

UNIVERSITY OF CALIFORNIA,
SANTA CRUZ

The UCSC Policy on Sexual Assault

*The University of California
Policy on Sexual Harassment*

and

**Procedures for Reporting
Sexual Harassment
and Sexual Assault**

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UCSC POLICY ON SEXUAL ASSAULT AND 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. (Consensual Relations policies and information Appendix C)

OVERVIEW OF POLICIES AND PROCEDURES

The University of California has two policies: the *UCSC Policy on Sexual Assault* and the *University of California Policy on Sexual Harassment*. Each policy has its own set of procedures that provide information to the campus community on the reporting of sexual assault and reporting of sexual harassment respectively. 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 sexual assault or sexual harassment, 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, complainants of sexual assault and rape can file criminal charges against the perpetrator; and complainants 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 is incorporated into the Rule Book and various university policies related to discipline and corrective action.

I. UCSC POLICY ON SEXUAL ASSAULT

Sexual assault is a prominent issue throughout the country. Such incidents cause enormous pain to the individuals who are directly involved and to the community whose peace is shattered. While these incidents are not restricted to the college or university environment, sexual assault is a serious issue on campus (especially acquaintance rape). Colleges and universities play important educational and administrative roles in addressing the problem of sexual assault and, consequently, many campuses have been leaders in the development of educational programs on sexuality, communication, and sexual assault.

Sexual assault is a general term, which covers a range of crimes, including rape. As defined under California law, rape is non-consensual¹ sexual intercourse that involves the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress.

Any person who is the target of unwanted sexual behavior should immediately consult the Title IX/Sexual Harassment Officer (SHO) for advice, informal counseling, and help about how to deal with a sexual assault, or to stop the harassment by informal or formal means. Violations of the campus policy prohibiting sexual assault and harassment will result in disciplinary or corrective action, ranging from a warning to dismissal, depending on the nature of the violation. **All complaints, which involve sexual assault or sexual harassment, should be directed to the Title IX/SHO.** Individuals who think they might at some point be interested in pursuing criminal prosecution are advised to report any physical or sexual assault as soon as possible to the UCSC Police Department. Please see the UCSC Procedures For Reports of Sexual Assault(s) found in the policy booklet.

¹ To be consensual, there must be "positive cooperation" and "the person must act freely and voluntarily" (See Penal Code, 261.6 for complete definition.)

All policies in Section II. below from C. through to the end apply to both the local *UCSC Policy on Sexual Assault* and the systemwide *UC Policy on Sexual Harassment*.

II. UNIVERSITY OF CALIFORNIA POLICY ON SEXUAL HARASSMENT

A. Introduction

The University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University is strongly opposed to sexual harassment, and that such behavior is prohibited both by law and by University policy. The University will respond promptly and effectively to reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

This policy applies to the University of California campuses, the DOE Laboratories, the Medical Centers, and the Office of the President, including Agriculture and Natural Resources, and all auxiliary University locations.

B. Definition of Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. In the interest of preventing sexual harassment, the University will respond to reports of any such conduct.

For Student on Student Harassment including Sexual Harassment the following definition is in effect by directive from UC Office of the President:

Section 102.09 of the Code of Student Conduct:

(Interim, effective October 9, 2009)

(see <http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>)

Sexual, racial, and other forms of harassment, defined as follows:

Harassment is defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities, that the person is effectively denied equal access to the University's resources and opportunities on the basis of his or her race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, gender identity, marital status, veterans status, physical or mental disability, or perceived membership in any of these classifications.

Student Employees: When employed by the University of California, and acting within the course and scope of that employment, students are subject to the [University of California Policy on Sexual Harassment](#). Otherwise, Section 102.09, above, is the applicable standard for harassment by students.

For both student and/or employee sexual harassment, please refer to the UC Policy on Sexual Harassment and the University of California, Santa Cruz Procedures For Reporting Sexual Harassment.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, house staff, students, and non-student or non-employee participants in University programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex.

In determining whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

This policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies, for example, those governing faculty-student relationships are detailed in the Faculty Code of Conduct.² While romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment, subject to this policy.

Harassment that is not sexual in nature but is based on gender, sex-stereotyping, or sexual orientation also is prohibited by the University's nondiscrimination policies³ if it is sufficiently severe to deny or limit a person's ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, sex-stereotyping, or sexual orientation.

C. Retaliation

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

² The Faculty Code of Conduct, Academic Personnel Manual (APM) section 015.

³ University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment; Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices; Academic Personnel Policy 035, Affirmative Action and Nondiscrimination in Employment; Personnel Policies for Staff Members 12, Nondiscrimination in Employment; University of California Policies Applying to Campus Activities, Organizations, and Students; and Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters.

D. Dissemination of the Policy, Educational Programs, and Employee Training

As part of the University's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated widely to the University community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. The locations shall make educational materials available to all members of the University community to promote compliance with this policy and familiarity with local reporting procedures. In addition, the locations shall designate University employees responsible for reporting sexual harassment and provide training to those designated employees. Generally, such persons include supervisors, managers, academic administrators, deans, department chairs, student advisors, graduate advisors, residence hall staff, coaches, law enforcement officers, student judicial affairs staff, counselors, and health center staff. Each location shall post a copy of this policy in a prominent place on its website.

E. Reports of Sexual Harassment

Any member of the University community may report conduct that may constitute sexual harassment under this policy. In addition, supervisors, managers, and other designated employees are responsible for taking whatever action is necessary to prevent sexual harassment, to correct it when it occurs, and to report it promptly to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints. An individual also may file a complaint or grievance alleging sexual harassment under the applicable University complaint resolution or grievance procedure (*University of California Procedures for Responding to Reports of Sexual Harassment, Appendix I: University Complaint Resolution and Grievance Procedures*).

F. Response to Sexual Harassment

The locations shall provide a prompt and effective response to reports of sexual harassment in accordance with the *University of California Procedures for Responding to Reports of Sexual Harassment (Procedures)*. A prompt and effective response may include early resolution, formal investigation, and/or targeted training or educational programs. Upon findings of sexual harassment, the University may offer remedies to the individual or individuals harmed by the harassment consistent with applicable complaint resolution and grievance procedures (*Procedures, Appendix I: University Complaint Resolution and Grievance Procedures*). Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions. Any member of the University community who is found to have engaged in sexual harassment is subject to disciplinary action up to and including dismissal in accordance with the applicable University disciplinary procedure (*Procedures, Appendix II: University Disciplinary Procedures*) or other University policy. Generally, disciplinary action will be recommended when the harassing conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs. Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment that knew about the harassment and took no action to stop it or failed to report the prohibited harassment also may be subject

to disciplinary action. Conduct by an employee that is sexual harassment or retaliation in violation of this policy is considered to be outside the normal course and scope of employment.

G. Intentionally False Reports

Because sexual harassment frequently involves interactions between persons that are not witnessed by others, reports of sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or “proof” should not discourage individuals from reporting sexual harassment under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action under the applicable University disciplinary procedure (*Procedures, Appendix II: University Disciplinary Procedures*). This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

H. Free Speech and Academic Freedom

As participants in a public university, the faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This policy is intended to protect members of the University community from discrimination, not to regulate protected speech. This policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

I. Additional Enforcement Information

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

Please see the UCSC Procedures for Reports of Sexual Harassment found in the policy booklet.

III. UCSC TITLE IX/SEXUAL HARASSMENT OFFICE RECORDS AND FILES

The Title IX/SHO will maintain confidential records of all reports and complaints of sexual harassment and sexual assault(s). Two types of files will be maintained:

A. Formal Complaint File

A formal complaint file will be maintained by the Title IX/SHO by the last name of the accused. This file will contain all formal review documents, such as the complaint form, the Title IX/SHO investigation report, any response by the accused to the report, any record of appeal by the complainant of the Title IX/SHO findings and/or remedies and the result of the appeal, and a record of correspondence notifying the complainant and accused of actions taken and the progress of the complaint.

B. Education/Report Files

Files will be maintained by the Title IX/SHO on all reports of sexual harassment, whether they result in a formal investigation or not. These files will be maintained by the last name of the accused and will include a summary of the report and the resolution of the problem, including any education the accused received as a result of the report.

Access to Title IX/SHO Files: Title IX/SHO records are considered "confidential" for purposes of access and will be maintained in a secure location. Both the complainant and accused may have access to the record to the extent permitted by existing law. The name of any complainant or informant requesting confidentiality will not be included in the file. Other University officials may have access if the disclosure is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was acquired. Access may also be given in response to a subpoena, court order or other compulsory legal process; before the disclosure, the Title IX/SHO should reasonably attempt to notify the individual to whom the record pertains, if the notification is not prohibited by law.

Records Retention: All Title IX/SHO files will be retained until five years after separation of the accused from university employment or in the case of a student until five years after graduation; provided there has been no further report or complaint concerning the conduct of the accused for five (5) continuous years, from the date of the last report or complaint, the file will be destroyed. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.

**UNIVERSITY OF CALIFORNIA, SANTA CRUZ
PROCEDURES FOR REPORTING SEXUAL ASSAULT(S)**

I. INFORMATION AND RESOURCES FOR VICTIMS OF SEXUAL ASSAULT

There are many options and resources as well as information available both on campus and in the Santa Cruz community to provide response, medical services, counseling, and support services to victims of sexual assault. Following is a listing of the most important resources. Appendix D lists the current telephone numbers of these resources as well as others.

University Police. Staff, students, faculty, and members of the community experiencing a sexual assault on campus will receive a speedy response from the University Police. (For sexual assaults off campus, local police should be contacted.) In addition, the police and only the police can arrange for medical examinations in order to provide admissible evidence when the complainant desires prosecution through the criminal justice system.

If the University Police are contacted, an officer trained in sexual assault cases will be dispatched to the scene, and will explain police and medical procedures to the complainant. If the police transport the complainant to Dominican Hospital, which is equipped to perform medical examinations for legal purposes, then an advocate and a specially trained nurse/examiner who are members of the **Santa Cruz Sexual Assault Response Team (S.A.R.T.)** will be dispatched to the hospital to be available to the complainant. A **Sexual Assault Nurse Examiner (S.A.N.E.)** must conduct a medical examination as soon as possible to maximize the collection of evidence for criminal prosecution. It is important to note that S.A.R.T. and S.A.N.E. involvement is only possible when a police report is filed.

