.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. 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, and implement the evidentiary principles and procedural requirements in Section IV.C.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.
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 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.

- 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 follow up questions of the parties and witnesses.
  - f. Parties are allowed to note, in writing only, any objections to questions posed at the hearing: they will do so by keeping a running written record of any objections during the hearing, and they may not object to questions by speaking. Only at the conclusion of the hearing will parties provide the record of their objections, if any, to the hearing officer, for inclusion in the record
  - g. 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. 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.
  8. The principles in Sections III.G and H shall apply.
  9. 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.
  10. 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.
  11. 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.

12. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.
13. The University will audio record the hearing and make the recording available for the parties' review at their request.
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. 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.

**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;
  - c. Exclusion from areas of the campus and/or from official University functions;
  - d. Loss of privileges and/or exclusion from activities;

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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.

- 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**

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.)

## **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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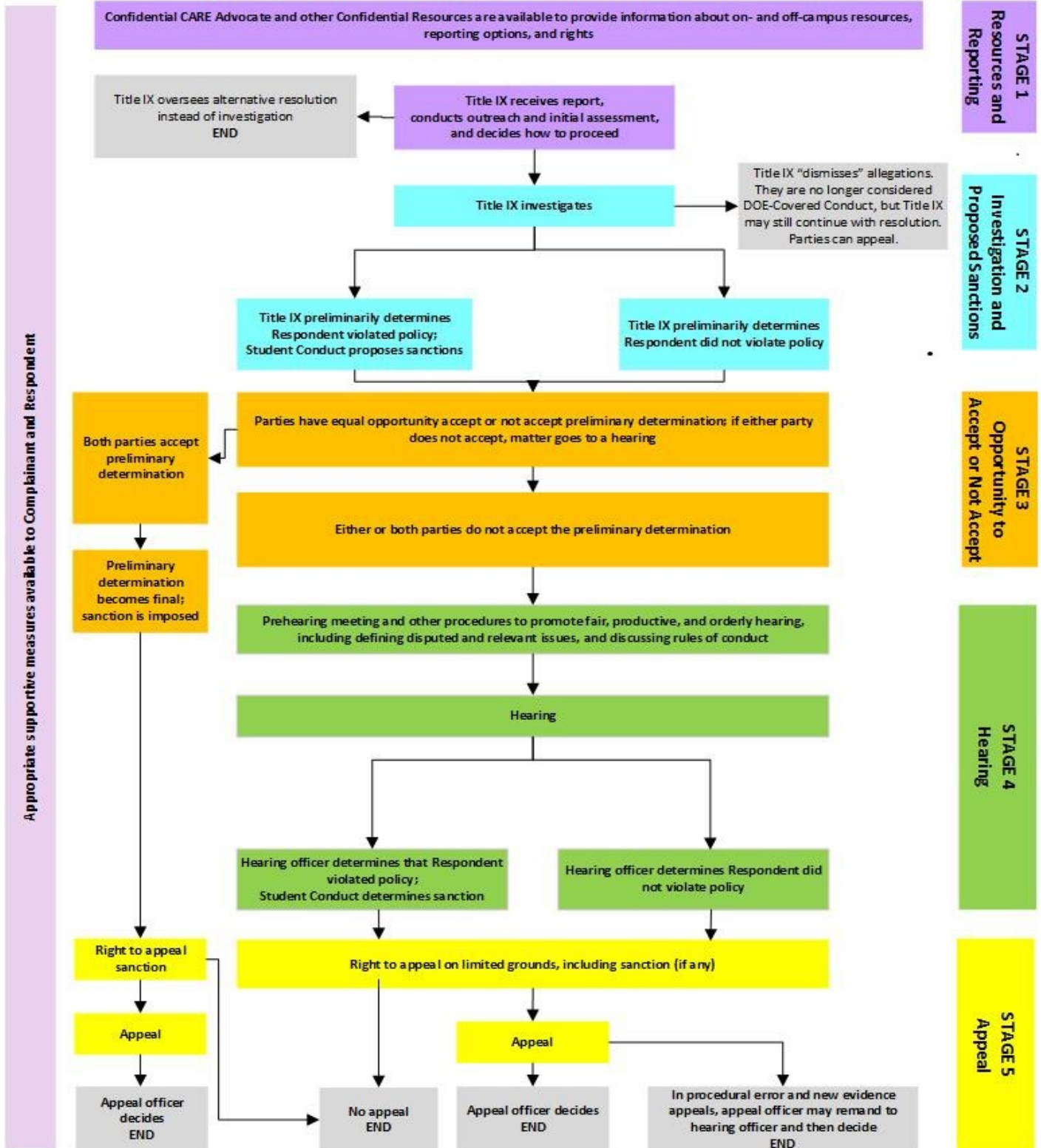
**January 1, 2022:** Revised to comply with California Senate Bill (SB) 493. Revised pursuant to the Department of Education’s August 24, 2021 communication that the Title IX regulatory provision barring the hearing officer from considering a party or witness’s prior statements if they don’t testify at the hearing is ineffective

