



UC SANTA CRUZ

**CENTERING  
LIVED EXPERIENCE  
IN COMPLIANCE**

TITLE IX  
ANNUAL  
REPORT

2019–20

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## Letter from UCSC Chancellor and Associate Vice Chancellor of Equity and Equal Protection Isabel Dees

Dear UC Santa Cruz faculty, staff, and students,

The COVID-19 pandemic and the devastating wildfires locally and around the state dramatically changed UC Santa Cruz over the 2019–20 academic year. But one thing held true—our strong commitment to the campus community and equal protection for all. That’s why we chose “Centering Lived Experience in Compliance” as the theme of this year’s Title IX Annual Report, which summarizes our work of the past year.

One of the ways we have built on that commitment has been our realignment of existing campus compliance organizations into a single campus entity, the [Equity and Equal Protection Office \(EEP\)](#). It comprises the campus Title IX Office, the Equal Employment Opportunity and Affirmative Action Office, the ADA Program, and the Whistleblower Program. This structural change supports a more holistic response for community members seeking support and to report discrimination.

The EEP office is responsible for the administration of UC Santa Cruz’s policies and procedures regarding discrimination and harassment on the basis of race, religion, disability, sex, gender, age, and other protected identities.

Another commitment to our campus community has been our values-driven implementation of the U.S. Department of Education’s (DOE) revised Title IX rules mandating how schools nationwide respond to complaints of sexual harassment. We were disappointed to see that the DOE largely disregarded the input it received, putting forth regulations mostly unchanged from the 2018 version. It is particularly disheartening that these new rules were issued with a tight timeline for compliance in the midst of the COVID-19 pandemic. Former UC President Janet Napolitano issued a [statement](#) regarding the DOE’s announcement of the final Title IX rules.

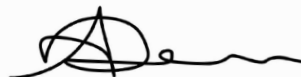
We pledge to continue our work to create a campus free of sexual harassment and violence through education, prevention, and processes that are fair and compassionate to all parties. We remain committed to stewarding policy implementation that, in addition to being compliant, is consistent with our community values and the educational mission of the UC, and honors the risk and trust that community members show every time they speak out or engage in our Title IX process.

Sexual misconduct has no place at UCSC or any UC campus. We are grateful for the courage of people who step forward to report their experiences and those who choose to participate in the investigation and adjudication process. Our campuses are safer because of their bravery.

Sincerely,



Cynthia Larive  
UCSC Chancellor



Isabel Dees  
Associate Vice Chancellor  
of Equity and Equal Protection

## Letter from Systemwide Title IX Director

Dear UC Santa Cruz faculty, staff, and students,

My heart is with the UC Santa Cruz community as it grapples with the trials of the past year. In the Title IX realm, the new regulations from the DOE may be contributing to feelings of anxiety and alarm in this already difficult time. I am glad for the opportunity to add my thoughts to those shared in the letter from Chancellor Larive and Associate Vice Chancellor Dees, and to be a part of this valuable report.

The new Title IX regulations are an undeniable challenge for schools throughout the nation—one that we at UC are coming together to meet head-on. First, know that the university is steadfast in its commitment to combating sexual harassment. Importantly, even as the DOE narrows our legal obligations through the regulations, UC continues to prohibit all forms of misconduct previously prohibited by the Sexual Violence and Sexual Harassment Policy, and to treat all allegations with the same seriousness and care. This is because our policies are guided by our values and our commitments to the UC community as much as by our legal obligations. Even so, the university must respond to complaints covered by the new regulations using a specific grievance process that includes some troubling components. We dedicated significant thought and care to ensuring that cases nonetheless proceed respectfully and fairly. And we will continue to apply our previously existing resolution processes—which do not include these concerning aspects—for allegations that the regulations do not cover.

Critical to the efforts to implement these changes fairly and compassionately are UCSC's Title IX professionals. They and their campus partners care deeply about your community, and they are committed to excellence, integrity, and kindness in all that they do. This report, *Centering Lived Experience in Compliance*, provides insight into their efforts to ensure that UCSC is an equitable place to learn and work. I hope it promotes deeper conversation and understanding of their varied and important work.

Finally, thank you for your commitment to cultivating a culture of safety, respect, and accountability, even in the face of change and uncertainty. This shared commitment and our empathy for one another will guide us as we navigate the current challenges.

Kind Regards,

A handwritten signature in black ink that reads "Suzanne Taylor". The signature is written in a cursive, flowing style.

Suzanne Taylor  
Systemwide Title IX Director

# INTRODUCTION

The 2019–20 academic year was a particularly challenging year for colleges and universities nationwide. The University of California, Santa Cruz, community faced a number of formidable obstacles, including the implementation of the July 2019 Sexual Violence and Sexual Harassment (SVSH) policy, rolling blackouts, wildfires, ongoing strike activity, the COVID-19 pandemic and resulting shelter-in-place orders, and the announcement in May that the new Department of Education rules would be effective by August. Each of these challenges presented an opportunity to evaluate our practice and deepen our community connections and commitment to this work.

We also made some big organizational changes this academic year. In March 2020, UC Santa Cruz announced the formation of an Equity and Equal Protection Office (EEP) composed of the Title IX Office, the Equal Employment Opportunity and Affirmative Action Office, the UCSC ADA Program, and the UCSC Whistleblower Program. This included structurally addressing gaps in protection for our community members. The scope of authority and jurisdiction of the Title IX Office was restored to include responsibility for campus compliance with the nondiscrimination policy outside the employment context (previously known as the Harassment, Discrimination, Prevention, Investigation Unit) and assigning responsibility to the EEO Director for student employment discrimination complaints, a function that previously resided in the Career Center. The goal of this realignment is to streamline processes for students, staff, and faculty who may have a complaint or grievance, shifting the burden of wayfinding to the institution. We believe the new office will help complainants identify and enter the appropriate process more quickly, provide effective case management, and serve as a centralized resource for the entire campus community on issues of harassment and discrimination.

We also continued our role in the National Academies of Sciences, Engineering, and Medicine (NAEM) Action Collaborative in which we are working to define concrete mechanisms that administrators and faculty can adopt, above and beyond what is required by law or policy, to address sexual harassment on campus. The intended outcome is both to reduce the likelihood of sexual harassment through education, best practices, and policy reform, and to improve the response and remediation by institutions when it does occur. This work is grounded in principles of fairness, equity, and Restorative Justice, and we look forward to continuing to build on our goals during the academic year 2020–21.

# SUMMARY

The Title IX Office at the University of California, Santa Cruz, is dedicated to fostering a climate in which members of the campus community are protected from all forms of sex discrimination, including sexual harassment, sexual violence, and gender-based harassment and discrimination. The Title IX Office is responsible for ensuring safety, inclusion, and respect for all individuals at the university. This annual report was created with two goals in mind: to provide visibility and greater transparency to the work of the Title IX Office, and to initiate a conversation about what Title IX is and community accountability on campus.

## What Is Title IX?

Title IX is a comprehensive federal civil rights law passed as part of the Education Amendments of 1972. It prohibits discrimination on the basis of sex in any federally funded education program or activity. However, Title IX is more than prohibiting sex discrimination. It's about protecting and ensuring equity and inclusion in an educational setting, such as the UC Santa Cruz campus.

## Your Rights under Title IX

Title IX prohibits sex discrimination in educational programs, which includes housing and activities sponsored by the university, employment, and admission. Sex discrimination, which is inherently a broad category, includes sexual harassment, sexual assault, dating and domestic violence, stalking, invasions of sexual privacy, and gender-based discrimination. Additionally, Title IX prohibits discrimination against people who are pregnant, people who are nursing, and parents. Everyone is protected by Title IX, regardless of their actual or perceived sex, gender identity, and/or gender expression. The Title IX Office does not record or report citizenship status.

## What Does the Title IX Office Do?

The Title IX Office provides assistance in resolving and investigating complaints of sex and gender discrimination, including sexual harassment and sexual violence (sexual assault, dating violence, domestic violence, stalking,

**// No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. //**

**Title IX, Education Amendments of 1972, Section 1681(a)**

and invasions of sexual privacy). The Title IX Office can provide supportive, preventive, and educational measures in response to reports. The Title IX Office also provides formal complaint resolution options, which include alternative resolutions or investigation.

In addition, the Title IX Office ensures gender equity and access, which includes providing strategies for increasing diversity in recruitments and retention; gender-inclusive practices in pedagogy, supervision, and service philosophy; employment and academic support during pregnancy (gestation or termination); and lactation room access and accommodations. The Title IX Office also supports the LGBTQIA+ community in response to harassment and bullying on the basis of sexual orientation, gender identity, and gender expression; instances of sexual violence and harassment where respondents and complainants are gender queer and/or of the same gender; employment and academic support during the gender-affirmation process; and access to all-gender restrooms.