The police will interview the accused and witnesses and collect evidence. At the conclusion of the police investigation, if warranted, the accused may be arrested, or the case may be forwarded to the District Attorney for consideration of prosecution. The services of the **Victim/Witness Program** will be available to the complainant if s/he decides to file a police report. Such services include counseling, court escort and advocacy, and assistance with financial compensation.

It is important to remember that "reporting" a rape is not the same thing as prosecution through the criminal justice system. If the complainant files a report and then later refuses to prosecute through the criminal justice system or cooperate in a police investigation, there is little that the police or courts will be able to do. On the other hand, if the complainant initially decides that s/he does not want to file a police report and then, a month later, wants to prosecute through the criminal justice system, s/he has lost the opportunity for best evidence, not only in terms of immediate police investigative interviews, but also the collection of physical evidence. For these reasons, the University strongly encourages victims of sexual assault to call the police as soon as possible. (<http://www2.ucsc.edu/police>)

Title IX/Sexual Harassment Officer (Title IX/SHO) is responsible for receiving and conducting the administrative investigation of all reports of sexual assault filed on campus by students and employees and is available to discuss options, provide support, explain university policies and procedures, and provide education on relevant issues. The Title IX/SHO is available only during working hours. The Title IX/SHO investigation is not a criminal procedure. (<http://www2.ucsc.edu/title9-sh>)

Medical Assistance. Students, employees, and members of the community experiencing a sexual assault on campus should receive medical attention promptly from the Student Health Center and/or one of the local hospitals. It should be noted that medical examinations at the Student Health Center are not admissible for legal purposes; medical attention provided through the services of S.A.R.T. are strongly advised (this means reporting the sexual assault to the University Police). In addition, it is important to note that any health center or physician treating the complainant of a violent crime is obligated by law to report the crime to the police. (<http://www2.ucsc.edu/healthcenter/>)

Colleges and Residential Facilities. Individual College Administrative Officers (CAO's), Assistant & Associate CAO's, the Director of Summer Session, the Director of Conference Services, the Manager of Family Student Housing, Graduate Housing, the Village, University Town Center & UCSC Inn, Coordinators For Residential Education (CRE's), Community Safety Officers (CSO's) and/or the Director, Student Judicial Affairs, in conjunction with the Title IX/SJO, are all trained on the UCSC **Sexual Assault Response Guidelines** and can provide assistance, information and support for the survivor and the accused.

Other campus resources include:

- Counseling and Psychological Services offers confidential short-term and crisis counseling to all members of the campus community on an emergency basis, or by appointment. Psychiatric referrals are also available. (<http://www2.ucsc.edu/counsel/>)
- Completely Confidential State Certified Rape Crisis Counseling is available from the Sexual Health Educator at the Student Health Center. (<http://www2.ucsc.edu/healthcenter/shop/>)
- Resident, Community, and Neighborhood Assistants and Community Safety Officers (CSO's) have all received training on the UCSC **Sexual Assault Response Guidelines** and are helpful and supportive staff for students to contact.
- The Women's Center offers advocacy and campus and community referral services. (<http://www2.ucsc.edu/wmcenter/index.html>)
- The Director, Student Judicial Affairs hears student concerns and can assist directly or make referrals to appropriate resources. (<http://www2.ucsc.edu/judicial/>)
- Emergency Blue Light Telephones are available throughout the campus (see UCSC Emergency Management website <http://emergency.ucsc.edu/bluelight>). These telephones connect directly with a police dispatcher in a similar manner as dialing 9-1-1.

See Appendix D for a telephone directory of resources, including off-campus resources.

II. DEFINITION OF SEXUAL ASSAULT

Sexual assault is a general term, which covers a range of crimes, including rape. As defined under California law, rape is non-consensual⁴ sexual intercourse that involves the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Sexual intercourse is considered non-consensual and, therefore, rape when the person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, or if a mental disorder or developmental or physical disability renders the victim incapable of giving consent. Whether the accused is a stranger, acquaintance, spouse, or friend is irrelevant to the legal definition of rape (for the Penal Code definition of rape, see Appendix B). Beside rape, other acts of sexual assault include forced anal intercourse, forced oral copulation, penetration of the anal or vaginal area with a foreign object, and forcibly touching an intimate part of another person. Men as well as women can be victims of these other forms of sexual assault (see Appendix B, Definition of Sex Crimes).

Unlawful sexual intercourse with a minor (statutory rape) occurs when the victim is considered incapable of giving legal consent because they are 17 years old or less, even if the intercourse is consensual. Where the person engaging in sexual intercourse with a minor is not more than three years older than the minor, the crime is a misdemeanor. If more than three years older, then the crime is a felony.

If a student, staff person, member of the faculty or other academic appointee is charged with rape, s/he can be prosecuted under California criminal statutes, as well as disciplined under appropriate discipline procedures. Even if the criminal justice authorities choose not to prosecute, the campus can pursue disciplinary action and the complainant can file a civil suit.

In addition to rape, as defined by California law, the University will not tolerate any non-consensual penetration, however slight, or non-consensual fellatio or cunnilingus, and will take appropriate action when such acts are reported.

⁴ To be consensual, there must be ". . . positive cooperation" and "the person must act freely and voluntarily . . ." (See Penal Code, 261.6 for complete definition.)

III. REPORTING OPTIONS

The Higher Education Amendments of 1992, enacted on July 23, 1992, require universities and colleges to prevent, report, and investigate sex offenses that occur on campus. The University of California, Santa Cruz, encourages all victims of sexual assault to report offenses as soon as possible after their occurrence, in accordance with the following procedures, in order for appropriate and timely action to be taken.

A. General Statement of Options

Persons experiencing a sexual assault may exercise the following options:

- Report the sexual assault to university or off-campus police (if the sexual assault occurred off campus), particularly if the individual desires prosecution through the criminal justice system; and/or
- Request an administrative investigation from Title IX/SHO (<http://www2.ucsc.edu/title9-sh>); and/or
- Seek counseling and support services; or
- Choose not to report.

The University strongly encourages victims of sexual assault to call the police as soon as possible.

IV. CONSIDERATIONS FOR THE RESOLUTION OF COMPLAINTS OF SEXUAL ASSAULT(S)

A. Overview

The University encourages timely reporting of sexual assaults. For immediate assistance/support/advice, the Campus Police, College Residential Staff, Counseling and Psychological Services, Director, Student Judicial Affairs, Rape Prevention Education Office, the Title IX/SHO, and the 24-hour crisis lines: Defensa de Mujeres and Women's Crisis Support, can be contacted. These offices/agencies will explain options available to victims of sexual assault.

An individual who has experienced a sexual assault should not change clothes or douche; wash hands, face, or any part of the body; or clean or straighten the area where the sexual assault occurred. An individual who has experienced a sexual assault should not touch anything the accused may have touched or may have left. Any or all such "physical evidence" will be essential should a criminal charge be pursued.

Although the University strongly encourages reporting sexual assaults to University Police, complainants may request administrative action by the Title IX/SHO, with or without the filing of a police report.

The Title IX/SHO will complete a fact-finding report that will be submitted to the appropriate campus officials and hearing bodies. Sanctions for the accused may also be proposed by the Title IX/SHO. In addition, the Title IX/SHO may propose remedies for the complainant, i.e., actions to be taken to support or otherwise aid the complainant (in contrast to sanctions recommended for the accused). Prior to submission of the report by the Title IX/SHO, the complainant may appeal the findings and proposed remedies to the Advisory Council (see Section VI).

All University officials will refer reports of sexual assault to the Title IX/SHO as soon as possible after receipt of the report or knowledge of the incident; this notification shall not exceed forty-eight (48) hours.

1. Considerations for Student Complaints of Sexual Assault(s)

The administrative review process for sexual assault complaints against students at UC Santa Cruz utilizes a team approach, with the Title IX/SHO serving as fact finder/investigator; the Director, Student Judicial Affairs implementing the proposed sanctions (if any), and a person of the complainant's choice to provide advocacy/support throughout the process. Strictly confidential counseling is available at Counseling and Psychological Services.

The Title IX/SHO will send a letter of notification within five (5) working days of receiving a request from a complainant for a Title IX investigation to the accused student which: 1) advises the student of the allegation(s); 2) includes the name of the complainant(s); 3) includes a full and complete written statement of the allegations(s); 4) identifies the violation(s) of the Student Conduct Code represented by the allegations; 5) provides a copy of the *UCSC Policy on Sexual Assault* and Procedures For Reports of Sexual Assault(s); and 6) describes the need to schedule a taped interview with the Title IX/SHO within five (5) working days to respond to the allegations.

2. Considerations for Staff and Academic Appointee Complaints of Sexual Assault(s)

The administrative review process for staff and academic appointees will involve the Title IX/SHO as fact finder/investigator. The complainant may be accompanied throughout the investigation by a support person of her/his choosing. Strictly confidential counseling is available through the Employee Assistance Program.

Upon the initiation of an investigation, the Title IX/SHO shall send a letter of notification to the respondent within five (5) working days of receiving a complaint that, 1) informs the accused of the identity of the complainant(s), if any; 2) includes a full and complete written statement of the allegations(s); 3) provides a copy of the *UCSC Policy on Sexual Assault* and Procedures For Reports of Sexual Assault(s); and 4) explains that the accused must respond to the allegations by either requesting a taped interview with the Title IX/SHO or by responding in writing to a full accounting of the allegations, to the Title IX/SHO within ten (10) working days after having been informed.

V. PROCEDURES FOR THE RESOLUTION OF COMPLAINTS OF SEXUAL ASSAULT(S) BY THE TITLE IX/SHO

Fact-finding Investigation

The Title IX/SHO shall investigate the circumstances of the alleged offense to the extent necessary to make a determination as to whether the allegations contained in the complaint constitute a violation of the *UCSC Policy on Sexual Assault*. This investigation should normally be completed within thirty (30) calendar days. If the investigation cannot be completed within that time, the Title IX/SHO will so inform the complainant and the accused.

The Title IX/SHO will interview anyone and examine any evidence deemed necessary to investigate the complaint fully. The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

If the complainant or the accused request, her/his initial interview with the Title IX/SHO will be tape recorded, and a copy provided. Upon request, the complainant and the accused may each have a representative present when he or she is interviewed. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy or collective bargaining agreement.

At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the *Policy on Sexual Assault*.

Although the Title IX/SHO may seek the advice and assistance of the Office of General Counsel in conducting the investigation, the investigation will normally be conducted only by the Title IX/SHO. The individual(s) conducting the investigation shall be familiar with the *UCSC Policy on Sexual Assault* and have training or experience in conducting investigations.