**August 14, 2020:** Initial issuance

This Policy is also reformatted to meet Web Content Accessibility Guidelines (WCAG) 2.0

## IX. APPENDIX

Student Investigation and Adjudication Process Flowchart for DOE-Covered Conduct



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

## **Appendix F**

# **University of California Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Senate and Non-Senate Faculty (Interim Revisions)**

## 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](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](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](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.

The Title IX Officer will also determine:

- whether the alleged conduct is DOE-Covered Conduct, other Prohibited Conduct, or a combination, and

- if the alleged conduct is DOE-Covered Conduct, whether it arose outside the University’s postsecondary program, meaning in the context of: (i) the Respondent providing patient care to the Complainant or a person in the Complainant’s charge, (ii) a program or activity provided for the benefit of minors, including elementary and secondary schools, and the Complainant is a beneficiary, (iii) a program or activity provided for the benefit of people with intellectual disabilities (such as the UC Davis SEED Scholar program), and the Complainant is a beneficiary, or (iv) a program or activity of Agricultural and Natural Resources or Lawrence Berkeley National Laboratory (“No-Title IX Hearing” DOE-Covered Conduct).

These determinations affect the steps in the adjudication process that precedes decisions on sanctions, if there is one. The process for Prohibited Conduct that is not DOE-Covered Conduct does not include a hearing or appeal, the process for No-Title IX Hearing DOE-Covered Conduct does not include a hearing but may include an appeal, and the process for all other DOE-Covered Conduct may include both a hearing and an appeal.

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 or patient 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. When the investigation includes allegations of both No-Title IX Hearing DOE-Covered Conduct and other DOE-Covered Conduct that arise out of the same facts or circumstances, the University will address all allegations together through the full DOE Grievance Process, including reaching preliminary determinations and providing parties the right to a hearing.



## **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 DOE Grievance Process for No-Title IX Hearing DOE-Covered Conduct) or preliminary determination (in any other 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 determined or preliminarily determined that a DOE-Covered Conduct violation did not occur, the investigator will still make a determination or 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. Any evidence available to but not disclosed by a party during the investigation might not be considered at a subsequent hearing.

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. If the investigator does allow sexual history evidence to be presented, they will provide a written explanation to the parties as to why consideration of the evidence is consistent with the principles in this section.

*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 of, absent good cause found by the Title IX Officer, at least 10 business days.

In investigations of No-Title IX Hearing DOE-Covered Conduct, because there will not be a Title IX hearing, the investigator will more specifically: provide parties the opportunity to submit written questions they propose the investigator ask the other party and witnesses, share the responses to their submitted questions, and allow them to propose limited follow-up questions. The investigator will decline to ask questions that are not relevant or unduly repetitive, and will

rephrase any questions that violate the rules of conduct. If the investigator declines to ask a question, they will explain their reasoning.

#### **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 determination (in a Formal Investigation or DOE Grievance Process for No-Title IX Hearing DOE-Covered Conduct) and a preliminary determination (in any other DOE Grievance Process) 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 and respond to the evidence (see Section 3.d above).

In investigations of No-Title IX Hearing DOE-Covered Conduct, the investigator will provide both Complainant and Respondent an opportunity to review and respond in writing to the investigation report before it becomes final. The investigator has discretion to revise the written report to reflect the parties' responses. The investigation report will become final no sooner than 10 business days from the date it is shared with parties for their review and response.

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 determinations (for No-Title IX Hearing DOE-Covered Conduct) or preliminary determinations (for all other DOE-Covered Conduct) 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 following a Formal Investigation or DOE Grievance Process (including any appeal) for No-Title IX Hearing DOE-Covered Conduct 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 finalization 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 or Chancellor's designee.