When the Title IX Office receives a report, it will prioritize the safety of the complainant when determining how to proceed. If appropriate and feasible, the Title IX Office will implement safety measures for a complainant. Safety measures can be initiated without informing the respondent. When the complainant does not want a formal investigation, the Title IX Office will review options for alternative resolution with the complainant to address the matter. The Title IX Office may delay its investigation temporarily, so as not to interfere with a criminal investigation, when the complainant has made a police report and asks for a formal investigation.

While the Title IX Office may assist complainants who are students, staff, faculty, and nonaffiliates, they can investigate allegations of policy violations only if the respondent is a campus affiliate. The Title IX Office and the disciplinary bodies have authority only over campus affiliates.

The Title IX Office must ensure a fair and neutral investigatory process. The Title IX Office does not represent either party during a complaint Resolution Process. Both parties are afforded the same rights to support services, information, and participation during the investigation.

When a completed investigation results in a policy violation finding, the finding(s) will be forwarded to the appropriate office to conduct the adjudication process. The status of the respondent (student, staff, or faculty) determines which office has responsibility for the adjudication process.

## How to Report

**/// Anyone can report to the Title IX Office using the online reporting option available on [titleix.ucsc.edu](https://titleix.ucsc.edu), by calling (831) 459-2462, or by walking in to Kerr Hall Room 105 once social distance guidelines allow. ///**

# ABOUT US

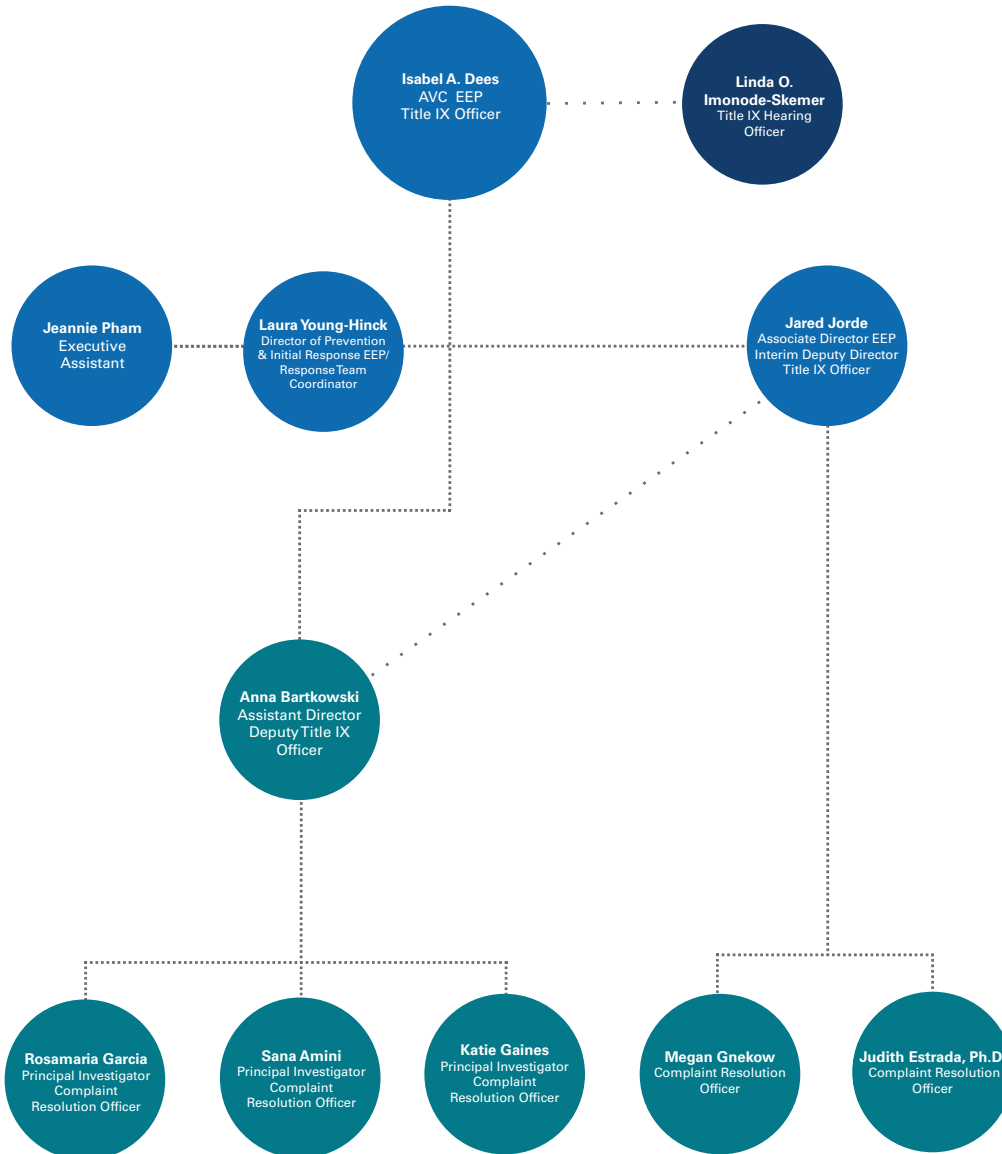
**The Title IX Office at UC Santa Cruz** is committed to responding meaningfully when it is made aware of any form of gender-based discrimination on campus. In addition to implementing the UC Policy on Sexual Violence and Sexual Harassment (SVSH), the Title IX Office protects students, staff, and faculty from discrimination on the basis of sexual orientation or gender identity. This section of the report will provide an overview of the Title IX Office team, as well as highlight critical campus partners and collaborations, such as the Campus Advocacy, Resources and Education (CARE) program, Respondent Support Services (RSS), the Coordinated Community Review Team (CCRT), and the Beyond Compliance Advisory Council.



ABOVE: The Title IX Office team at UC Santa Cruz.



## The Title IX Office Team



## Universitywide Education and Engagement

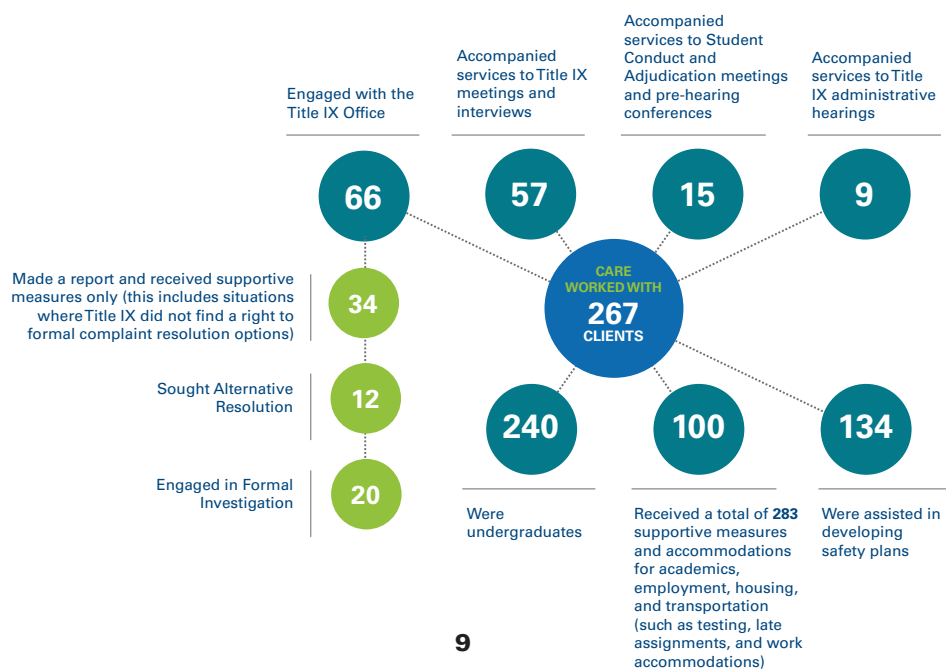
As part of a UC-wide effort to prevent and address Sexual Violence and Sexual Harassment (SVSH), all UC Santa Cruz students and employees are required to complete ongoing SVSH prevention training. Trainings are delivered online and in person. Title IX works with campus partners, such as the Registrar's Office; Orientation Services; the Graduate Division; the Office for Diversity, Equity, and Inclusion; Campus Advocacy, Resources and Education (CARE); Colleges, Housing, and Educational Services (CHES); the Learning Center; and individual offices and departments. We work with these partners to provide tailored trainings to ensure that all affiliates are aware of their reporting options and campus resources in response to reports that are received, and to ensure that responsible employees are aware of their reporting responsibilities and how to support someone who has made a disclosure. In 2019–20, the Title IX Office conducted 90 in-person workshops and trainings for almost 9,000 campus affiliates. This year we were excited to have Title IX student interns provide valuable input while we updated the training and workshop material. Additionally, the student interns are presented along with Title IX staff or independently for 33 of the workshops and trainings.