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

The Title IX/SHO will prepare a written report, which includes a determination either: 1) that the facts do not support the allegations and the complaint should be dismissed; or 2) that there is *prima facie* evidence of a violation of the *UCSC Policy on Sexual Assault*.

Where *prima facie* evidence of a violation is found, sanctions for the accused, if appropriate, shall be proposed by the Title IX/SHO. In addition, the Title IX/SHO shall propose individual remedies for the complainant, i.e., actions to be taken to support or otherwise aid the complainant (in contrast to sanctions recommended for the accused). Prior to submission of the report to the appropriate administrator by the Title IX/SHO, the complainant will be informed of the results of the investigation and may appeal the finding and proposed remedies to the Title IX Advisory Council (see Section VI).

In cases involving students, the fact-finding report containing the proposed remedies for the complainant and the proposed sanctions for the accused will be forwarded to the principal officer who will take action on the case as described below (see section VII. Administrative Action - Students). In cases involving staff and academic appointees the fact-finding report containing the proposed remedies for the complainant and the proposed sanctions for the accused will be forwarded to the appropriate principal officer who will take action as described below (see section VII. Administrative Action). The Title IX/SHO in cooperation with the relevant University officials will ensure that the appropriate remedies are provided to the complainant, regardless of the outcome of the disciplinary process.

If the case is to be dismissed, a copy of the report with information related to third parties deleted, will be sent to the complainant, the accused, and kept in the Title IX/SHO's files. The complainant, under Title IX, has the right to appeal the dismissal and/or proposed remedies to the Advisory Council within five (5) working days from notification by the Title IX/SHO (See Section VI. below).

Even if the Title IX/SHO does not make a finding of a violation of the *UCSC Policy on Sexual Assault*, but the Title IX/SHO believes the behavior complained of may constitute misconduct, the Title IX/SHO may refer the matter pursuant to Section VII. below.

The complainant and the accused shall be informed promptly in writing when the investigation is completed. The complainant shall be informed if there were findings made that the policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with University policies protecting individuals' privacy, the complainant may be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the accused.

The complainant and the accused may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information.⁵ However, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report in accordance with University policy.

⁵ UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information.

VI. PROCEDURES AND TIMELINES FOR APPEALS OF THE TITLE IX/SHO'S FINDING AND/OR PROPOSED REMEDIES

An Advisory Council for the Title IX/SHO shall be appointed by the Chancellor. The Council will be composed of six members: three Academic Senate Members, at least one of whom is male and one of whom is female, one staff, one graduate and one undergraduate student to serve three-year, staggered terms. The Council membership will comprise both men and women, but at least three of the members must be women. For sexual assault matters, the Advisory Council's sole role will be to act as a body to hear appeals from complainants under Title IX of the Title IX/SHO's finding and/or proposed remedies.

- The complainant may appeal the Title IX/SHO's findings and/or proposed remedies to the Title IX Advisory Council within five (5) working days of the receipt of findings/proposed remedies from the Title IX/SHO.
- The Title IX Advisory Council shall review the complainant's appeal and provide the Title IX/SHO the opportunity to respond to the appeal in writing and to amend the findings/proposed remedies within fifteen (15) working days of receipt of the appeal from the complainant.
- The Title IX Advisory Council shall notify the complainant, the Title IX/SHO, and the accused of the outcome of this review, any amended findings/proposed remedies, and the next step to be taken, within five (5) working days of the completion of the Title IX Advisory Council review.

The total time from the receipt of the appeal by the Title IX Advisory Council to notification to the complainant of the outcome of the appeal normally shall not take more than twenty (20) working days.

The Title IX investigation and fact-finding and, where requested, the appeal to the Title IX Advisory Council, constitutes the campus's Title IX grievance procedures, after which institutional administrative action will occur, if warranted.

VII. ADMINISTRATIVE ACTION

Students: If the accused is a student and the Title IX/SHO's investigation finds that a violation of the *UCSC Policy on Sexual Assault* has occurred, the Title IX/SHO shall refer the report, including proposed remedies for the complainant and proposed sanctions for the accused to the principal officer. The principal officer, or her/his designee will inform the respondent of the results of the investigation and the principal officer will refer the case to the Director, Student Judicial Affairs within ten (10) working days of receiving the report from the Title IX/SHO. The Director, Student Judicial Affairs will determine appropriate disciplinary action according to the guidelines in the *Student Policies and Regulations Handbook* (Sections 103.00 - 109.00) (<http://www2.ucsc.edu/judicial/>)

In all cases, the Director, Student Judicial Affairs normally shall determine appropriate disciplinary action within ten (10) working days, or notify the complainant and the accused of the reasons for a time extension. The Director, Student Judicial Affairs will inform the Title IX/SHO in writing of the action s/he intends to take at least forty-eight (48) hours before the action is taken. If the Title IX/SHO believes that the proposed

disciplinary action is inappropriate, s/he will notify the Director, Student Judicial Affairs in writing, within forty-eight (48) hours and file this document in the complaint file.

Within five (5) working days of disciplinary action against the accused, the Director, Student Judicial Affairs shall notify the Title IX/SHO in writing of the action taken who shall then provide the complainant with a written notice indicating: 1) the finding (which violation of the Student Conduct Code); 2) all the individual remedies available to the complainant; 3) and the outcome of the disciplinary proceedings, including all sanctions taken against the accused, as permitted by law and university policy.

Academic Senate Members: If the accused is a member of the Academic Senate, and the Title IX/SHO's investigation finds that a violation of the *UCSC Policy on Sexual Assault* has occurred, there may be a violation of the Faculty Code of Conduct. The case and investigation materials will be referred to the Campus Provost/Executive Vice Chancellor for consideration of charges. The Campus Provost/Executive Vice Chancellor will refer the case to the Charges Committee within ten (10) working days of receiving the report from the Title IX/SHO. The matter will then proceed according to the campus procedure for the *University Policy on Faculty Conduct and the Administration of Discipline*. (APM-016 & CAPP 002.015) (<http://apo.ucsc.edu/>)

Non-Senate Academic Appointees: If the accused is a non-Senate academic appointee, and the Title IX/SHO's investigation finds that a violation of the *UCSC Policy on Sexual Assault* has occurred, the Title IX/SHO will refer the case and investigation materials to the Campus Provost/Executive Vice Chancellor, who will refer the case to the appropriate academic administrator to take action within ten (10) working days of receiving the report from the Title IX/SHO. The Campus Provost/Executive Vice Chancellor, or appropriate administrator, will inform the respondent of the results of the Title IX investigation within ten (10) working days of receiving the report. Formal corrective or disciplinary action taken against the accused shall be in accordance with applicable University policy, as stated in Academic Personnel Policy 150 - Corrective Action and Dismissal, or as provided in the relevant collective bargaining agreement(s). (<http://apo.ucsc.edu/>)

Staff Members: If the accused is a staff member, and the Title IX/SHO's investigation finds that a violation of the *UCSC Policy on Sexual Assault* has occurred, the Title IX/SHO shall forward the final report to the appropriate principal officer, who will either take action or refer the case and investigation materials to the appropriate supervisor to take action within ten (10) working days of receiving the report from the Title IX/SHO. The principal officer, or the supervisor, will inform the respondent of the results of the Title IX investigation within ten (10) working days of receiving the report. Formal corrective or disciplinary action taken against the accused shall be in accordance with applicable University policy, as stated in the Personnel Policies for Staff Members and Personnel Policies for Senior Managers, or as provided for in relevant collective bargaining agreements. The accused shall be notified of her/his right to file a grievance or a request for administrative review of any such corrective or disciplinary action, if that right exists under the relevant personnel policies or collective bargaining agreement(s). (http://shr.ucsc.edu/topics/employee-labor-relations/_topics_employee-labor-relations.htm)

Within five (5) working days of taking the appropriate corrective or disciplinary action against the accused, the appropriate principal officer shall notify the Title IX/SHO in writing of the action taken who shall then provide the complainant with a written notice of: 1) the finding (outcome of the fact-finding investigation), 2) all individual remedies available to the complainant; 3) and the outcome of the disciplinary proceedings, including all sanction(s) taken against the accused, as permitted by law and university policy.

VIII. SANCTIONS/DISCIPLINARY ACTION

Examples of sanctions for students, staff, or academic appointees found to have committed a sexual assault include, but are not limited to: restitution, loss of privileges, restrictions, eviction from UCSC housing, interim suspension, exclusion from campus, suspension or time off without salary, dismissal or expulsion. Mediation (i.e., bringing the parties together) cannot be required in any individual case.

IX. PRIVACY

The University shall protect the privacy of individuals involved in a report of sexual assault to the extent required by law and University policy. A report of sexual assault may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual assault. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of sexual assault may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). However, information regarding disciplinary action taken against the accused shall not be disclosed without the accused's consent, unless it is necessary to ensure compliance with state or federal laws, the action taken or the safety of individuals.

X. CONFIDENTIALITY OF REPORTS OF SEXUAL ASSAULT

Confidential resources for information regarding resources, options for reports of sexual assault or how to file a complaint of sexual assault include the Campus Conflict Resolution Services Office, licensed counselors in the Employee Assistance Program and/or licensed counselors at Counseling & Psychological Services at the student Health Services. These resources provide individuals who may be interested in bringing a report of sexual assault with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. Individuals who consult with these confidential resources shall be advised that their discussions in these settings are not considered reports of sexual assault and that without additional action by the individual, such as reporting to the Title IX/SHO, the Police or other University Official, the discussions will not result in any action by the University to resolve their concerns.

XI. RECORDS

Records of disciplinary actions concerning sexual assaults are to be kept in staff or faculty personnel files, or in a student's confidential file. Where there has been a finding, after a due process hearing or after investigation, or an acknowledgment of wrong-doing by staff or faculty, notice shall be placed in their personnel files. Where there has been a finding, after a due process hearing or after investigation, or an acknowledgment of wrong-doing, notice shall be placed in the student's confidential file with the College Administrative Officer at her/his college.

See Page 7 for information about Title IX/SHO Records.