- a. In all cases, the notice of investigation outcome will include:
  - A summary statement of the factual findings and determinations or preliminary determination (whichever applies) 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 or DOE Grievance Process for No-Title IX Hearing DOE-Covered Conduct 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 (which is final after the investigation in a Formal Investigation and after exhaustion of appeal rights in a DOE Grievance Process for No-Title IX Hearing DOE-Covered Conduct) 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 for No-Title IX Hearing DOE-Covered Conduct, the notice of investigation will also include a statement that both parties have the right to appeal the investigator's determination per Section IV.C of the [DOE Addendum](#), and the determination will not be considered final or constitute a finding of probable cause as defined in APM-015 until any appeal is final or the period for submitting an appeal has lapsed.
- d. In any other 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. An additional notice requirement that applies specifically to investigations of DOE-Covered Conduct is in the [DOE Addendum](#). 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 that alleged No-Title IX Hearing DOE-Covered Conduct will go to Stage 2.C. (Appeal of the Determination) in the [DOE Addendum](#). All other 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 of No-Title IX Hearing DOE-Covered Conduct, the parties have the opportunity to appeal. Once any appeal is final or the period for submitting an appeal has lapsed, the Chancellor or Chancellor's designee has the authority and responsibility to decide what action to take. See Stages 2.C (Appeal of Determination) and 2.D (Additional Assessment and Consultation) of the [DOE Addendum](#).

At the conclusion of any other 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 or preliminarily determines 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 or DOE Grievance Process investigation of No-Title IX Hearing DOE-Covered Conduct, 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 or preliminarily determines 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, following an investigation and any appeal (per Section IV.C of the [DOE Addendum](#)) in a DOE Grievance Process addressing No-Title IX Hearing DOE-Covered Conduct, or following a hearing and any appeal (per Sections IV.B and IV.C of the [DOE Addendum](#)) in any other 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 or Chancellor’s designee 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, following an investigation and any appeal (per Section IV.C of the [DOE Addendum](#)) in a DOE Grievance Process addressing No-Title IX Hearing DOE-Covered Conduct, or following a hearing and any appeal (per Sections IV.B and IV.C of the DOE Addendum) in any other 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.)

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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.

In DOE-Covered Conduct cases, 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 determination or preliminary determination.

Sections IV.A. (Opportunity to Accept the Preliminary Determination) and IV.B (Prehearing and Hearing), below, apply to all DOE Grievance Process cases except those alleging No-Title IX Hearing DOE-Covered Conduct. Section IV.C (Appeal of Determination) applies to all DOE Grievance Process cases, including those alleging No-Title IX Hearing DOE-Covered Conduct.

#### **IV.A. OPPORTUNITY TO ACCEPT THE PRELIMINARY DETERMINATION (Stage 2.A)**

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 and procedural requirements 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 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 and procedural requirements 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.

Parties are allowed to note, in writing only, any objections to questions posed at the hearing: they will do so by keeping a running written record of any objections during the hearing, and they may not object to questions by speaking. Only at the conclusion of the hearing will parties provide the record of their objections, if any, to the hearing officer, for inclusion in the record.

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.

**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.3.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.

## **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 the 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). 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. In cases of No-Title IX Hearing DOE-Covered Conduct:
  - a. There was procedural error in the investigation 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 investigation that could have materially affected the outcome; and/or
  - c. The investigator or Title IX Officer had a conflict of interest or bias that affected the outcome. The principles in Section IV.B.(B)(2) related to hearing officers apply here to investigators and Title IX Officers.
2. In all other cases:
  - 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 that could have materially affected the outcome; and/or
  - c. 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 20 business days following issuance of the notice of the investigation outcome (in cases of No-Title IX Hearing DOE-Covered Conduct) or of the hearing officer's determination (in all other cases). 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 during the investigation (in No-Title IX Hearing DOE-Covered Conduct cases) or at the hearing (in all other cases), 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 investigator (in No-Title IX Hearing cases) or hearing officer (in all other cases) 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 investigator or hearing officer report back to the appeal officer on their additional fact-finding. After receiving the investigator or hearing officer's (whichever applies)

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 determination or preliminary determination (whichever applies) and the final determination and findings.