Training is mandatory, but an alternative training option can be requested through CARE for those who have been impacted by sexual violence.

## Related Resources

### CARE (Confidential), 2019–20

Campus Advocacy, Resources and Education (CARE) is a safe place for survivors and victims of sexual assault, dating and domestic violence, stalking, and sexual harassment to get support, consultation, and crisis counseling services.



## ABOUT US

Campus Advocacy, Resources and Education (CARE) is a safe place for survivors and victims of sexual assault, dating and domestic violence, stalking, and sexual harassment to get support, consultation, and crisis counseling services. CARE advocates are available to support and advocate for UC Santa Cruz victims and survivors. A CARE advocate can provide free and confidential support and information on rights as a survivor; reporting options; navigating the university conduct system and/or the criminal justice system; safety planning; obtaining emergency protective orders, restraining orders, or university no-contact directives; and counseling or medical referrals through UCSC or outside community agencies. A CARE advocate may accompany a survivor to law enforcement or Title IX interviews, pre-text calls, or any other proceedings; arrange academic accommodations; request changes in living arrangements; request changes in transportation arrangements; request changes in work situations; and obtain other supportive measures.

### Respondent Support Services (Nonconfidential), 2019–20

Respondent Support Services (RSS) provides comprehensive support and assistance to student respondents alleged to have engaged in sexual misconduct (sexual assault, sexual violence, dating and domestic violence, stalking, or sexual harassment). Students can access RSS through the Division of Student Affairs and Success. RSS helps a respondent navigate the complaint, investigation, and/or adjudication process, as well as the associated impacts—directly and/or indirectly—by referring a respondent to available campus and community resources. While this service is not confidential, the staff member who provides the service will typically not share information disclosed in the course of facilitation and support without a signed release and consent from the respondent. The designated staff member who provides respondent support services is a designated employee

**The Title IX Office also supported temporary funding for an additional CARE advocate position** in order to ensure access to accompaniment, advising, and support services for participants in a Title IX process. With the additional resource capacity this provided, CARE was able to support additional survivors, as well as improve the level of service for survivors. Compared with the prior academic year, CARE advocates provided a significant increase in the services provided. On average, clients received 72 percent more sessions with their advocate, and the average time spent with each individual increased from 3.5 hours to 6 hours. For individuals being supported through a Title IX process, CARE spends an average of over 30 hours in direct service. Having an additional professional advocate in the CARE office has allowed us to better meet the complex, ongoing needs of survivors.

RSS  
WORKED WITH  
**29**  
CLIENTS



of the University of California, and is required to notify the proper university authorities whenever an incident of sexual misconduct is reported. Services available for the respondent include navigation throughout the investigation, student conduct process, and formal hearings. As it relates to Title IX, RSS will offer support by providing an explanation of rights and the university adjudication process; guidance and support through Title IX and student conduct processes; Title IX and student conduct meeting and hearing accompaniments; and assistance in navigating logistical challenges of interim suspensions or other restrictions of privileges. Visit [respondent.ucsc.edu](http://respondent.ucsc.edu) for more information.

### Who Is a Responsible Employee?

/// All UC employees who are not confidential are required to report sexual harassment and sexual violence to the Title IX Office if a student reports to them. Faculty, deans, and supervisors are additionally required to report sexual harassment and sexual violence reported by faculty and staff. The Title IX Office encourages staff and faculty to disclose their reporting obligations prior to receiving a report whenever possible and to promote awareness of confidential resources. ///

## Additional Campus Partners

The Title IX Office works with many programs and departments on campus to support students, faculty, and staff as they navigate the Title IX process. They include:

- **Academic Personnel Office**  
*Academic policies and procedures*
- **Beyond Compliance**  
*Promotes faculty engagement in sexual violence and sexual harassment prevention and response*
- **Campus Advocacy Resources and Education**  
*Confidential support for survivors of sexual violence*
- **Colleges, Housing, and Educational Services**  
*Student programming, trainings, and housing accommodations*
- **Counseling and Psychological Services**  
*Confidential resource for students, mental health support*
- **Department of Athletics and Recreation**
- **Disability Resource Center**  
*Resource for disability accommodations*
- **Employee Assistance Program**  
*Confidential resource for faculty and staff mental health support*
- **Graduate Advisor Group**  
*Training and graduate student support*
- **Immigration Services**  
*Resource for legal advice*
- **Lionel Cantú Queer Center**  
*Resource for LGBTQIA+ community*
- **Office for Diversity, Equity, and Inclusion**  
[ReportHate.ucsc.edu](http://ReportHate.ucsc.edu)
- **Respondent Support Services**  
*Advisor for respondents in the Title IX process*
- **Slug Support**  
*Resource for preventative outreach, collaboration, and student support*
- **SOAR (Student Organization Advising and Resources at UC Santa Cruz)**  
*Training and engagement*
- **Student Health Center**  
*Resource for medical assistance*
- **UC Santa Cruz Police Department**  
*Campus safety, reporting option outside of Title IX and Clery Report, Public Safety Dispatch, and resource for campus escort*

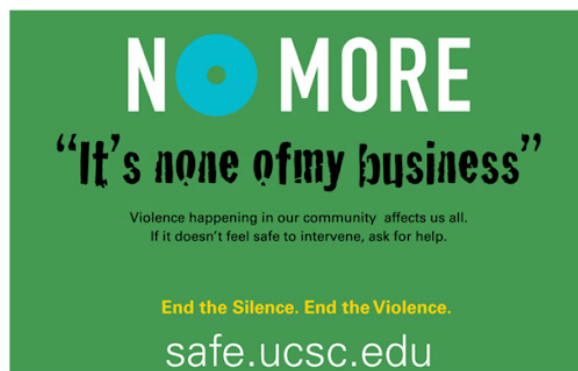
## Community Resources

### Monarch Services (Confidential)

Monarch Services provides safe shelter and services to domestic violence victims. The organization currently serves approximately 1,500 victims of domestic violence and sexual assault each year. To learn more, visit: <https://www.monarchsc.org/>.

### Walnut Avenue (Confidential)

Walnut Avenue Family and Women's Center provides support and services, such as domestic violence survivor support, so that women, children, and families have the opportunities and skills to thrive. To learn more, visit: <http://www.wafwc.org/>.



### SPOTLIGHT:

## SAFE Exams Return to Santa Cruz

In September 2020, **Monarch Services announced the return of Sexual Assault Forensic Examiner (SAFE)** examinations to Santa Cruz County after three years. The SAFE exam, which is commonly referred to as a rape kit, is a vital part of Santa Cruz County's Sexual Assault Response Team (SART) process to obtain evidence for sexual assault cases. While these forensic exams have been available since 1985, in recent years survivors have had to travel to Santa Clara County due to a shortage of nurses trained to provide the exams locally in Santa Cruz County. The SAFE satellite location in Santa Cruz County has trained medical professionals on call 24 hours a day, seven days a week for the forensic exams. Every survivor seeking an exam, regardless of whether they report it to law enforcement or not, is entitled to a Monarch Services advocate, and the exams are held at a local and confidential site. If you or someone you know requires a forensic rape exam, call 911 or Monarch Services' 24-hour confidential, bilingual crisis line at (888) 900-4232. These exams are provided at no cost to the survivor.

# CAMPUS COLLABORATION PARTNERS

The Title IX Office could not do its important work in protecting the UC Santa Cruz community without the help of several collaborative partners on campus. Some serve in an advisory capacity to the Title IX Office, while others include the Title IX Office as part of a larger cross-campus partnership.

## Title IX Hearing Officer

The Title IX Hearing Officer position was created to ensure that Student Conduct and Title IX proceedings comply with campus rules and requirements of due process. The Hearing Officer assists in ensuring that UC Santa Cruz has comprehensive processes for the Title IX hearings and coordinates responses for compliance programs with their purview. The position reports to the Title IX Hearing Officer and to the Associate Dean of Students.