XII. OTHER OPTIONS AVAILABLE TO COMPLAINANT FOR RESOLUTION OF SEXUAL ASSAULT(S) (See Appendix I)

A. Staff

Instead of, or in addition to, using the Title IX Grievance Procedure, staff employees who have experienced a sexual assault on campus, or while participating in a university sponsored program, may avail themselves of the following formal grievance procedures: Personnel Policies for Staff Members, Policy 70 - Complaint Resolution; Personnel Policies for Senior Managers, Policy II-70-Resolution of Concerns; or the applicable grievance procedure in the Collective Bargaining Agreement(s). Sexual assaults may also be reported as a crime to the University Police.

B. Academic Appointees

Instead of, or in addition to using the Title IX Grievance Procedure, academic employees who have experienced a sexual assault on campus, or while participating in a University sponsored program, may avail themselves of the following formal grievance procedures:

1. Non-Senate academic appointees may file a grievance under Academic Personnel Policy 140 - Appeals, or by the applicable grievance procedure in relevant Collective Bargaining Agreement(s). Contact the Labor Relations Office for more information, or to file a grievance.
2. Academic Senate members may file a formal grievance under Academic Senate By-Law 335 within a "reasonable time period" after the incident. For more information, contact the Academic Senate Office, or the Chair of the Committee on Privilege and Tenure.

Sexual assaults may also be reported as a crime to the University Police.

C. Students

A student may file a formal complaint with the principal officer within thirty (30) calendar days of the time at which the student knows or could be reasonably expected to have knowledge of the alleged violation. When the violation occurs at the end of an academic quarter, a formal complaint may be filed within thirty (30) working days of the beginning of the succeeding academic quarter. A formal complaint must include a detailed explanation of the specific action being grieved, specific policy and/or regulation alleged to have been violated, the harm caused to the student, and the requested remedy. (*Student Policies and Regulations Handbook*, Section 110.00)

Sexual assaults may also be reported as a crime to the University Police.

Staff, students or faculty who may wish to file formal grievances should note that the time limit for filing is generally 30 calendar days from the last incident.

XIII. OPTIONS OUTSIDE THE UNIVERSITY FOR RESOLUTION OF SEXUAL ASSAULT(S)

Students may file complaints under Title IX with the Office for Civil Rights, U.S. Department of Education; or with the State Department of Fair Employment and Housing. Contact the campus Title IX/SHO for current information.

Staff and faculty may file complaints under Title IX under specific circumstances, as above; under Title VII, with the Equal Employment Opportunity Commission; or with the State Department of Fair Employment and Housing. Contact the Title IX Office for current information.

The time limits for filing complaints with State or Federal agencies vary. Contact the Title IX Office for further information.

Staff, faculty, and students may file a civil lawsuit against the offending party.

**UNIVERSITY OF CALIFORNIA, SANTA CRUZ
PROCEDURES FOR REPORTING SEXUAL HARASSMENT**

I. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. In the interest of preventing sexual harassment, the University will respond to reports of any such conduct.

For Student on Student Harassment including Sexual Harassment the following definition is in effect by directive from UC Office of the President:

Section 102.09 of the Code of Student Conduct:

(Interim, effective October 9, 2009)

(see <http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>)

Sexual, racial, and other forms of harassment, defined as follows:

Harassment is defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities, that the person is effectively denied equal access to the University's resources and opportunities on the basis of his or her race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, gender identity, marital status, veterans status, physical or mental disability, or perceived membership in any of these classifications.

Student Employees: When employed by the University of California, and acting within the course and scope of that employment, students are subject to the [University of California Policy on Sexual Harassment](#). Otherwise, Section 102.09, above, is the applicable standard for harassment by students.

For both student and/or employee sexual harassment, please refer to the UC Policy on Sexual Harassment and the University of California, Santa Cruz Procedures For Reporting Sexual Harassment.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, house staff, students, and non-student or non-employee participants in University programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex.

In determining whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

This policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies, for example, those governing faculty-student relationships are detailed in the Faculty Code of Conduct.⁶ (See Appendix C). While romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment, subject to this policy.

Harassment that is not sexual in nature but is based on gender, sex-stereotyping, or sexual orientation also is prohibited by the University's nondiscrimination policies⁷ if it is sufficiently severe to deny or limit a person's ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, sex-stereotyping, or sexual orientation.

II. OVERVIEW OF REPORTS AND COMPLAINTS OF SEXUAL HARASSMENT

A report of sexual harassment shall be defined as any meeting or discussion with a University official (see Appendix A for definition of University official), in order to inform the University that sexual harassment may have occurred. Another example of a report would be information contained in a student evaluation of a course or in an anonymous letter. Persons experiencing problems with sexual harassment are encouraged to report them as soon as possible. Once a report has been made, in whatever form, the Title IX/SHO must be made aware of the report by the University official who has received it.

Reports of sexual harassment may be resolved informally, either by the Title IX/SHO, or by any other trained University official in cooperation with the Title IX/SHO. Any University official participating in informal resolution of a report must consult the Title IX/SHO to determine what action, if any, is appropriate to the situation, and report the actions taken to the Title IX/SHO.

A complaint of sexual harassment shall be defined as a signed, written statement, informing the University that sexual harassment may have occurred and providing information sufficient for further inquiry (See Appendix E for a Sexual Harassment Complaint Form). Complaints require an investigation by the Title IX/SHO and may result in disciplinary or corrective action after due process is provided to the accused, if it is found that harassment has taken place.

⁶ The Faculty Code of Conduct, Academic Personnel Manual (APM) section 015.

⁷ University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment; Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices; Academic Personnel Policy 035, Affirmative Action and Nondiscrimination in Employment; Personnel Policies for Staff Members 12, Nondiscrimination in Employment; University of California Policies Applying to Campus Activities, Organizations, and Students; and Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters.

Although responsible University officials will attempt to respect the wishes of the complainant with regard to action taken in response to the complaint, the University will take appropriate disciplinary or corrective action whenever deemed necessary to meet the University's responsibilities to provide a safe and non-discriminatory environment for other students and employees. The only case in which a complainant ordinarily may ensure that no action is taken on the basis of her/his complaint is when s/he does not disclose the name or other details that would identify the accused.

Repeated sexual harassment of one or more individuals by the same offender must be taken as a more serious offense for purposes of disciplinary action; therefore, all reports and complaints of sexual harassment must be reported to the Title IX/SHO, who is authorized to keep records of sexual harassment reports and complaints.

III. ROLES OF UNIVERSITY OFFICIALS, TITLE IX/SHO AND THE TITLE IX ADVISORY COUNCIL IN THE RESOLUTION OF REPORTS AND COMPLAINTS OF SEXUAL HARASSMENT

A. University Officials

Although all persons who wish to report incidents of sexual harassment are strongly urged to consult directly with the Title IX/SHO, they may choose to inform another University official instead (see Appendix A for the definition of University official). Such persons may be able to achieve an informal resolution of a report of sexual harassment, but must always consult with the Title IX/SHO for guidance on University Policy and appropriate resolution, and inform the Title IX/SHO of any actions taken to resolve the report. If a student or employee wishes to file a complaint of sexual harassment, as defined above, the complainant should be referred immediately to the Title IX/SHO.

The responsibilities of University officials who receive reports of sexual harassment, as defined above, include:

1. reporting the matter to the Title IX/SHO as soon as possible;
2. informing complainants of their right to see the Title IX/SHO, file a formal complaint, file a formal grievance, or file a complaint with outside agencies;
3. providing anyone making a report with the Sexual Assault/Sexual Harassment Complaint Form (Appendix E).
4. advising the complainant of support services (Appendix D);
5. respecting the complainant's wishes regarding anonymity and desired actions to the extent possible within policy and law;
6. keeping all information as confidential as permitted by relevant law;
7. upon request by the Title IX/SHO making confidential inquiries regarding the validity of the report;
8. in consultation with the Title IX/SHO, providing remedies to the complainant when sexual harassment has been found to have occurred;
9. taking steps so that the harassment, if it occurred, does not recur;
10. educating the accused about sexual harassment policy;
11. protecting the complainant from retaliation;
12. continuing to consult with and report to the Title IX/SHO;
13. after consulting with the Title IX/SHO, if informal agreement can be reached with the accused, taking corrective action, when appropriate; and
14. protecting the rights of the accused and the complainant, including rights to due process and privacy.

Upon request by the Title IX/SHO actions to be taken by a University official in response to a report of sexual harassment may include informing the accused that another person, anonymous or not, has reported her/his behavior to be unwelcome; educating the accused about appropriate behavior; mediating between the parties only if both desire mediation, and negotiating informal resolutions. (Guidance and educational materials available from the Title IX/SHO). Under no circumstance can mediation between the parties be required in order to resolve reports or complaints of sexual harassment.

If no mutually acceptable informal resolution can be reached, and the versions of complainant and accused differ such that only a thorough investigation can determine the facts of the case, the case must be referred to the Title IX/SHO.

If a University official has reason to believe that there may be the potential for future threat to the complainant and/or to others; if there are multiple reports; or if the official has reason to believe that repeated sexual harassment has occurred, s/he must inform the Title IX/SHO before taking any action to resolve the case. Supervisors who hear rumors of sexual harassment through a third party and believe there may be some basis for the rumors should make confidential inquiries to determine the validity of the rumors and proceed accordingly, in consultation with the Title IX/SHO. All supervisors, including deans and department chairs, bear responsibility for obtaining training in sexual harassment policy and procedures from the Title IX Office. Any University official, including a supervisor, department chair or dean, who has not gone through the campus sexual harassment training program should refer all reports, as well as complaints, to the Title IX/SHO before taking any action. In addition, if a supervisor thinks s/he may be involved in a conflict of interest or other potential difficulty dealing with the complainant and the accused, s/he should refer the complainant immediately to the Title IX/SHO.

B. The Sexual Harassment Officer (Title IX/SHO)

The Title IX/SHO is authorized by the Chancellor to receive and resolve reports and complaints of sexual harassment. Aside from complaints filed by staff or academic appointees through other formal campus grievance procedures (Section X), the Title IX/SHO is the only University official authorized to conduct fact-finding investigations of sexual harassment complaints. The Title IX/SHO may, at her/his discretion, conduct a survey of any class taught by a faculty member or instructor about whom a sexual harassment complaint has been made and may request the attendance of a department chair and/or dean at any meeting with a faculty member or instructor to discuss a sexual harassment complaint filed against that person. All members of the campus community will cooperate fully with the Title IX/SHO in the fulfillment of her/his responsibilities.

