

## APPENDIX F

### UCSC Policy on Sexual Assault

### UC Policy on Sexual Harassment

The University strongly reaffirms the values of free and open exchange of ideas and the creation and dissemination of knowledge. We recognize the constitutionally protected right to free speech enjoyed by all members of our community and especially uphold the principles of academic freedom for our faculty and students. To sustain such freedom and openness requires of members of the university community the highest standards of objectivity, mutual trust, and confidence; it requires the absence of coercion, intimidation, or exploitation. The standards of conduct within our community require that all of its members understand that there is no legitimate place for sexual offenses of any kind (sexual harassment or sexual assault) in this environment. Such behaviors are inimical to achievement of the objectives of a university, and therefore have no place at UC Santa Cruz.

Students, faculty, and staff have the right to work and learn free from unwanted sexual advances. Advances made by faculty toward students or by supervisors toward subordinates unfairly exploit the power inherent in those relationships. Unwelcome sexual conduct between students interferes with the ability to participate in and benefit from University programs. In both obvious and subtle ways, the very possibility of sexual assault or harassment can be deeply destructive to individual members of our community and can poison their academic and career relationships. Members of our university community have the right to work and learn in an environment that is free from verbal or physical sexual conduct which might either interfere with an individual's performance, or create a work or educational climate that is hostile, intimidating, or offensive, whether that conduct originates with an instructor, a supervisor, or a peer.

Primary responsibility for maintaining high standards of conduct resides especially with faculty and supervisors, since they exercise significant authority and power over others. If the highest standards of professional conduct are to be maintained, however, all members of the campus community should understand that sexual advances or sexual comments by a teacher or supervisor toward a student or employee may be unprofessional conduct.

### OVERVIEW OF POLICIES AND PROCEDURES

The University of California, Santa Cruz, policies on sexual misconduct include the *UCSC Sexual Assault Policy* and the *University of California Policy on Sexual Harassment* and two procedures; one that provides information to the campus community on the reporting of sexual assault and one that provides information on the reporting of sexual harassment. They are included together in this booklet in order to facilitate the dissemination of information and the reporting of incidents of sex discrimination, sexual harassment, and sexual assault. The policy and procedures apply to students, academic and non-academic appointees, and members of the off-campus community when that person has experienced sex discrimination, sexual harassment, sexual assault, or rape by a university student, staff, or faculty member while visiting the campus.

Any student, staff, or academic appointee who wishes to complain of a sex offense, but who cannot make a determination about which procedure to use, should consult with the Title IX/SHO as soon as possible, preferably within 24 hours of the offending action. The Title IX/SHO will designate an alternative resource to receive reports in the event the Title IX/SHO is unavailable.

Sexual harassment, sexual assault, and rape (which includes stranger rape and acquaintance/date rape) are violations of State and Federal laws, University of California policy, UCSC policy, the Student Code of Conduct, staff personnel policies, and the Faculty Code of Conduct. Besides requesting an investigation and action from the UCSC administration, targets of sexual assault and rape can file criminal charges against the perpetrator; and targets of sexual harassment, sexual assault, or rape can sue the accused in civil court.

As with other university policies and procedures, the *UCSC Policy on Sexual Assault*, and the *UC Policy on Sexual Harassment* and the Procedures for Reporting Sexual Assault(s) and Sexual Harassment incorporate **due process protections** provided by State and Federal constitutions. The essence of due process protection is twofold: the accused's right to notice of the action to be taken and the basis for the action, and the right to respond. Accordingly, if the University intends to take adverse action against an individual, based on allegations of sexual harassment, sexual assault, or rape, the individual has a right to understand the nature of the allegations, including who brought them, and the right to respond to those allegations. This right to notice and to respond are incorporated into the Student Policies and Regulations Handbook, Code of Student Conduct and various university policies related to discipline and corrective action.

Any attempt to carry out reprisals, or in any way retaliate against someone who has lodged a complaint of sexual harassment or assault, whether that complaint is sustained or not, may also result in disciplinary action. Individuals who have experienced retaliation as the result of having filed a sexual harassment, sexual assault, or rape complaint, assisted a complainant, or participated in a complaint or hearing proceeding, are encouraged to file an individual complaint of retaliation. The right to confront sexual harassment and assault without fear of retaliatory consequences is integral to a healthy campus community ( *also see Appendix N* ).

A copy of the policy booklet is available from the Title IX Office and available on the Title IX Web site.

Title IX/Sexual Harassment Officer

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