### 2019–20 Highlights:

- Hired a candidate to fill the Hearing Officer position to facilitate Title IX hearings on the UC Santa Cruz campus. The Title IX Hearing Officer works in conjunction with a Hearing Coordinator from Student Conduct, Respondent Support Services (RSS), CARE, and the Title IX Office to ensure that hearings are conducted in a manner that is trauma informed, prompt, fair, and impartial.
- Participated in systemwide workgroups to revise and reissue UC's SVSH policy and the investigation and adjudication frameworks for students, faculty, and staff, ensuring that the UC remains in compliance with the Department of Education's newly issued regulations that detail how schools across the country must respond to complaints of sexual harassment.



Title IX Office student interns meet with Title IX staff.

- Implemented the DOE's new SVSH policy, as well as Appendix E, which describes the university's procedures for resolving reports of Sexual Violence, Sexual Harassment, and Other Prohibited Behavior.

## Coordinated Community Review Team (CCRT)

### Advisory Group to the Title IX Office

The UC Santa Cruz Coordinated Community Review Team (CCRT) is charged with overseeing a collaborative approach to preventing and addressing sexual assault, dating violence, domestic violence, and stalking. The CCRT serves in an advisory capacity to campus leadership and community members about best practices in policies, education, prevention, and response to these kinds of incidents.

#### 2019–20 Highlights:

- The [Conflict of Interest Related to Consensual Relationships Policy](#), which was drafted in a previous year by the CCRT, has been implemented on an interim basis starting on September 29, 2020. The policy is intended to clarify expectations and to support staff and faculty in avoiding professional conflicts of interest related to consensual relationships.
- Created a letter of support for CARE advocate funding.
- Graduate student members Ike Minton and Rojina Bozorgnia became representatives for the Systemwide Student Advisory Board.
- Collaboratively developed campaign for Sexual Assault Awareness Month to be implemented by the Title IX student interns. Due to Shelter in Place, the Title IX student interns alternatively developed and shared Zoom backgrounds to raise awareness and promote community resources.
- Posters created by the Coordinated Community Review Team, which contrasted popular myths about dating and domestic violence with statistical information, were featured on a weekly basis in *City on a Hill Press* during October, which is National Domestic Violence Awareness Month. The same posters were also placed on all of the campus shuttle buses throughout the month.

## Beyond Compliance Advisory Council

### Led by Paul Koch, Dean, Physical & Biological Sciences, and Kimberly Lau, Academic Senate Chair

The Beyond Compliance Advisory Council was formed with the intention of involving faculty in taking a leading role in reshaping campus culture, attitude, and response toward sexual violence and sexual harassment (SVSH).

#### 2019–20 Highlights:

- Started planning for a speaker series to be held in 2021–22 on “Contesting Institutional Inaction,” “Holding Researchers Accountable,” “Creating Ethical Field Sites,” and “Joining Forces with Student Activists.”
- Finalized the guide, “Best Practices for Graduate Students Impacted by SVSH,” and sent it to the Division of Graduate Studies for review.



- Began work on a Faculty Ambassadors Program.
- Hired an undergraduate intern to work on special projects between Beyond Compliance and the new Office of Equity and Equal Protection.

## Case Management Team

**Led by the Title IX Office, the Case Management Team (CMT) meets weekly and includes the UCSC PD Chief, CARE, Respondent Support Services, Student Conduct, and the Department of Athletics and Recreation**

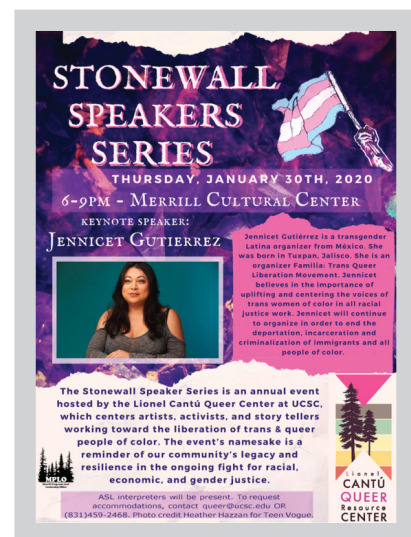
Sexual misconduct and intimate partner violence cases frequently have an impact on the larger campus community, with ripple effects spreading across campus through athletics, Greek life, residence and dining halls, clubs and organizations, and the classroom. The Case Management Team (CMT) brings together key members of the support and response offices on campus to coordinate and collaborate on specific reports of sexual misconduct. The CMT also identifies trends and hotspots in the campus population and strategizes on actions to address areas of concern. The CMT meeting often discusses cases in the abstract to protect the privacy of the parties involved while collaborating to create a supportive action plan.

### 2019–20 Highlights:

- Initiated debrief sessions to review cases from investigation through adjudication and subsequent hearings and appeals to identify what went well and opportunities for improvement.
- Reviewed and provided recommendations and commentary on new Department of Education regulations and resulting UC Systemwide Policies and Procedures for Responding to Complaints of Sexual Violence and Sexual Harassment.
- Participated in training for partnering on safety assessment and planning for students in crisis situations.
- Participated in training for provision of accommodations under the Americans with Disabilities Act (ADA), Violence Against Women Act (VAWA), Title IX, and other safety and access measures.

## SPOTLIGHT: Stonewall Speaker Series

**The Stonewall Speaker Series** is an annual event hosted by the Lionel Cantú Queer Center at UC Santa Cruz, which centers on artists, activists, and storytellers working toward the liberation of trans and queer people of color. The second annual event took place in January 2020, to commemorate the Stonewall Riots in June 1969. The series aims to inspire collective action to ignite transformative change for the LGBTQIA+ community at UCSC and beyond. This year's keynote speaker was Jennicet Gutierrez, a transgender Latina organizer working to end the deportation, incarceration, and criminalization of immigrants and all people of color.





- Participated in training for medical records submissions and medical disclosures and risk of waiving HIPAA protections of same.
- Reviewed and discussed virtual participation guidelines and best practices for online and virtual meetings with participants in cases and reports.
- Partnered on changes to communication protocol to ensure that support parties are included throughout the investigation, adjudication, and appeal processes.

## We Are Slugs! Collaborative Team

**Led by the Office of Student Conduct, the Office for Diversity, Equity, and Inclusion, and the Title IX Office, with the support of the Registrar's Office and the Campus Advocacy, Resources & Education (CARE) Office**

We Are Slugs! represents the coming together of five offices to administer and support incoming students in completing mandatory prevention education to address some of the very real challenges and risks that new students face. We Are Slugs! administers the Alcohol Education for College Students, Sexual Assault Prevention programs, and Diversity, Equity, and Inclusion for Students.

The Office of Student Conduct, the Office for Diversity, Equity, and Inclusion, the Title IX Office, the Registrar's Office, and the CARE Office work collectively with the goal of preparing students to successfully navigate campus in effective, healthy, and inclusive ways. The three programs aim to inform students about the expectations of all UC Santa Cruz community members, improve awareness of campus resources, and create a more inclusive and safer campus experience for undergraduate students at UC Santa Cruz. An alternative training for the Sexual Assault Prevention programs is available by request to CARE for students who have been impacted by sexual violence.

### **2019–20 Highlights:**

- EverFi (AlcoholEdu, Sexual Assault Prevention for Undergraduates, and Diversity, Equity, and Inclusion courses vendor) requested that customers migrate from Homeroom to their new Foundry technology platform prior to the launch of our We Are Slugs! programs for the fall 2020 incoming students. This required redevelopment of our existing interface with EverFi, as well as new or redesigned setup pages in AIS. The Registrar's Office worked hard to get this done during spring and early summer. The new platform allows students to log in to EverFi directly while still authenticating via their UCSC credentials. Also via the EverFi user interface, We Are Slugs! team members have direct access to overall program progress reporting as well as the ability to check on individual student progress. The We Are Slugs! team also has the ability to add or remove student assignments if necessary.
- CARE has been providing an alternative training option for the Sexual Assault Prevention course since 2018. This year, in order to improve communication and collaboration, CARE joined the We Are Slugs! team and attends the monthly meetings.

## UC Santa Cruz Police Department/Clery Act Compliance Committee

### **Led by the UC Santa Cruz Police Department and the Title IX Office with Other Campus Partners**

The Title IX Office and the UC Santa Cruz Police Department work in close collaboration to promote campus safety and implement comprehensive education and prevention programs. The Clery Compliance Committee also includes the Academic Personnel Office, Admissions, CHES (Colleges, Housing, and Educational Services), the Dean of Students, the Emergency Management and Business Continuity Office, Environmental Health and Safety, the Office of the Campus Provost/Executive Vice Chancellor, the Fire Marshal, the General Counsel, Human Resources, ITS (Information and Technology Services), Risk and Safety Services, Risk Services, the Student Health Center, Student Conduct and Community Standards, and the Women's Center. In order to assist the university administration with achieving annual compliance with the Clery Act, UC Santa Cruz has appointed members of the campus community to the Campus Clery Act Compliance Committee. The overall charge of the Campus Clery Act Compliance Committee is to plan and facilitate activities that will directly support the campus in achieving compliance.