The Title IX/SHO shall plan and manage the local sexual harassment education and training programs. The Title IX/SHO shall serve as consultant to University officials who receive and resolve reports of sexual harassment and shall serve as principal campus advisor on sexual harassment policy and procedures. The Title IX/SHO shall maintain files of all reports and complaints of sexual harassment, separate from any other personnel files, and shall maintain information on the number, location, and nature of reports and complaints. The Title IX/SHO shall prepare and submit an annual report to the Office of the President, for submission to The Regents, on sexual harassment complaint activity during the preceding calendar year.

C. Title IX Advisory Council

An Advisory Council for the Title IX/SHO shall be appointed by the Chancellor. The Council will be composed of six members: three Academic Senate members, at least one of whom is male and one of whom is female, one staff, one graduate and one undergraduate student to serve three-year, staggered terms. The Council membership will comprise both men and women, but at least three of the members must be women. In making appointments to the Advisory Council, the Chancellor will invite nominations from campus committees concerned with issues of sexual harassment. Any proposed appointments of faculty members shall be forwarded to the appropriate Senate committee for review and concurrence. At the beginning of their terms, members will be required to receive training on sexual harassment law and campus policy, provided by the Title IX/SHO. The membership of the Council will be published to the campus community.

The Advisory Council shall meet as scheduled with the Title IX/SHO to review issues and incidents of sexual harassment, providing advice when appropriate. All incidents are to be discussed without names or identifying details, and all discussions will be confidential to the extent required by law and due process considerations. The Advisory Council will be informed of the outcome of the resolution of cases. The Council will also act as a body to hear appeals of the Title IX/SHO's finding and/or proposed remedies from complainants under Title IX. The Title IX/SHO will not report to the Advisory Council on the results of any investigation until the time period during which the complainant may file an appeal has expired.

Campus concerns about the sexual harassment resolution process may be addressed to the Advisory Council, which may then advise the Chancellor and/or the Assistant Chancellor on policy and procedures.

IV. PROCEDURES FOR THE RESOLUTION OF REPORTS AND COMPLAINTS OF SEXUAL HARASSMENT BY THE TITLE IX/SHO

A. Resolution of Reports of Sexual Harassment

The Title IX/SHO shall attempt to resolve any reports of sexual harassment by informing, educating, mediating, or negotiating informal agreements by the same procedures and with the same considerations outlined in Section III. A. for other University officials. If no resolution can be reached that is acceptable to both parties and to the University, the Title IX/SHO may institute a sexual harassment investigation, at the request of the complainant, as outlined below in section B.

The goal of early resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Early resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for resolution shall be flexible and encompass a full range of possible appropriate outcomes. Early resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, or remedies for the individual harmed by the harassment. Early resolution can also include options such as discussions with the parties, making recommendations for resolution, and conducting follow-up after a period of time to assure that the resolution has been implemented effectively. Early resolution may be appropriate for responding to anonymous reports and/or third party reports. Steps taken to encourage resolution and agreements reached through early resolution efforts should be documented.

B. Resolution of Complaints of Sexual Harassment

The Title IX/SHO shall investigate all written complaints of sexual harassment. The Title IX/SHO may also determine that an investigation is warranted without a written complaint, either because of the severity of the allegations reported, or because of the frequency of allegations against the accused, or for any other reason.

In cases involving students, upon the initiation of an investigation, the Title IX/SHO will send a letter of notification within five (5) working days of receiving a request from a complainant for a Title IX investigation to the accused student which: 1) advises the student of the allegation(s); 2) includes the name of the complainant(s); 3) includes a full and complete written statement of the allegations; 4) identifies the violation(s) of the Student Conduct Code represented by the allegations; 5) Provides a copy of the *UC Policy on Sexual Harassment* and Procedures For Reports of Sexual Harassment; and, 6) describes the need to schedule a taped interview with the Title IX/SHO within five (5) working days to respond to the allegations.

In cases involving staff and academic appointees, upon the initiation of an investigation, the Title IX/SHO shall send a letter of notification to the respondent within five (5) working days of receiving a complaint that, 1) informs the accused of the identity of the complainant(s), if any; 2) includes a full and complete written statement of the allegation(s); 3) provides a copy of the *UC Policy on Sexual Harassment* and Procedures For Reports of Sexual Harassment; and 4) explains that the accused must respond to the

allegations by either requesting a taped interview with the Title IX/SHO or by responding in writing to a full accounting of the allegations, to the Title IX/SHO within ten (10) working days after having been informed.

1. Fact-finding Investigation

The Title IX/SHO shall investigate the circumstances of the alleged offense to the extent necessary to make a determination as to whether the allegations contained in the complaint constitute a violation of the *UC Policy on Sexual Harassment*. This investigation should normally be completed within thirty (30) calendar days. If the investigation cannot be completed within that time, the Title IX/SHO will so inform the complainant and the accused.

The Title IX/SHO will interview anyone and examine any evidence deemed necessary to investigate the complaint fully. The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

If the complainant or the accused request, her/his initial interview with the Title IX/SHO will be tape recorded, and a copy provided. Upon request, the complainant and the accused may each have a representative present when he or she is interviewed. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy or collective bargaining agreement.

At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the *UC Policy on Sexual Harassment*.

Although the Title IX/SHO may seek the advice and assistance of the Office of General Counsel in conducting the investigation, the investigation will normally be conducted only by the Title IX/SHO. The individual(s) conducting the investigation shall be familiar with the *UC Policy on Sexual Harassment* and have training or experience in conducting investigations.

Generally, an investigation should result in a written report that at minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator as to whether University policy has been violated. The report also may contain a recommendation for actions to resolve the complaint, including educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The report shall be submitted to a designated University official with authority to implement the

actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

The Title IX/SHO will prepare a written report, which includes a determination either: 1) that the facts do not support the allegations and the complaint should be dismissed; or 2) that there is evidence of a violation of the *UC Policy on Sexual Harassment*.

Where evidence of a violation is found, sanctions for the accused, if appropriate, shall be proposed by the Title IX/SHO. In addition, the Title IX/SHO shall propose individual remedies for the complainant, i.e., actions to be taken to support or otherwise aid the complainant (in contrast to sanctions recommended for the accused). Prior to submission of the report to the appropriate administrator by the Title IX/SHO, the complainant will be informed of the results of the investigation and may appeal the finding and proposed remedies to the Title IX Advisory Council (see Section VI).

In cases involving students, the fact-finding report containing the proposed remedies for the complainant and the proposed sanctions for the accused will be forwarded to the principal officer who will take action on the case as described below (see section VII. Administrative Action - Students). In cases involving staff and academic appointees the fact-finding report containing the proposed remedies for the complainant and the proposed sanctions for the accused will be forwarded to the appropriate principal officer who will take action as described below (see section VII. Administrative Action).

The Title IX/SHO in cooperation with the relevant University officials will ensure that the appropriate remedies are provided to the complainant, regardless of the outcome of the disciplinary process.

If the case is to be dismissed, a copy of the report with information related to third parties deleted, will be sent to the complainant, the accused, and kept in the Title IX/SHO's files. The complainant, under Title IX, has the right to appeal the dismissal and/or proposed remedies to the Advisory Council within five (5) working days from notification by the Title IX/SHO (See Section VI. below).

Even if the Title IX/SHO does not make a finding of a violation of the *UC Policy on Sexual Harassment*, but the Title IX/SHO believes the behavior complained of may constitute misconduct, the Title IX/SHO may refer the matter pursuant to Section VI. Administrative Action below.

The complainant and the accused shall be informed promptly in writing when the investigation is completed. The complainant shall be informed if there were findings made that the policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with University policies protecting individuals' privacy, the complainant may be notified generally that the

matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the accused.

The complainant and the accused may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information.⁸ However, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report in accordance with University policy.

V. PROCEDURES AND TIMELINES FOR APPEALS OF THE TITLE IX/SHO'S FINDINGS AND/OR PROPOSED REMEDIES

- The complainant may appeal the Title IX/SHO's findings and/or proposed remedies to the Title IX Advisory Council within five (5) working days of the receipt of findings/proposed remedies from the Title IX/SHO.
- The Title IX Advisory Council shall review the complainant's appeal and provide the Title IX/SHO the opportunity to respond to the appeal in writing and to amend the findings/proposed remedies within fifteen (15) working days of receipt of the appeal from the complainant.
- The Title IX Advisory Council shall notify the complainant, the Title IX/SHO and the accused of the outcome of this review, any amended findings/proposed remedies, and the next step to be taken within five (5) working days of the completion of the Title IX Advisory Council review.

The total time from the receipt of the appeal by the Title IX Advisory Council to notification to the complainant of the outcome of the appeal normally shall not take more than twenty (20) working days.

The Title IX investigation and fact-finding and, where requested, the appeal to the Title IX Advisory Council, constitutes the campus' Title IX Grievance Procedures, after which institutional administrative action will occur, if warranted.

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

VI. ADMINISTRATIVE ACTION

Students: If the accused is a student and the Title IX/SHO's investigation finds that a violation of the *UC Policy on Sexual Harassment* has occurred, the Title IX/SHO shall refer the report, including proposed remedies for the complainant and proposed sanctions for the accused to the principal officer. The principal officer, or her/his designee, will inform the respondent of the results of the investigation and the principal officer will refer the case to the Director, Student Judicial Affairs within ten (10) working days of receiving the report from the Title IX/SHO. The Director, Student Judicial Affairs will determine the appropriate disciplinary action according to the guidelines in the *Student Policies and Regulations Handbook* (Sections 103.00 - 109.00) (<http://www2.ucsc.edu/judicial/>)

In all cases, the Director, Student Judicial Affairs normally shall determine appropriate disciplinary action within ten (10) working days, or notify the complainant and the accused of the reasons for a time extension. The Director, Student Judicial Affairs will inform the Title IX/SHO in writing of the action s/he intends to take at least forty-eight (48) hours before the action is taken. If the Title IX/SHO believes that the proposed disciplinary action is inappropriate, s/he will notify the Director, Student Judicial Affairs in writing, within forty-eight (48) hours and file this document in the complaint file.

Within five (5) working days of taking the appropriate corrective or disciplinary action against the accused, the Director, Student Judicial Affairs shall notify the Title IX/SHO in writing of the action taken who shall then provide the complainant with a written notice indicating: 1) the finding (which violation of the Student Conduct Code); 2) all individual remedies available to the complainant; 3) and all sanctions against the offender of which the complainant needs to be aware in order for the sanctions to be fully effective.