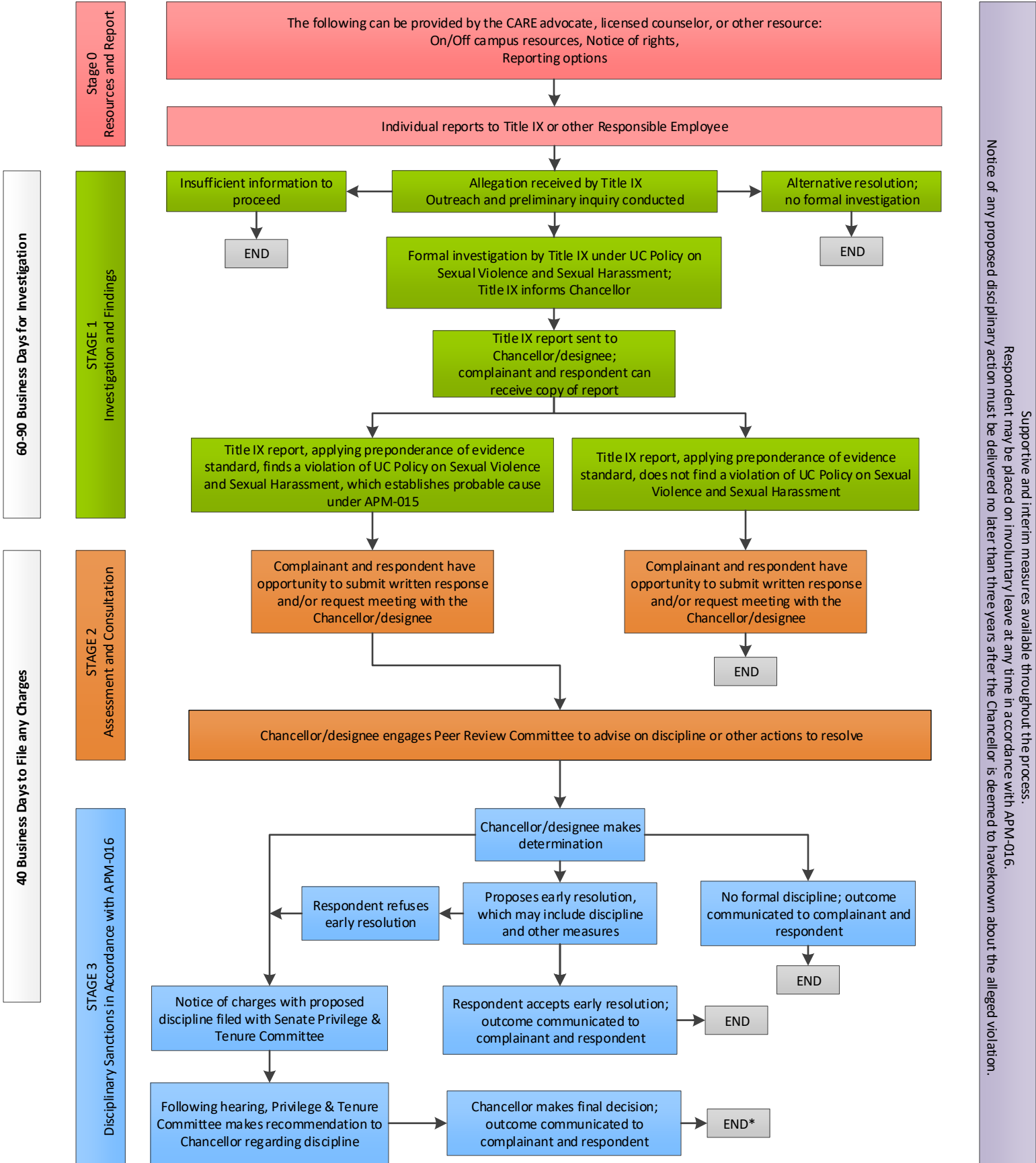
The Chancellor or Chancellor's designee has the authority and responsibility to decide what action to take in response to the final determination and findings. The Chancellor or Chancellor's designee may determine that additional investigation is required to determine whether other Code of Conduct violations occurred, but will not reconsider the findings and determinations regarding SVSH Policy violations made through the hearing and any appeal.

If the final finding is 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 determined or preliminarily determined the respondent violated the SVSH Policy), then they may choose to repeat them before proposing a resolution (for example, when the finding following any hearing or appeal is different from the investigator's determination or preliminary determination). The Chancellor or Chancellor's designee will decide what action to take to resolve the matter.

For Senate Faculty, matters will then proceed as described in [\*Decision on Sanctions for Senate Faculty \(Stage 3\)\*](#) of the Framework.