#### **2019–20 Highlights:**

- Implemented the new University of California Office of the President's (UCOP) online training component—UC Systemwide Clery Act Training for CSAs—to assist campuses with training Campus Security Authorities.
- The [Annual Campus Security and Fire Safety Report for 2019](#) was shared with the UC Santa Cruz community on October 1, 2020, and can be found on the [UC Santa Cruz Police Department website](#).

## Alternative Resolution Workgroup

### **Led by the Title IX Office with Other Campus Partners**

The Alternative Resolution Workgroup is a cross-campus collaboration that includes the Title IX Office, CARE, RSS, the Dean of Students, Student Conduct, Conflict Resolution, and Restorative Justice. The workgroup focuses on developing recommendations to ensure a robust and meaningful process for parties who choose to pursue Alternative Resolution (AR) to resolve their SVSH complaints.

#### **2019–20 Highlights:**

- Conducted research on effective methods for addressing underlying beliefs and behaviors that contribute to sexual violence and sexual harassment (SVSH) with the support of a Title IX graduate student intern. This research is meant to inform the development of effective educational terms for inclusion in an AR. As part of that effort, we continue to explore resources such as Consent Primer in hopes that it can be used in whole or in part as a term in ARs.

- Developed effective AR terms to stop, remedy, and prevent future incidents of sexual violence and sexual harassment in our community. This includes tools to support the academic, developmental, mental and physical health, housing, and employment needs of parties involved in the Alternative Resolution process.
- Explored how the campus might incorporate the principles of Restorative Justice (RJ) into our AR process. To this end, the campus Restorative Justice Coordinator sits on the workgroup. We are actively engaged with community partners and subject matter experts to explore ways that they have successfully incorporated RJ into addressing incidents of sexual violence and sexual harassment.

## Athletics Partnership

### **Led by UCSC Athletics and Recreation and the Title IX Office**

In January 2020, the Title IX Office appointed a liaison to the UCSC Athletics and Recreation Department. Katie Gaines, principal investigator/complaint resolution officer, began attending coaches meetings and conducting outreach to various members of the Athletics Department to facilitate an open relationship. Before the shelter-in-place order was issued in Santa Cruz County, Katie held office hours at Athletics to further engage with members of the coaching staff, administrative staff, and student-athletes. Katie's goal for the 2020–21 academic year is to create a robust training program for both intercollegiate athletes and intramural athletes.

#### **2019–20 Highlights:**

- Conducted individualized one-on-one training with students-athletes on the UC SVSH Policy and education required by the NCAA.
- Provided consultation for various members of the coaching staff to discuss challenges faced by their student-athletes.
- Co-created strategies and approaches for more effective programming for the Athletics Department.

## Zoom Misconduct Response Team

### **Led by the Office for Diversity, Equity, and Inclusion, the Dean of Students Office, the Conduct and Community Standards Office, the Title IX Office, the Equity and Equal Protection Office, the Center for Innovations in Teaching and Learning, the UC Police Department, and Information Technology Services**

In March 2020, after the campus transitioned to online instruction, a few classes experienced “Zoom bombing” involving racist and other offensive disruptions that students, staff, and faculty found deeply upsetting. In response, the Title IX Office and Equity and Equal Protection joined with the Office for Diversity, Equity, and Inclusion, the Dean of Students Office, the Conduct and Community Standards Office,

the UC Police Department, and Information Technology Services (ITS) to create the Zoom Misconduct Response Team. The role of the team is to triage incidents of reported online misconduct to provide appropriate support resources and response resources. The group meets weekly to review and discuss reports received and to determine the appropriate next steps. The response may include outreach to the parties impacted and to the reporting party, provision of supportive measures, education efforts to prevent future incidents, investigation to determine responsibility, and discipline. In reports where a nonaffiliate was determined to be responsible, the police department and ITS may notify external agencies, including the Federal Bureau of Investigation (FBI).

**2019–20 Highlights:**

- Established the Zoom Misconduct Response Team, which responded to 24 “Zoom bombing” reports since March 2020. Distributed a series of resources for instructors to support their success as educators and help prevent “Zoom bombing” in advance of the 2020 fall quarter.

**Program Metrics:**

- 18 of the 24 incidents reported to the team resulted in identification of the perpetrator(s).
- 3 incidents were reported to the FBI.
- 9 were identified as students who were summoned by the Conduct and Community Standards Office.
- 3 were identified as admitted students. Of the three admitted students, following a conversation with admissions about their conduct, two did not submit their Statement of Intent to Register (SIR) forms, and one had their admission rescinded.

## CAMINO “Building a Better Fieldwork Future” Training

**Led by the Center to Advance Mentored, Inquiry-Based Opportunities (CAMINO)**

In 2018, with support from the Thoreau Foundation and CAMINO at UC Santa Cruz, a team of field researchers at UC Santa Cruz developed a workshop, “Building a Better Fieldwork Future: Preventing and Managing Sexual Harassment and Assault in the Field,” to prepare students, field researchers, instructors, and staff for the unique risks posed by fieldwork and to learn how to prevent, intervene in, and respond to sexual harassment and assault. The 90-minute interactive workshop guides participants on how to be an active and engaged bystander, how to report incidents, and how to plan field settings to minimize risk. This workshop has garnered significant national attention and praise. According to preliminary survey results, participants report greater knowledge about and confidence in preventing, intervening in, and reporting sexual harassment and assault in field settings after taking the workshop. For more information on the workshop, contact Melissa Cronin at [mecronin@ucsc.edu](mailto:mecronin@ucsc.edu).

### 2019–20 Highlights:

- Facilitated trainings for 466 participants, including 291 just in the 2019–20 academic year.
- Conducted 22 total trainings (17 in person, 5 virtual).
- Delivered the training at four UC campuses (Santa Cruz, Irvine, Berkeley, and Santa Barbara), and during six scientific conferences.
- Launched a train-the-trainer program and received 50 applicants from four continents.
- Mia Buak, a Title IX student intern, was assigned to provide ongoing support to the CAMINO program.
- Supported attendance/participation in NASEM 2019 public meeting.



## Greek Life Partnership

### In partnership with CARE and the Title IX Office

SOAR/Student Media/Cultural Arts and Diversity (SOMeCA) delivered mandatory prevention education training to all new members joining a Greek Life organization at UC Santa Cruz. The 75-minute training



Spring 2019 Greek Life New Member Training retreat.  
Photo taken pre-COVID-19.

discussed affirmative consent, prevention methods, and active bystander intervention.

In winter 2020, SOMeCA delivered 15 trainings to more than 250 new members, but had to postpone the spring 2020 training due to the COVID-19 pandemic. The training will continue to be offered to new members every quarter beginning in fall 2020.

# PREVENTION EDUCATION

An important and vital piece of the Title IX Office's work is prevention. All campus affiliates receive ongoing training related to preventing and responding to sexual violence and sexual harassment. Additionally, the office may conduct trainings related to reports that we receive from campus affiliates.

As part of UC Santa Cruz's efforts to prevent and address sexual violence and sexual harassment (SVSH), all UC students and employees are required to complete ongoing SVSH prevention training, either in person or online.

Incoming students are especially vulnerable to sexual harassment. At the start of each quarter, all incoming students receive an in-person training and are assigned an online program related to their status as an incoming graduate or undergraduate student.

All university employees are also required to complete prevention training every two years. The SVSH prevention training for employees includes information about reporting responsibilities that employees have unless they are designated as confidential. The online SVSH prevention trainings for staff and faculty are provided through the UC Learning Center for all UC locations, but many offices and departments at UC Santa Cruz request an in-person alternative because of their strong role in responding to reports and receiving disclosures. Last year, 5,287 faculty and staff completed an online SVSH prevention training via the Learning Center.

While there is no waiver for the required trainings, students and staff who have experienced sexual misconduct may request an alternative training by contacting CARE. In 2019–20, CARE provided alternate trainings to 23 students, staff, and faculty. Five of these individuals then connected with an advocate to receive additional support services.

The Title IX Office also conducts targeted trainings, often in conjunction with the Campus Advocacy, Resources and Education (CARE) team, for critical campus stakeholders.