Academic Senate members: If the accused is a member of the Academic Senate and the Title IX/SHO's investigation finds that a violation of the *UC Policy on Sexual Harassment* has occurred, there may be a violation of the Faculty Code of Conduct; therefore, the case and investigation materials should be referred to the Campus Provost/Executive Vice Chancellor for consideration of charges. The Campus Provost/Executive Vice Chancellor will refer the case to the Charges Committee within ten (10) working days of receiving the report from the Title IX/SHO. The matter will then proceed according to the campus procedure for the *University Policy on Faculty Conduct and the Administration of Discipline* and Academic Senate By-Law 335. (APM-016 & CAPP 002.015) (<http://apo.ucsc.edu/>)

Non-Senate Academic Appointees: If the accused is a non-Senate academic appointee and the Title IX/SHO's investigation finds that a violation of the *UC Policy on Sexual Harassment* has occurred, the Title IX/SHO will refer the case and investigation materials to the Campus Provost/Executive Vice Chancellor, who will refer the case to the appropriate academic administrator to take action within ten (10) working days of receiving the report from the Title IX/SHO. The Campus Provost/Executive Vice Chancellor, or appropriate administrator, will inform the respondent of the results of the investigation within ten (10) working days of receiving the report. Formal corrective or disciplinary action taken against the offender shall be in accordance with applicable university policy, as stated in Academic Personnel Policy 150 - Corrective Action and Dismissal, or as provided in the relevant collective bargaining agreements. The offender shall be notified of her/his right to file a grievance regarding such corrective or disciplinary action. (<http://apo.ucsc.edu/>)

Staff Members: If the accused is a staff member and the Title IX/SHO's investigation finds that a violation of the *UC Policy on Sexual Harassment* has occurred, the Title IX/SHO shall forward the final report to the appropriate principal officer, who will either take action or refer the case and investigation materials to the appropriate supervisor for action within ten (10) working days of receiving the report from the Title IX/SHO. The principal officer, or the supervisor, will inform the respondent of the results of the Title IX investigation within ten (10) working days of receiving the report. Formal corrective or disciplinary action taken against the offender shall be in accordance with applicable university policy as stated in the Personnel Policies for Staff Members, or Personnel Policies for Senior Managers, or as provided for in relevant collective bargaining agreements. The offender shall be notified of her/his right to file a grievance regarding such corrective or disciplinary action.

(http://shr.ucsc.edu/topics/employee-labor-relations/topics_employee-labor-relations.htm)

Within five (5) working days of taking the appropriate corrective or disciplinary action against the accused, the appropriate principal officer shall notify the Title IX/SHO in writing of the action taken who shall then provide the complainant with a written notice indicating: 1) the finding (the outcome of the fact-finding investigation); 2) all individual remedies available to the complainant; and 3) all sanctions against the offender of which the complainant needs to be aware in order for the sanctions to be fully effective.

VII. PRIVACY

The University shall protect the privacy of individuals involved in a report of sexual harassment to the extent required by law and University policy. A report of sexual harassment may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of sexual harassment may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). However, information regarding disciplinary action taken against the accused shall not be disclosed without the accused's consent, unless it is necessary to ensure compliance with the action or the safety of individuals.

VIII. CONFIDENTIALITY OF REPORTS OF SEXUAL HARASSMENT

Confidential resources for information regarding resources, options for reports of sexual harassment or how to file a complaint of sexual harassment include the Campus Conflict Resolution Service Office, licensed counselors in the Employee Assistance Program and/or licensed counselors at Counseling & Psychological Services at Student Health Services. These resources provide individuals who may be interested in bringing a report of sexual harassment with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. Individuals who consult with these confidential resources shall be advised that their discussions in these settings are not considered reports of sexual harassment and that without additional action by the individual, such as reporting to the Title

IX/SHO, the Police or other University Official, the discussions will not result in any action by the University to resolve their concerns.

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

IX. RECORDS

Letters of warning and records of other disciplinary actions concerning sexual harassment are to be kept in staff or faculty personnel files and in a student's confidential file. Where there has been a finding, after a due process hearing or after investigation, or an acknowledgment of wrong-doing by staff or faculty, notice shall be placed in their personnel files. Where there has been a finding, after a due process hearing or after investigation, or an acknowledgment of wrong-doing, notice shall be placed in the student's confidential file with the College Administrative Officer at her/his college.

See Page 7 for information about Title IX/SHO records.

X. OTHER OPTIONS AVAILABLE TO COMPLAINANT FOR RESOLUTION OF SEXUAL HARASSMENT

A. Staff

Instead of, or in addition to, using the Title IX Grievance Procedures, staff employees with complaints of sexual harassment may avail themselves of the following formal grievance or administrative review procedures: Personnel Policies for Staff Members, Policy 70 - Complaint Resolution; Personnel Policies for Senior Managers Policy II-70-Resolution of Concerns; or the applicable grievance procedure in the Collective Bargaining Agreement(s). Some labor agreements permit employees to select the campus sexual harassment complaint procedure in lieu of Step I of the grievance procedure. In such cases, staff should file a grievance within the prescribed time limits, usually within 30 calendar days of the last incident; the grievance may be held in abeyance pending the outcome of informal resolution attempts. For more information, or to file a grievance, staff should contact the Labor Relations Office.

B. Academic Appointees

Instead of, or in addition to using the Title IX Grievance Procedure academic employees who have experienced sexual harassment on campus, or while participating in a University sponsored program, may avail themselves of the following formal grievance procedures:

1. Non-Senate academic appointees may file a grievance under Academic Personnel Policy 140 - Appeals, or through the applicable grievance procedure in relevant Collective Bargaining Agreement(s). Contact the Labor Relations Office for more information, or to file a grievance.
2. Academic Senate members may file a formal grievance under Academic Senate By-Law 335 within a "reasonable time period" after the incident. For more information, contact the Academic Senate Office or the Chair of the Committee on Privilege and Tenure.

C. Students

A student may file a formal complaint with the principal officer within thirty (30) calendar days of the time at which the student knows or could be reasonably expected to have knowledge of the alleged violation. When the violation occurs at the end of an academic quarter, a formal complaint may be filed within thirty (30) working days of the beginning of the succeeding academic quarter. A formal complaint must include a detailed explanation of the specific action being grieved, specific policy and/or regulation alleged to have been violated, the harm caused to the student, and the requested remedy. (*Student Policies and Regulations Handbooks*, Section 110.00)

Staff, students or faculty who may wish to file formal grievances should note that the time limit for filing is generally 30 calendar days from the last incident.

XI. OPTIONS OUTSIDE THE UNIVERSITY FOR RESOLUTION OF SEXUAL HARASSMENT

Students may file complaints under Title IX with the Office for Civil Rights, U.S. Department of Education, or with the State Department of Fair Employment and Housing. Contact the campus Title IX/SO for current information.

Staff and faculty may file complaints under Title IX under certain conditions, as above; under Title VII, with the Equal Employment Opportunity Commission; or with the State Department of Fair Employment and Housing. Contact the Title IX Office for current information.

The time limits for filing complaints with State or Federal agencies vary. Contact the Title IX Office for further information.

Staff, faculty, and students may file a civil lawsuit against the offending party.

UCSC Policy on Sexual Assault
UC Policy on Sexual Harassment
**and Procedures for Reports of
Sexual Assault and
Sexual Harassment**

APPENDICES

- Appendix I:** University Complaint Resolution and Grievance Procedures
- Appendix II:** University Disciplinary Procedures
- Appendix A:** Glossary of Terms
- Appendix B:** Definition of Sex Crimes
- Appendix C:** Consensual Relations
- Appendix D:** Resource Telephone Directory
- Appendix E:** Sexual Harassment Complaint Form

APPENDIX I: University Complaint Resolution and Grievance Procedures

Applicable complaint resolution and grievance procedures if a member of the University community elects to file a complaint or grievance containing allegations of sexual harassment:

Academic Personnel:

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

Students:

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

Staff Personnel:

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

All:

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

APPENDIX II: University Disciplinary Procedures

Applicable disciplinary action procedures if a report of sexual harassment results in a recommendation for disciplinary action:

- A. The *Faculty Code of Conduct (APM - 015)* and 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, outline ethical and professional standards which University faculty are expected to observe. It also identifies various forms of unacceptable behavior, which are applicable in cases of sexual harassment and outlines sanctions and disciplinary procedures. Because the forms of unacceptable behavior listed in the *Faculty Code of Conduct* are interpreted to apply to sexual harassment, a violation of the University's *Policy on Sexual Harassment* constitutes a violation of the *Faculty Code of Conduct*.
- B. Provisions of *Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150)* (applicable to non-exclusively represented academic appointees) and collective bargaining agreements (applicable to exclusively represented academic appointees) provide for corrective action or dismissal for conduct, which violates University policy.
- C. *Policies Applying to Campus Activities, Organizations, and Students* sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that may be imposed for violation of University policies or campus regulations.
- D. Provisions of the *Personnel Policies for Staff Members* and the DOE Laboratories personnel policies (applicable to non-exclusively represented staff employees) and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct which violates University policy with respect to sexual harassment and provide for disciplinary action for violation of University policy.

APPENDIX A

University of California, Santa Cruz

GLOSSARY

Acquaintance Rape: This is the most prevalent form of rape on college campuses. The acquaintance may be a date or boyfriend of the target, or someone the target knows only casually, from her/his residence on campus, a class, or through mutual friends. Regardless of the relationship between them, if one person uses any of the seven circumstances listed on pages 25 and 26, under the definition of rape, to force or coerce sexual intercourse with another, it is rape. The same criminal laws and penalties apply in cases of acquaintance rape as in cases of stranger rape.

Blue Light Telephones: Emergency Blue Light Telephones are available throughout the campus (see UCSC Emergency Management website <http://emergency.ucsc.edu/bluelight>). These telephones connect directly with a police dispatcher in a similar manner as dialing 9-1-1.

Charges Committee: A standing Administrative Committee, composed of at least three Senate faculty members, and appointed by the Executive Vice Chancellor. The committee conducts investigations regarding complaints made against members of the faculty, charging violation of the Faculty Code of Conduct, sufficient to warrant a recommendation for disciplinary action.

Complaint of Sexual Harassment: (see Sexual Harassment Complaint)

Consent: Positive cooperation in the act or attitude pursuant to an exercise of free will. A current or previous dating relationship shall not be sufficient to constitute consent.