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

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

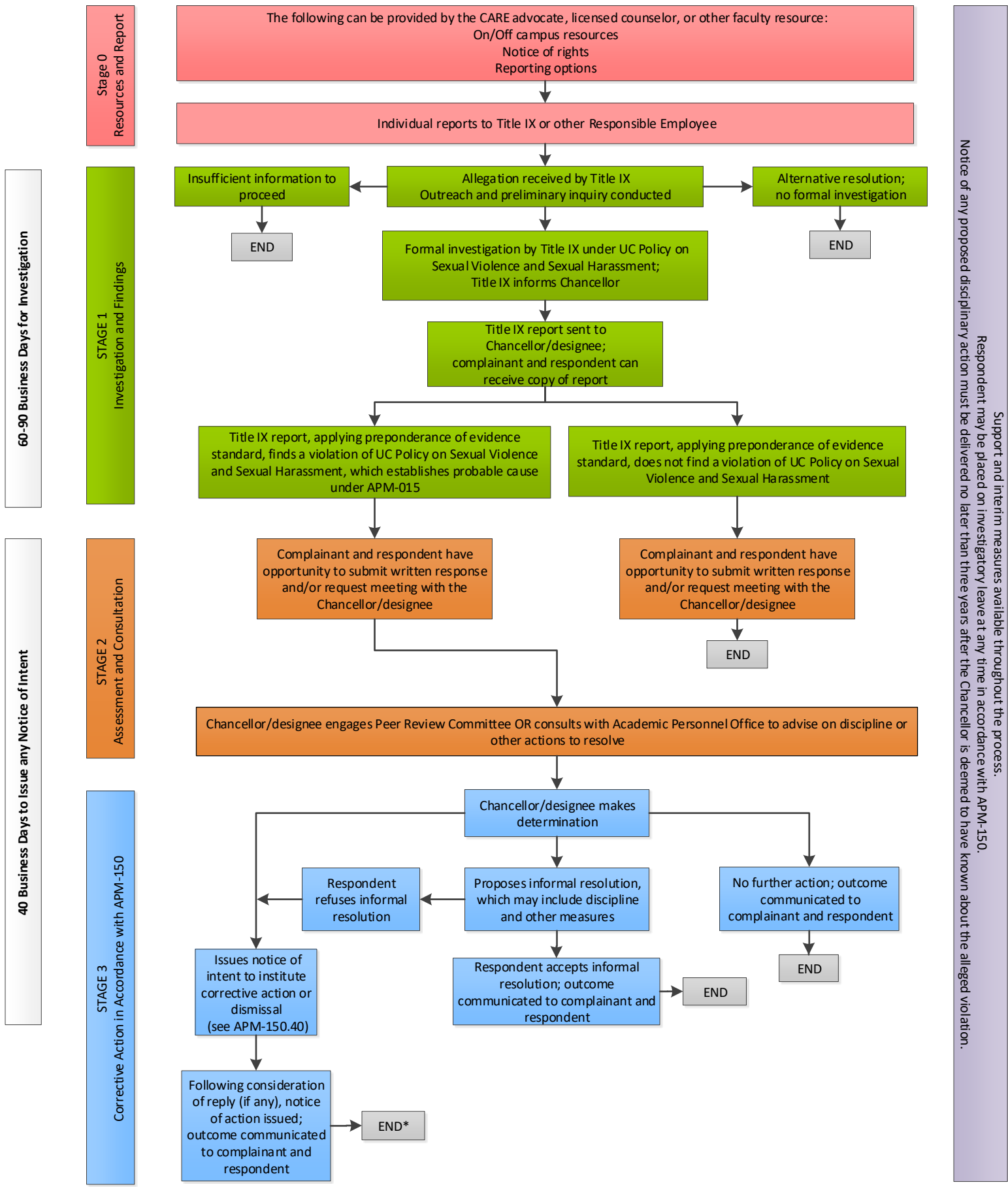
Appeal  
Appeal officer decides

In procedural error and new evidence appeals, appeal officer may remand to hearing officer and then decide

If 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

In procedural error and new evidence appeals, appeal officer may remand to hearing officer and then decide

Appeal officer decides

**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.

## **Appendix G**

# **University of California Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel (Interim Revisions)**

## 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.

The Title IX Officer will also determine:

- whether the alleged conduct is DOE-Covered Conduct, other Prohibited Conduct, or a combination, and
- if the alleged conduct is DOE-Covered Conduct, whether it arose outside the University's postsecondary program, meaning in the context of: (i) the Respondent providing patient care to the Complainant or a person in the Complainant's charge, (ii) a program or activity provided for the benefit of minors, including elementary and secondary schools, and the Complainant is a beneficiary, (iii) a program or activity provided for the benefit of people with intellectual disabilities (such as the UC Davis SEED Scholar program), and the Complainant is a beneficiary, (iv) a program or activity of Agricultural and Natural Resources or Lawrence Berkeley National Laboratory, or (v) a service or function of the UC Police Department ("No-Title IX Hearing" DOE-Covered Conduct).

These determinations affect the steps in the adjudication process that precedes decisions on corrective action, if there is one. The process for Prohibited Conduct that is not DOE-Covered Conduct does not include a hearing or appeal, the process for No-Title IX Hearing DOE-Covered Conduct does not include a hearing but may include an appeal, and the process for all other DOE-Covered Conduct may include both a hearing and an appeal.

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 or patient 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. When the investigation includes allegations of both No-Title IX Hearing DOE-Covered Conduct and other DOE-Covered Conduct that arise out of the same facts or

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circumstances, the University will address all allegations together through the full DOE Grievance Process, including reaching preliminary determinations and providing parties the right to a hearing.