## SPOTLIGHT:

### Annual Systemwide Title IX Training

In December 2019, UC Santa Cruz hosted the annual Systemwide Title IX training. The event is designed for Title IX staff across the UC system to receive required training to ensure consistent administration of the UC policy on Sexual Violence and Sexual Harassment (SVSH) on all UC campuses. This year's training featured a panel discussion on prevention facilitated by Systemwide Deputy Title IX Officer Kendra Fox-Davis. Panelists included CARE Director Kelsey Hoy-Ferrell, Assistant Vice Chancellor and Chief of Staff for Student Affairs and Success Division Lucy Rojas (in her capacity as supervisor of the Respondent Support Services Program), and Director of Prevention and Initial Response EEP/Response Team Coordinator Laura Young-Hinck. Many of our campus partners also provided trainings to UC Title IX investigators, such as Jessica Espinoza from the Office of the Campus Counsel and Jared Jorde from Title IX on "Writing Workshop: Credibility Assessment"; Travis Becker and Ky Borunda from the Lionel Cantú Queer Center on "Talking About Sexual Health & Sex Off the Binary/Improving Trans Students' Experience with Title IX"; and Shonte Thomas from the African American Resource Center and Caz Salamanca from the Asian American Pacific Islander Resource Center on "Student Success Division Resource Centers: Intersectionality and Investigations."



The targeted trainings address reports and areas of concern, in response to requests from the campus community.

Last, the Title IX Office participates in a number of engagement and awareness efforts campuswide—such as Cornucopia, the Ethnic Resource Center Open House, the Cantú Queer Fall Mixer, the Graduate Resource Fair, and the Cove Anniversary Celebration—in order to meet students and staff, have a physical presence, and answer questions and share information. When appropriate we circulate printed materials about Title IX, resources, and options.

Specifically in 2019–20, the Title IX Office did an educational campaign during Domestic Violence Awareness Month in October titled “NO MORE” to raise awareness of dating and domestic violence. A series of posters ran in the UCSC student newspaper, *City on a Hill Press*, and on campus shuttles with a potential reach of 600,000 impressions.



Fall 2018 GLO Retreat. Photo taken pre-COVID-19.

**SPOTLIGHT:**

**Queer/Trans  
Inclusive  
Title IX Training**

In summer 2019, Travis Becker, director of the Lionel Cantú Queer Center at UC Santa Cruz, partnered with Billy Curtis, director of the Gender Equity Resource Center (GenEq) at UC Berkeley, to update the University of California’s systemwide Title IX training to make it more queer and trans inclusive. The goal of this project was to give the queer and trans community an opportunity to be seen and heard as university constituents, and understand the ways in which they can engage with the Title IX process. In doing so Travis and Billy assisted EverFi, the company that provides the digital course platform for the training, in creating a process for incorporating examples of queer and trans relevant content, which included a list of vocabularies and baseline definitions, as well as information on how the UC supports gender-nonconfirming students. The updated training rolled out to all of UC’s 10 campuses in fall 2019.

## 2019–20 Prevention Education Highlights

### EVENTS

**60**

ENGAGEMENT AND AWARENESS EVENTS ATTENDED BY TITLE IX STAFF

**10**

SUMMER 2019 EVENTS INCLUDING COORDINATED COMMUNITY REVIEW TEAM MEETING AND THE UC POLICE DEPARTMENT WELCOME EVENT

**15**

FALL 2019 EVENTS INCLUDING TESTIMONIOS DE LA VIDA: LATINX IN STUDENT AFFAIRS, CORNUCOPIA, AND THE COLLEGE PROGRAMS COORDINATOR MEETING

**20**

WINTER 2020 EVENTS INCLUDING GRADUATE ADVISORS GROUP, STONE-WALL SPEAKER SERIES, AND BEYOND COMPLIANCE

**15**

SPRING 2020 EVENTS INCLUDING NOT YOUR PARENT'S SEX TALK, DEVELOPING DIVERSITY CHANGE AGENTS, AND DCP—DISABILITY 101

### TRAININGS

**90**

IN-PERSON SVSH PREVENTION AND AWARENESS TRAININGS

**8,818**

STUDENTS, STAFF, AND FACULTY WENT THROUGH IN-PERSON TRAINING

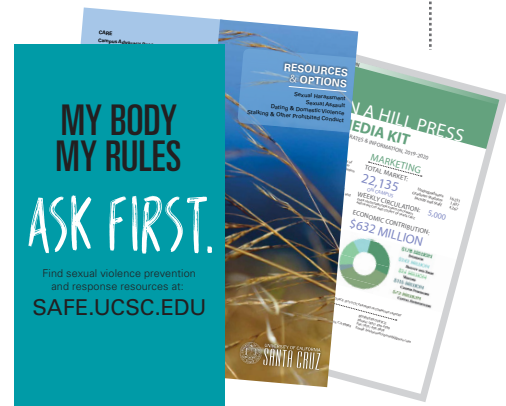
**4,384**

EMPLOYEES COMPLETED THE SVSH PREVENTION FOR NONSUPERVISOR TRAINING ONLINE

**2,657**

FACULTY AND SUPERVISORS COMPLETED SVSH PREVENTION FOR SUPERVISORS TRAINING ONLINE

### COMMUNICATIONS



**7,000**

MY BODY MY RULES POSTCARDS HANDED OUT

**2,000**

RESOURCES AND OPTIONS BROCHURES HANDED OUT TO STUDENTS, STAFF, AND FACULTY DURING AWARENESS EVENTS AND TRAININGS

**600K**

IMPRESSIONS FROM ONLINE, PRINT, AND SHUTTLE BUS ADS PLACED IN CITY ON A HILL PRESS DURING DOMESTIC VIOLENCE AWARENESS MONTH IN OCTOBER 2019. THE AD CAMPAIGN WAS CREATED BY MEMBERS OF THE CCR TEAM.

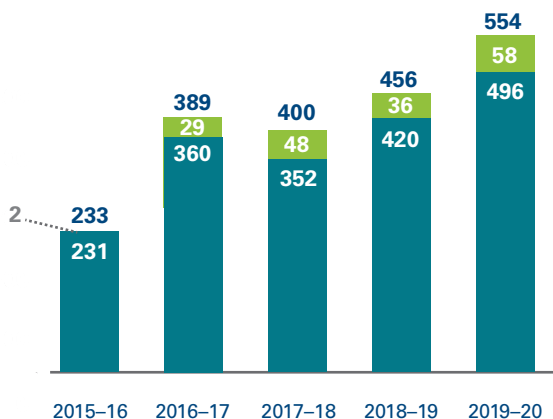


# TITLE IX OFFICE REPORTS

In 2019–20, the Title IX Office received 496 reports regarding gender discrimination and gender-based harm, compared with 456 reports during 2018–19 and 400 reports during 2017–18. While the office received 554 unique incident reports, after initial review, the office determined that 58 of these reports were not related to gender discrimination or gender-based harm and the parties were referred to the appropriate campus resource. Of the 496 reports, formal action was taken on 32 reports, compared with 41 reports during the previous academic year. Over the past five years, reporting has increased from 233 reports in 2015–16 to 554 reports in 2019–20. The significant increase in reporting year over year underscores the tremendous progress that the Title IX Office has made in raising awareness among students, faculty, and staff about reporting responsibilities and support resources.