Counseling and Psychological Services: Counseling and Psychological Services offers **confidential** short-term and crisis counseling to all members of the campus community on an emergency basis, or by appointment. Psychiatric referrals are also available. (www2.ucsc.edu/counsel/)

Cunnilingus: Act, practice, or technique of orally stimulating the female genitalia.

Date Rape: (see Acquaintance Rape)

Disciplinary Process: The process and procedures, which precede corrective action, discipline, or sanctions to be taken against a student, staff or member of the faculty. There are separate procedures for students, staff (by personnel program and those exclusively represented by a union), and faculty (senate, non-senate, and those exclusively represented by a union).

Due Process: 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 the 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 is incorporated into the Rule Book and various university policies related to discipline and corrective action.

Emergency Blue Light Telephones: Emergency Blue Light Telephones are available throughout the campus (see UCSC Emergency Management website <http://emergency.ucsc.edu/bluelight>). These telephones connect directly with a police dispatcher in a similar manner as dialing 9-1-1.

Fact-finding investigation: Refers to process used by Title IX/SHO to investigate complaints of sexual harassment and reports of sexual assault.

Faculty-Student Relations (Academic Personnel Manual Section 015): Two new sections added to Academic Personnel Policy 015 (Faculty Code of Conduct (Code) Part II.A) make it a violation of the Code for a faculty member to engage in a romantic or sexual relationship with a student for whom he or she has academic responsibility or should expect to have such responsibility. (Appendix D).

Fellatio: Oral stimulation of the penis.

Findings: Refers to the report of the Title IX/SHO resulting from an administrative investigation when there has been an allegation of sexual harassment or when an administrative review of an alleged sexual assault or rape has been requested by a complainant.

Gender identity: A person's inner sense of being male or female, usually developed during early childhood as a result of parental rearing practices and societal influences and strengthened during puberty by hormonal changes.

Grievances: Separate grievance procedures exist for students, staff, and faculty. These grievance procedures can be used: 1) by a staff or faculty complainant as an alternative to the Procedures for Reporting Sexual Harassment, Sexual Assaults, or rape; or 2) by the accused to appeal corrective action or disciplinary actions taken against him/her.

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

Rape: Rape is an act of sexual intercourse. Any sexual penetration, however slight, is sufficient to complete the crime (i.e., the penis just needs to touch the vaginal opening for rape to occur). Rape is accomplished with a person under any of the following circumstances:

1. Where a person 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.
2. Where the act 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 of another.
 - a. Duress
A direct or implied threat of force, violence, danger, hardship, or retribution sufficient to coerce a reasonable person of ordinary susceptibility (liable to be affected by something) to perform an act which otherwise would not have been performed, or acquiesce in an act to which one would not have submitted.
 - b. Menace
Any threat, declaration or act, which shows an intention to inflict an injury upon another.

c. Consent

Positive cooperation in the act or attitude pursuant to an exercise of free will. A current or previous dating relationship shall not be sufficient to constitute consent.

3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, administered by, or with the privity (knowledge), of the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in the paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
 - a. was unconscious or asleep;
 - b. was not aware, knowing, perceiving, or cognizant that the act occurred;
 - c. was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact (trickery).
5. Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused with intent to induce the belief.
6. 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.
7. 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.

Remedies: Refers to recommendations for actions to be taken to support or otherwise aid the complainant (as opposed to discipline or sanctions recommended against the accused) in the report of the Title IX/SHO resulting from an administrative investigation when there has been an allegation of sexual harassment or when an administrative review of an alleged sexual assault or rape has been requested by a complainant.

Also refers to the remedies requested by a grievant, which are usually limited to actions that would make the grievant whole, in contrast to discipline or sanctions taken against the accused.

Report of Sexual Harassment: A "report" of sexual harassment is defined as any meeting or discussion with a University official in order to inform the University that sexual harassment may have occurred. Another example of a "report" would be information contained in a student evaluation of a course or in an anonymous letter. Persons experiencing problems with sexual harassment are encouraged to report them as soon as possible. Once a report has been made, the matter must be reported to the Title IX/SHO by the University official who has received the report.

Sanctions: Corrective or disciplinary action taken against the accused after appropriate due process, or restraining actions imposed upon the accused, in order to safeguard the complainant.

Sexual Assault: Sexual assault is a general term, which covers a range of crimes, including rape and sexual battery.

Sexual Assault Nurse Examiner (S.A.N.E.): A specially trained nurse who collects physical evidence when an assault is reported to the police. The Sexual Assault Nurse Examiner is a member of the Sexual Assault Response Team (see S.A.R.T. below).

Sexual Assault Response Team (S.A.R.T.): A specially trained team of police officers and medical personnel who handle reports of sexual assault. If the University police receive a report of sexual assault, an officer trained in sexual assault cases will be dispatched to the scene and will explain police and medical procedures to the victim. If the police transport the victim to Dominican Hospital, which is equipped to perform medical examinations for legal purposes, then an advocate and a specially trained nurse/examiner who are members of the Santa Cruz Sexual Assault Response Team (S.A.R.T.) will be dispatched to the hospital to be available to the victim. A Sexual Assault Nurse Examiner (S.A.N.E.) must conduct a medical examination as soon as possible to maximize the collection of evidence for criminal prosecution.

Sexual Harassment: The University of California defines sexual harassment as follows:

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. In the interest of preventing sexual harassment, the University will respond to reports of any such conduct.

For Student on Student Harassment including Sexual Harassment the following definition is in effect by directive from UC Office of the President:

Section 102.09 of the Code of Student Conduct:

(Interim, effective October 9, 2009)

(see <http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>)

Sexual, racial, and other forms of harassment, defined as follows:

Harassment is defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities, that the person is effectively denied equal access to the University's resources and opportunities on the basis of his or her race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, gender identity, marital status, veterans status, physical or mental disability, or perceived membership in any of these classifications.

Student Employees: When employed by the University of California, and acting within the course and scope of that employment, students are subject to the University of California [Policy on Sexual Harassment](#). Otherwise, Section 102.09, above, is the applicable standard for harassment by students.

For both student and/or employee sexual harassment, please refer to the UC Policy on Sexual Harassment and the University of California, Santa Cruz Procedures For Reporting Sexual Harassment.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, house staff, students, and non-student or non-employee participants in University programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex.

In determining whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

This policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies, for example, those governing faculty-student relationships are detailed in the Faculty Code of Conduct.⁹ While romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment, subject to this policy.

Sexual Harassment Complaint: A "complaint" of sexual harassment is defined as a signed, written statement informing the University that sexual harassment may have occurred and providing information sufficient for further inquiry. Complaints require an investigation by the Title IX/SHO and may result in disciplinary or corrective action if it is found that harassment has taken place.

Sexual Orientation: Ability to locate oneself in one's environment with respect to other people especially sexual partners.

Statutory Rape: (see Unlawful Sexual Intercourse with a Minor)

Title IX Advisory Council: A Title IX Advisory Council for the Title IX/SHO shall be appointed by the Chancellor. The Council will be composed of six members: three Academic Senate members, at least one of whom is male and one of whom is female, one staff, one graduate and one undergraduate student to serve three-year, staggered terms. The membership will comprise both men and women, but at least three of the members must be women. The Advisory Council shall meet as scheduled with the Title IX/SHO to review issues and incidents of sexual harassment. The Advisory Council also hears Title IX appeals of the Title IX/SHO's findings and/or proposed remedies in both sexual harassment and sexual assault cases. The Advisory Council will be informed of the outcome of the resolution of sexual harassment cases after hearing any appeals that have been filed. Campus concerns about the sexual harassment resolution process may be addressed to the Title IX Advisory Council, which may then advise the Chancellor and Assistant Chancellor for Human Resources on policy and procedures.

Title IX/Sexual Harassment Officer (Title IX/SHO): The Title IX/SHO is responsible for receiving and investigating all reports of sexual harassment and sexual assault (filed by students, staff, and/or academic appointees) and is available to discuss options, provide support, explain university policies and procedures, and provide education on relevant issues. The Title IX/SHO is available only during working hours. (<http://www2.ucsc.edu/title9-sh/>)

⁹ The Faculty Code of Conduct, Academic Personnel Manual (APM) section 015.

University Official: University Official is defined as any academic or nonacademic employee, regardless of title or level, who supervises staff and or student employees, formally or informally. University Official will also include any employee, regardless of title or level, who advises or counsels students on academic or non-academic matters (doctor/client exempted). University officials will include but are not limited to: Vice Chancellors (Assistant & Associate), Deans (Assistant & Associate), Dean of University Extension, Director of Summer Session, Provosts, Department Chairs, Department Undergraduate/Graduate Adviser, Department Assistant/Manager, College Administrative Officers, Assistant College Administrative Officers, Managers of: Family Student Housing; Graduate Housing; Camper Park; UCSC Inn; & University Town Center, Unit Heads, Program Directors, Supervisors, University Police, Rape, HIV & AOD Prevention Education Coordinators, Resource Center Directors, Director Student Judicial Affairs, Residential Life Staff, Community Safety Officers, College Housing staff, and Coordinators for Residential Education. University officials are responsible for receiving training and keeping abreast of university policy and procedures concerning sex offenses. Any University official receiving a report of sexual harassment and/or assault must advise the Title IX/SJO, who is also a University official, of the report.

University Police: Staff, students, faculty, and members of the community experiencing a sexual assault on campus will receive a speedy response from the University Police. (For assaults off campus, local police should be contacted). In addition, the police, and only the police, can arrange for medical examinations in order to provide admissible evidence when the complainant desires prosecution through the criminal justice system. It is important to remember that "reporting" a rape is not the same thing as prosecuting through the criminal justice system. If the complainant files a report and then later refuses to prosecute through the criminal justice system or cooperate in a police investigation, there is little that the police or courts will be able to do. On the other hand, if the complainant initially decides that s/he does not want to file a police report and then, a month later, wants to prosecute through the criminal justice system, s/he has lost the opportunity for best evidence, not only in terms of immediate police investigative interviews, but also the collection of physical evidence. For these reasons, the University strongly encourages victims of sexual assault to call the police as soon as possible.

(<http://www2.ucsc.edu/police/>)

Unlawful Sexual Intercourse with a Minor: This occurs when the victim is considered incapable of giving legal consent because they are 17 years or younger, even if the intercourse is consensual. Where the person engaging in sexual intercourse with a minor is younger, or not more than three years older than the minor, the crime is a misdemeanor. If more than three years older, then the crime is a felony.