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;
- e. A statement that the investigative report, when issued, will make factual findings and a determination (in a Formal Investigation or DOE Grievance Process for No-Title IX Hearing DOE-Covered Conduct) or preliminary determination (in any other 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;
- 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 determined or preliminarily determined that a DOE-Covered Conduct violation did not occur, the investigator will still in the investigative report make a determination or 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. Any evidence available to but not disclosed by a party during the investigation might not be considered at a subsequent hearing.

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

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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. If the investigator does allow sexual history evidence to be presented, they will provide a written explanation to the parties as to why consideration of the evidence is consistent with the principles in this section.

*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 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.

In investigations of No-Title IX Hearing DOE-Covered Conduct, because there will not be a Title IX hearing, the investigator will more specifically: provide parties the opportunity to submit written questions they propose the investigator ask the other party and witnesses, share the responses to their submitted questions, and allow them to propose limited follow-up questions. The investigator will decline to ask questions that are not relevant or unduly repetitive, and will rephrase any questions that violate the rules of conduct. If the investigator declines to ask a question, they will explain their reasoning.

#### 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 determination (in a Formal Investigation or DOE Grievance Process for No-Title IX Hearing DOE-Covered Conduct) and a preliminary determination (in any other DOE Grievance Process) 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 and respond to the evidence (see Section 2.c above).

In investigations of No-Title IX Hearing DOE-Covered Conduct, the investigator will provide both Complainant and Respondent an opportunity to review and respond in writing to the investigation report before it becomes final. The investigator has discretion to revise the written report to reflect the parties' responses. The investigation report will become final no sooner than 10 business days from the date it is shared with parties for their review and response.

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 determinations (for No-Title IX Hearing DOE-Covered Conduct) or preliminary determinations (for all other DOE-Covered Conduct) 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 finalization 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 or preliminary determination (whichever applies) 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 or DOE Grievance Process for No-Title IX Hearing DOE-Covered Conduct 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;

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- 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 for No-Title IX Hearing DOE-Covered Conduct, the notice of investigation will also include a statement that both parties have the right to appeal the investigator’s determination per Section IV.C of the [DOE Addendum](#).
- d. In any other 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. An additional notice requirement that

applies specifically to investigations of DOE-Covered Conduct is in the DOE Addendum. After this assessment and consultation, matters investigated through Formal Investigation will go through Stage 3 (Corrective Actions) below. Matters investigated under the DOE Grievance Process that alleged No-Title IX Hearing DOE-Covered Conduct will go Stage 2.C. (Appeal of the Determination) in the [DOE Addendum](#). All other 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 of No-Title IX Hearing DOE-Covered Conduct, the parties have the opportunity to appeal. Once any appeal is final or the period for submitting an appeal has lapsed, the supervisor or other appropriate administrative authority has the responsibility to propose and implement action in response to the findings. See Stages 2.C (Appeal of Determination) and 2.D (Additional Assessment and Consultation) of the [DOE Addendum](#).

At the conclusion of any other 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 or preliminarily determines 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, following an investigation and any appeal (per Section IV.C of the DOE Addendum) in a DOE Grievance Process addressing No-Title IX Hearing DOE-Covered Conduct, or following a hearing and any appeal (per Section IV.C of the DOE Addendum) in any other 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/or any appeal (per Section IV.B and Section IV.C of the DOE Addendum) in a DOE Grievance Process.

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.

In DOE-Covered Conduct cases, 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 determination or preliminary determination.

Sections IV.A. (Opportunity to Accept the Preliminary Determination) and IV.B (Prehearing and Hearing), below, apply to all DOE Grievance Process cases except those alleging No-Title IX Hearing DOE-Covered Conduct. Section IV.C (Appeal of Determination) applies to all DOE Grievance Process cases, including those alleging No-Title IX Hearing DOE-Covered Conduct.

#### **IV.A. OPPORTUNITY TO ACCEPT THE PRELIMINARY DETERMINATION (Stage 2.A)**

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,

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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 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 and procedural requirements 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 and procedural requirements 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.

Parties are allowed to note, in writing only, any objections to questions posed at the hearing: they will do so by keeping a running written record of any objections during the hearing, and they may not object to questions by speaking. Only at the conclusion of the hearing will parties provide the record of their objections, if any, to the hearing officer, for inclusion in the record.

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.

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.3.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.