## 2018–19 Report Highlights

### Increase in reporting, 2015–20



**Note:**

**2015–16**

2 of 233 initial reports were referred outside of Title IX, remaining reports: 231

**2016–17**

29 of 389 initial reports were referred outside of Title IX, remaining reports: 360

**2017–18**

48 of 400 initial reports were referred outside of Title IX, remaining reports: 352

**2018–19**

36 of 456 initial reports were referred outside of Title IX, remaining reports: 420

**2019–20**

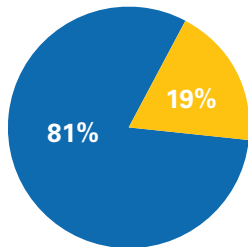
58 of 554 initial reports were referred outside of Title IX, remaining reports: 496

### Reports leading to formal action



58 of 554 reports led to formal action

### Formal investigation findings and recommendations



81% of formal investigation allegations were substantiated and referred to the appropriate adjudication framework

19% concluded with a no policy violation recommendation or finding

### Drop-ins/Consults

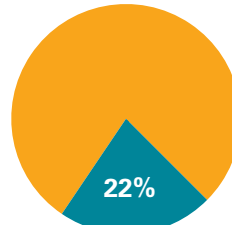


Students and staff consulted with the Title IX Office in addition to consults related to a report

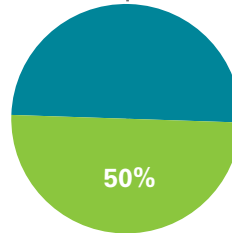


Students, staff, and faculty dropped in to the Title IX Office to report/consult

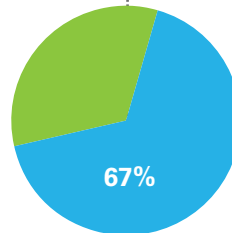
### Initial reports breakdown



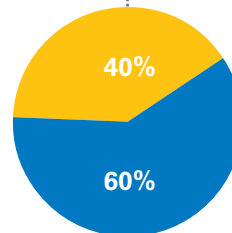
22% of 554 elected to meet with the Title IX Office for an initial assessment to discuss supportive measures and **complaint resolution options**



50% of these assessments were determined by the Title IX Office to include alleged behavior that, if substantiated, would be a **policy violation**

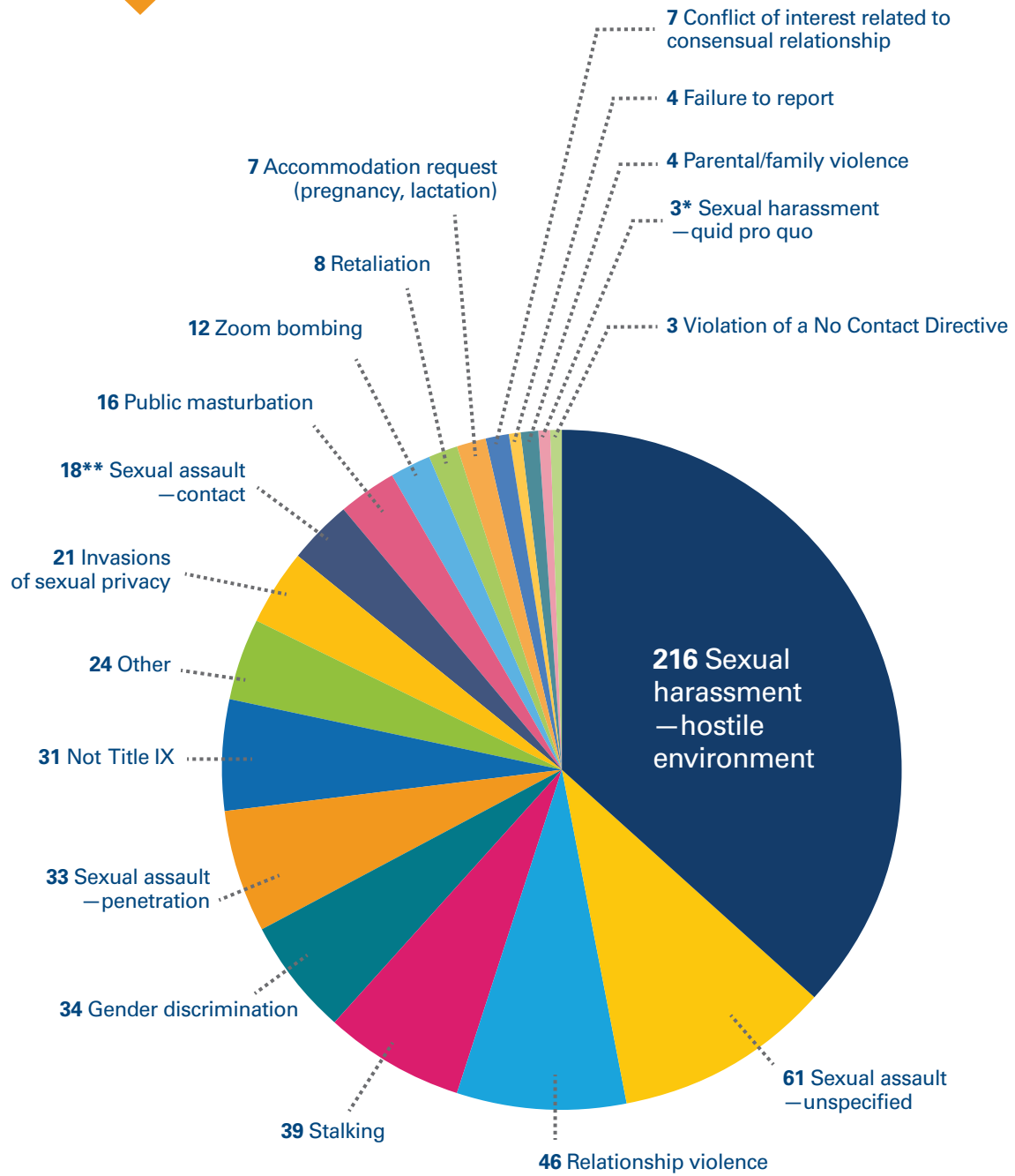


67% of those elected a **formal complaint** resolution process (alternative resolution or investigation)



60% of complainants who elected a formal process chose **investigation** and 40% chose an **alternative resolution**

TITLE IX  
OFFICE  
REPORTS



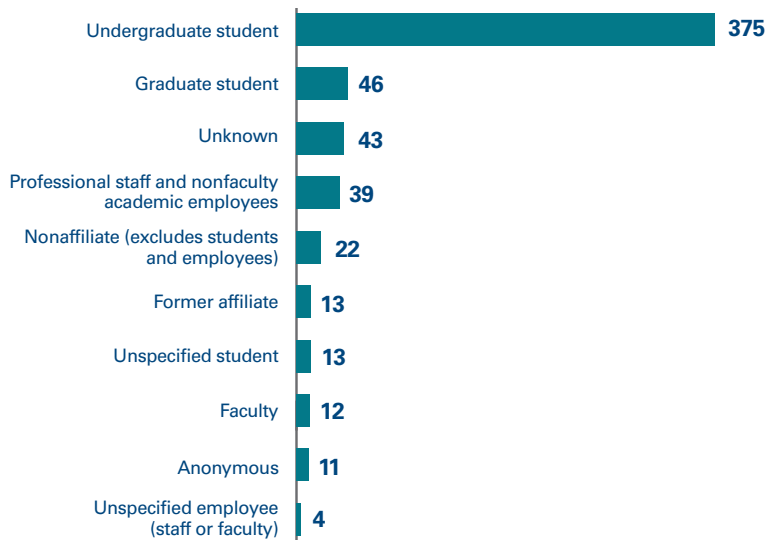
**Note:**

Many reports involve more than one incident type

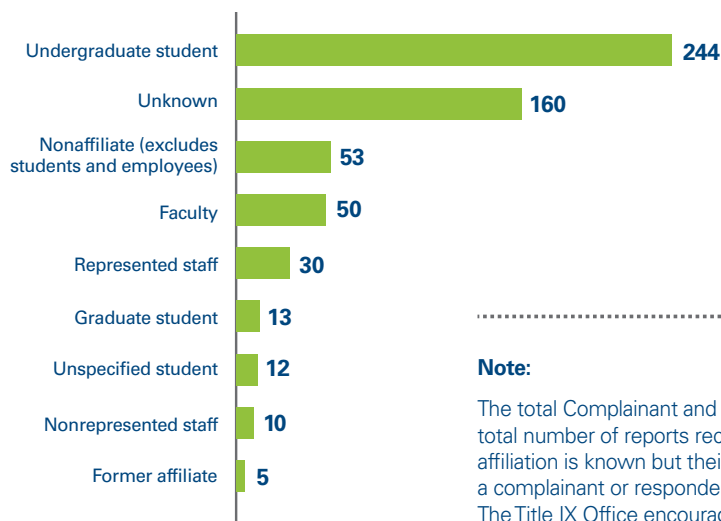
\*Total Sexual Harassment incidents: 219