Victim/Witness Program: The Victim/Witness Assistance Center, established by the District Attorney's Office, addresses the needs of victims and witnesses. By meeting financial, emotional, social, and information needs, the Center hopes to enhance the quality of justice and be the human link in the criminal justice system. Victim/Witness Program services include crisis intervention/hospital response; emergency services, such as shelter, food, and clothing; outreach and screening services; liaison and referral to community agencies; follow-up support to victims and their families; intervention with employers and creditors; bereavement and injury notification; coordination with criminal justice agencies; witness notification and information; court reception and escort; explanation of court procedures; companionship, transportation, and child care; property return assistance; restitution assistance. The services of this program are available only when a police report has been filed.

APPENDIX B

University of California, Santa Cruz

DEFINITION OF SEX CRIMES (taken from the California Penal Code)

The following definitions are provided to educate the campus community about sex crimes and to assist a complainant in determining the wrongs that may have been committed. These definitions are taken from the California Penal Code and they explain the elements that must be present for the crime to have occurred. If what happened to you does not exactly meet any of these definitions but you feel uncomfortable or angry, please contact one of the resources listed in this policy for support and/or clarification.

RAPE

Rape is an act of sexual intercourse. Any sexual penetration, however slight, is sufficient to complete the crime. Rape is accomplished with a person under any of the following circumstances:

1. Where a person 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.
2. Where the act 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.
 - a. Duress
A direct or implied threat of force, violence, danger, hardship, or retribution sufficient to coerce a reasonable person of ordinary susceptibility (liable to be affected by something) to perform an act which otherwise would not have been performed, or acquiesce in an act to which one would not have submitted.
 - b. Menace
Any threat, declaration or act, which shows an intention to inflict an injury upon another.
 - c. Consent
Positive cooperation in the 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. A current or previous dating relationship shall not be sufficient to constitute consent.
3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, administered by or with the privity (knowledge) of the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in the paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
 - a. was unconscious or asleep;
 - b. was not aware, knowing, perceiving, or cognizant that the act occurred;
 - c. was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

5. Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused with intent to induce the belief.
6. Where the act is accomplished against the person'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.
7. 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.

ACQUAINTANCE RAPE (Date Rape)

This is the most prevalent form of rape on college campuses. The acquaintance may be a date or boyfriend of the target, or someone the target knows only casually, from her residence on campus, a class, or through mutual friends. Regardless of the relationship between them, if one person uses any of the above circumstances to force or coerce sexual intercourse with another it is rape. The same criminal laws and penalties apply in cases of acquaintance rape as in cases of stranger rape.

ORAL COPULATION

Oral copulation is the act of copulating (uniting) the mouth of one person with the sexual organ or anus of another person. The seven factors described above under rape are applicable here.

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 act of sodomy. The seven factors described above under rape are applicable here.

PENETRATION OF GENITAL OR ANAL OPENINGS BY FOREIGN OBJECT

Penetration, however slight, of the genital or anal openings of any person, or causing another person to so penetrate another person's genital or anal openings, for the purpose of sexual arousal, gratification, or abuse, by any foreign object, substance, instrument, or device (foreign object includes any part of the body except a sexual organ, including fingers) is considered rape 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, or where the act is accomplished against the victim's will by threatening to retaliate in the future.

ASSAULT WITH INTENT TO COMMIT RAPE

An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another. According to the California Penal Code, "Every person who assaults another with intent to commit . . . rape . . . is punishable by imprisonment in the state prison for two, four, or six years."

SEXUAL BATTERY

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 a sexual battery.

- a. Touches
Touches means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.
- b. Intimate part
Intimate part means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

INDUCING SEXUAL ACT

Whenever any person induces any other person to engage in sexual intercourse, penetration of the genital or anal openings by a foreign object, substance, instrument, or device, 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 guilty of a crime. Fear means the fear of unlawful physical injury or death to the person or to any relative of the person.

STATUTORY RAPE

See Unlawful Sexual Intercourse with a Minor

RAPE IN CONCERT WITH ANOTHER PERPETRATOR

Aiding or abetting or acting in concert with another person in the commission of a rape or the penetration of the anal or vaginal opening with a foreign object is a crime.

UNLAWFUL SEXUAL INTERCOURSE WITH A MINOR

Unlawful sexual intercourse with a minor occurs when the victim is considered incapable of giving legal consent because they are 17 years or younger, even if the intercourse is consensual. Where the person engaging in sexual intercourse with a minor is younger, or not more than three years older than the minor, the crime is a misdemeanor. If more than three years, then the crime is a felony.

APPENDIX C

University of California, Santa Cruz

CONSENSUAL RELATIONS

Information on consensual relations between students and faculty, lecturers, instructors, teaching assistants, tutors etc.

Every member of our community should also be aware that there are special considerations for relationships between instructors and students currently enrolled in their classes or academic programs. Because of the power possessed by an instructor and the special need for trust inherent in the teacher/student relationship, a romantic or sexual advance by an instructor to a student in her/his class or academic program may seriously compromise that relationship and may therefore be presumed to be professional misconduct. The Academic Senate resolved in 1987 that even a single, mutually welcomed advance of an explicit romantic or sexual nature from an instructor to a student currently enrolled in her or his course must be regarded by the academic community as a serious breach of professional ethics and proper standards of professional behavior. Such an overture can impair the educational environment not only for the instructor and the student singled out for her or his attentions, but also for the other students enrolled in the course, who are, or believe themselves to be, negatively affected by the relationship, in ways such as unacceptable discrimination regarding grading, references, access to laboratory equipment or other resources and educational opportunities. Such advances may also provide the basis for charges of unprofessional conduct in violation of the Faculty Code of Conduct, sexual harassment, and/or discrimination. It shall be UC Santa Cruz' policy that this prohibition applies to anyone in an academic relationship with a student: ladder-rank faculty, lecturers, teaching assistants, tutors, etc.

Two new sections added to Academic Personnel Policy 015 (Faculty Code of Conduct (Code) Part II.A) make it a violation of the Code for a faculty member to engage in a romantic or sexual relationship with a student for whom he or she has academic responsibility or should expect to have such responsibility. The amendment was adopted by the UC Privilege & Tenure Committee and endorsed unanimously by the Academic Council during winter 2003. In the spring of 2003 the amendment was adopted by the UC Board of Regents and approved by the President.

The Faculty Code of Conduct applies to all Senate and non-exclusively represented, non-Senate faculty members. In addition, Part II, Section A, "Teaching and Students" of the Code, including these two new sections, also applies to Unit 18 non-Senate faculty (e.g., Lecturers) pursuant to Article 3 – Academic Responsibility, of the newly ratified UC/UC-AFT Memorandum of Understanding. Article 3 of the Memorandum of Understanding is available online at http://atyourservice.ucop.edu/employees/policies/systemwide_contracts/nsi/article03.pdf, and is currently being revised to reflect the inclusion of these two new sections.

The Faculty Code of Conduct may be found online at: <http://www.ucop.edu/acadadv/acadpers/apm/apm-015.pdf>.)

The amendment in the Code states:

Part II - Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct

A. Teaching and Students

...(New section) The integrity of the faculty-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Whenever a faculty member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.

In this section, the term student refers to all individuals under the academic supervision of faculty.

Types of unacceptable conduct: (New sections)

6. Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory).
7. Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship.

The footnote found in the Code in section six (6) states: A faculty member should reasonably expect to have in the future academic responsibility (instructional, evaluative, or supervisory) for (1) students whose academic program will require them to enroll in a course taught by the faculty member, (2) students known to the faculty member to have an interest in an academic area within the faculty member's academic expertise, or (3) any student for whom a faculty member must have academic responsibility (instructional, evaluative, or supervisory) in the pursuit of a degree.

In addition, the report by the Academic Council on the amendment (available online at: <http://www.universityofcalifornia.edu/senate/assembly/may2003/may2003viiia5.pdf>) gives examples of when a faculty member "should reasonably expect to have (academic responsibility over a student) in the future..." Those examples include faculty teaching a course required of all majors, all graduate or undergraduate students in the major, all graduate students in the department, and faculty who are specialists in an area known to the faculty member to be of interest to the student.

APPENDIX D

University of California, Santa Cruz

RESOURCE TELEPHONE DIRECTORY (831 area code)

Sexual Harassment Officer/Title IX Coordinator..... 459-2462 (pager: 831-334-1803)

University Police (Campus) 459-2231 or 9-1-1

AIDS Prevention Education	459-3772
College Eight Associate Administrative Officer (ACAO)	459-5224
College Nine & Ten Associate Administrative Officer (ACAO)	459-3797
Community Safety Officers (CSO's) * after 7:00 pm.....	459-2100
Conflict Resolution Services	459-2290
Counseling and Psychological Services	459-2628
Cowell Associate Administrative Officer (ACAO).....	459-2173
Crown Associate Administrative Officer (ACAO).....	459-2582
Disability Resource Center	459-2089
Employee Assistance Program	1-866-808-6205
Family Student Housing	459-2549
Graduate Student Housing/Camper Park Manager.....	459-4388
HIV Prevention.....	459-3772
Health Center (Student appointments).....	459-2500
Director, Student Judicial Affairs (Campus)	459-4447
Kresge Associate Administrative Officer (ACAO)	459-5048
Merrill Associate Administrative Officer (ACAO)	459-5689
Oakes Associate Administrative Officer (ACAO)	459-2796
Office for Diversity, Equity, and Inclusion	459-3676
Police (Campus)	459-2231 or 9-1-1
Porter Associate Administrative Officer (ACAO).....	459-5255
Sexual Harassment/Title IX Officer	459-2462
Sexual Health Educator	459-2721
Stevenson Associate Administrative Office (ACAO)	459-2793
Student Health Center.....	459-2211
Summer Conferences (Assistant Director)	459-4897
Summer Session (Director).....	459-2525
UCSC Town Center	502-0031
The Village	459-4388
University Extension (Dean)	408-861-3700
Women's Center Director	459-2169

SANTA CRUZ COUNTY

Commission for the Prevention of Violence Against Women (City)	420-5363
Defensa de Mujeres Crisis Hotline (Spanish speaking staff available) ...	1-888-900-4232
Santa Cruz County Sheriff's Department	454-2985 or 9-1-1
Santa Cruz Police.....	9-1-1
Suicide Prevention (24 hours)	458-5300 or
.....	1-877-one-life (1-877-663-5433)
Women's Crisis Support (24 hours).....	1-888-900-4232
Women's Commission (County)	454-2772