**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). 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. In cases of No-Title IX Hearing DOE-Covered Conduct:
  - a. There was procedural error in the investigation 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 investigation that could have materially affected the outcome; and/or
  - c. The investigator or Title IX Officer had a conflict of interest or bias that affected the outcome. The principles in Section IV.B.(B)(2) related to hearing officers apply here to investigators and Title IX Officers.
2. In all other cases:
- 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 that could affect the outcome; and/or
  - c. 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 20 business days following issuance of the investigation outcome (in cases of No-Title IX Hearing DOE-Covered Conduct) or of the notice of the hearing officer's determination (in all other cases). 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 during the investigation (in No-Title IX Hearing DOE-Covered Conduct cases) or at the hearing (in all other cases), 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 investigator (in No-Title IX Hearing DOE-Covered Conduct cases) or hearing officer (in all other cases) 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 investigator or hearing officer report back to the appeal officer on their additional fact-finding. After receiving the investigator or hearing officer's (whichever applies) 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 determination or preliminary determination (whichever applies) 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 final finding is 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 this step (because the investigator determined or preliminarily determined the respondent violated the SVSH Policy), then they may but are not required to repeat it before proposing a resolution (for example, when the finding following any hearing or appeal is different from the investigator's determination or 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 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**

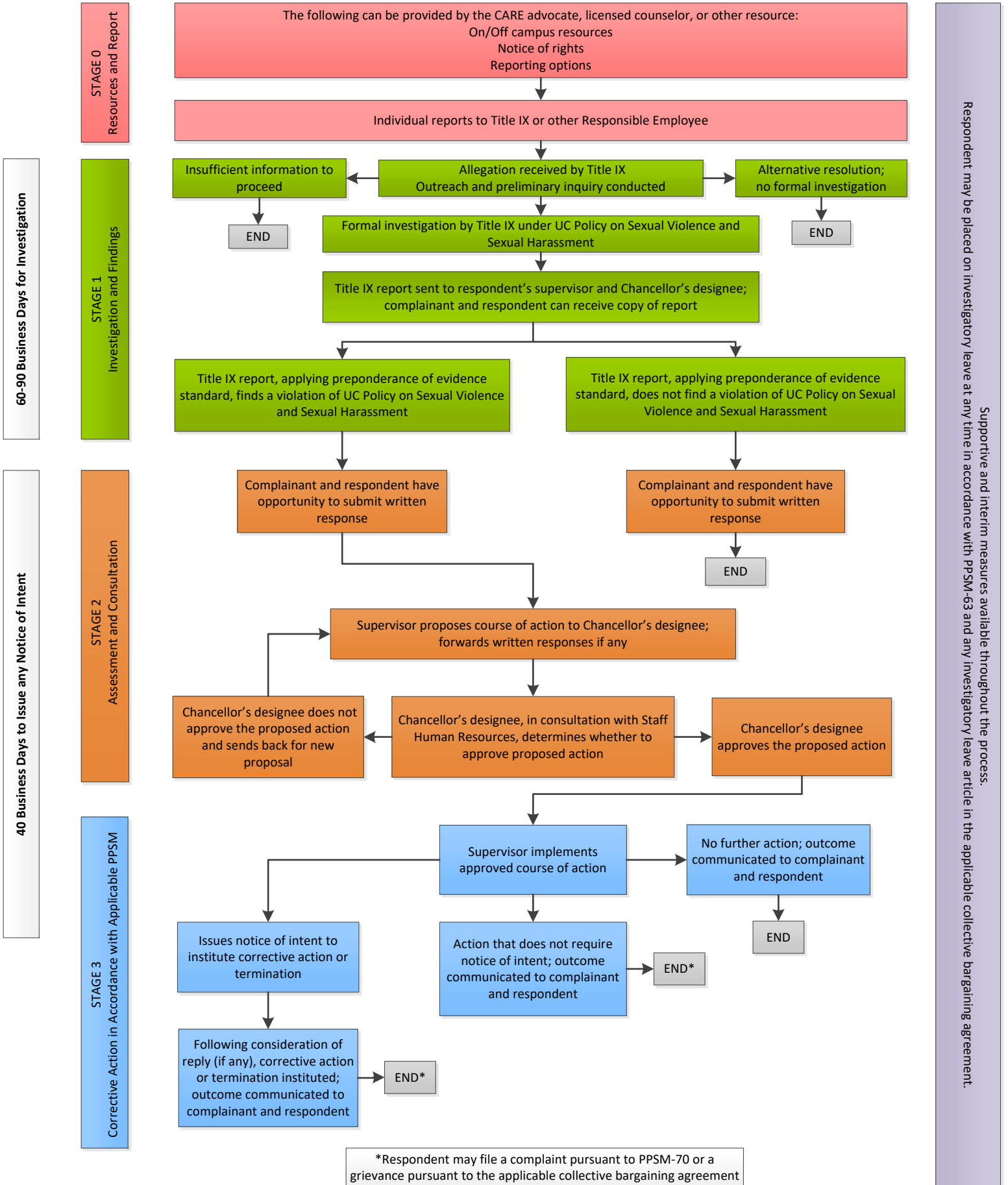
In the event that a PPSM-covered respondent submits a complaint under [PPSM-70](#), or a non-faculty academic appointee respondent submits a grievance under [APM-140](#), the Chancellor's designee will ensure that both the complainant and the respondent receive regular updates regarding the status of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

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

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



**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

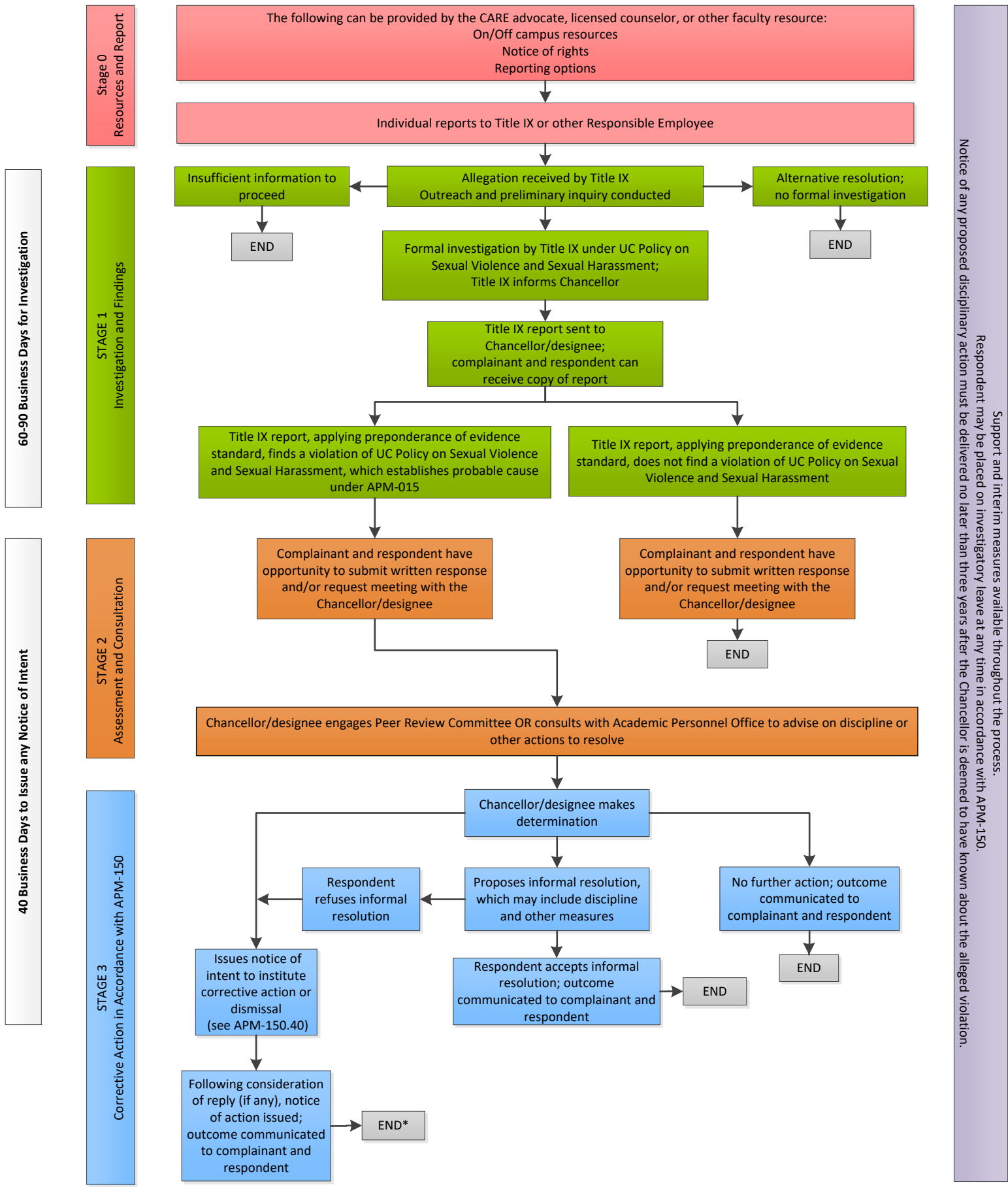
Appeal  
Appeal officer decides

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



\*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.

60-90 Business Days for Investigation

40 Business Days to Issue any Notice of Intent

Stage 0  
Resources and Report

STAGE 1  
Investigation and Findings

STAGE 2  
Assessment and Consultation

STAGE 3  
Corrective Action in Accordance with APM-150



**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.