\*\*Total Sexual Assaults reported: 112

## Complainant affiliation



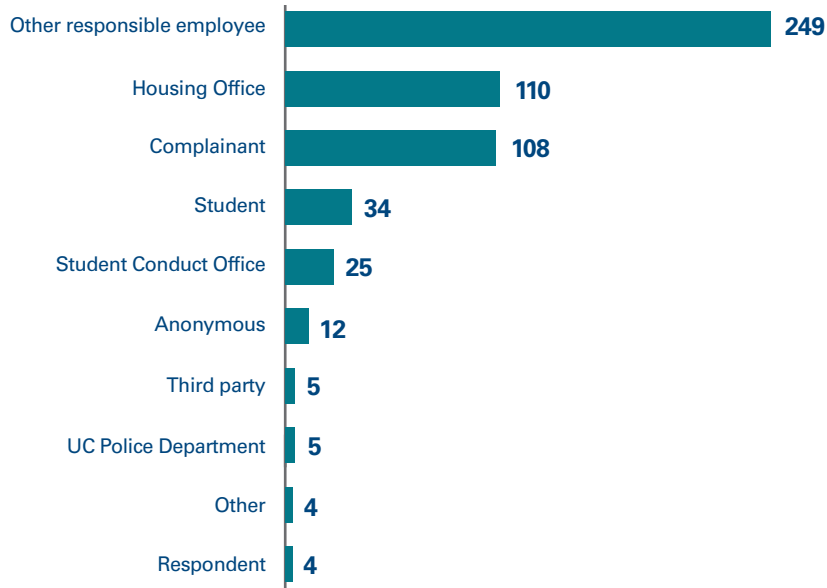
## Respondent affiliation



**Note:**

The total Complainant and Respondent Affiliations do not equal the total number of reports received because of incidents in which the affiliation is known but their identity is not. In these instances, a complainant or respondent will be counted in more than one way. The Title IX Office encourages reporting as much or little information as is available to the reporting party. In some reports, the affiliation of the complainant or respondent is known but their unique identity is unknown.

## Initial source of report

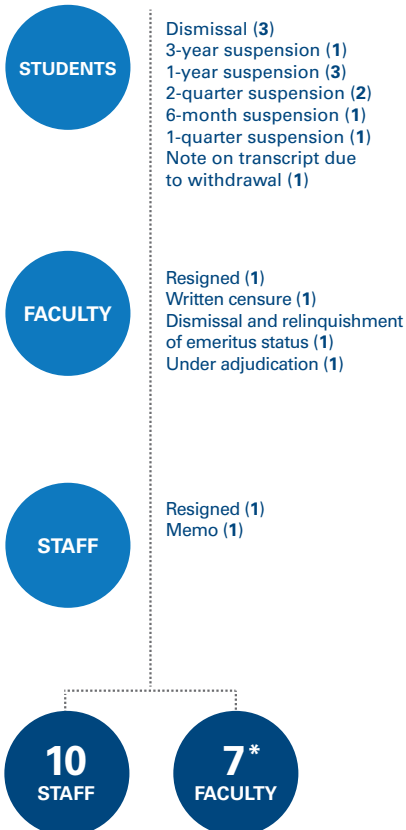


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**Note:**

It is important to note that in many instances, the Title IX Office receives more than one report about the same incident or affected party from more than one responsible employee. While we combine multiple reports for clarity in data, these additional reports may help us to gather more information and to better assist and/or prevent future harm.

## 2020–21 Sanctions



Since 2014–15, 10 professional staff and 7 faculty members have either retired or were dismissed during a Title IX investigation or adjudication process.

Since 2014–15, 11 students were dismissed related to a Title IX investigation and adjudication process.

**\*Note:**

\*Some of the investigations from 2019–20 are currently under adjudication and are therefore not included in these numbers at bottom of staff, faculty, and student bullets.

## Investigations

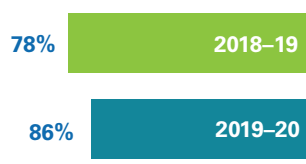
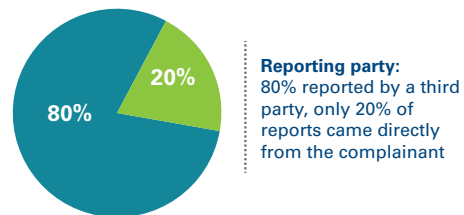
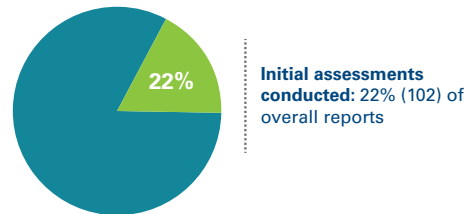
### Length of investigations



**Note:**

All investigations that went beyond the 60-day time period were extended due to good cause.

### Investigation breakdown

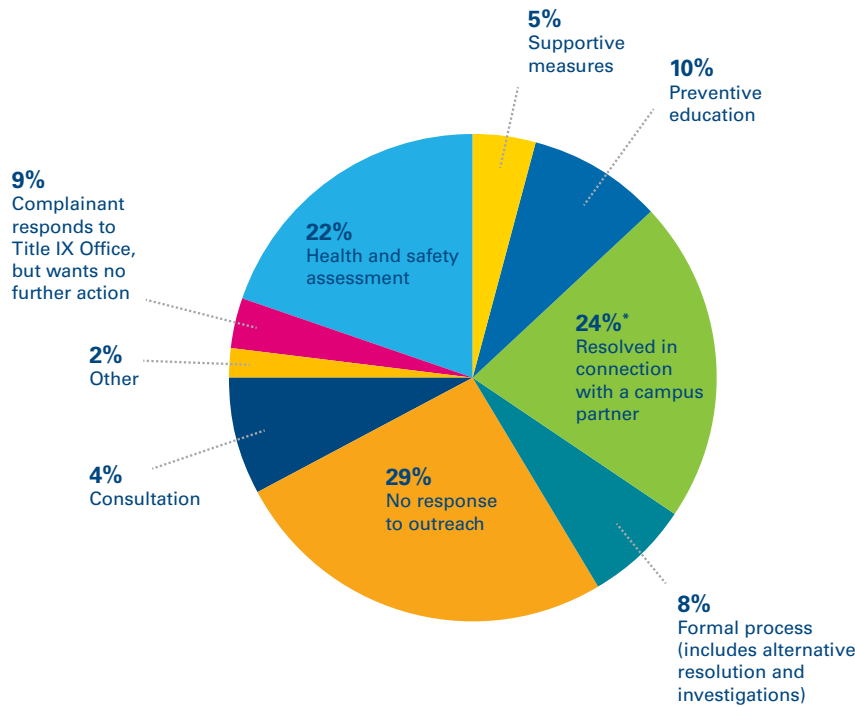


**Sexual assault investigations:**

86% of sexual assault investigations conducted by the Title IX Office involved drugs/alcohol as compared with 78% in 2018–19.

2019–20 Closing Summary

Title IX reached out to provide resources and offer support in all instances where they had sufficient information to do so.



**Notes:**

The closing summary does not add up to 100% because more than one summary may apply. For example, in response to a report, the Title IX Office may provide supportive measures and engage in preventive education. Additionally, in some instances where there is no response to outreach, the Title IX Office may collaborate with another office to address the concern and/or engage in a preventive effort. In 12% of the reports received, the respondent is not an affiliate of the campus, but the complainant or reporting party reports to Title IX to identify resources and/or inquire about supportive measures.

\*In 6% of reports, complainants notify the Title IX Office or a responsible employee that they will work with CARE. Due to confidentiality protections, Title IX does not generally know which complainants are working with CARE, unless the complainant inform us directly or signs a written agreement with CARE to share information.

# UPDATES AND TRENDS

## SVSH 2020 Policy Changes and Implementation

A revised UC Sexual Violence and Sexual Harassment (SVSH) policy went into effect in July 2019. The campus hired an independent Title IX Hearing Officer and identified a dedicated Adjudicating Officer to support the transition of the interim policy. In spring 2020, the UC systemwide workgroup developed a revised policy to comply with the new Title IX regulations issued by the U.S. Department of Education (DOE). Some of the notable changes in this process include: (1) the insertion of a hearing following an investigation, and prior to a policy determination; (2) the advisors will ask questions of the other party during a hearing; and (3) the university will provide a person to read the party's questions during a hearing if their advisor is not present or they do not have an advisor. Both UC Santa Cruz and the UC system have publicly opposed these poorly conceived changes and, in spite of them, will continue its work through education, prevention, and processes that are fair and compassionate to all parties. The new policy went into effect on August 14, 2020.

## NASEM Action Collaborative

UC Santa Cruz continued its important work in 2019–20 with the Action Collaborative on Preventing Sexual Harassment in Higher Education, which is led by the National Academies of Sciences, Engineering, and Medicine (NASEM). The purpose of the Action Collaborative is to bring together academic leaders and key stakeholders to prevent sexual harassment across all disciplines and among all people in higher education. It is designed to be an active space where colleges, universities, and research and training organizations can research and develop efforts that move beyond basic legal compliance to evidence-based policies and practices for addressing and preventing all forms of sexual harassment.

### **Over the past academic year, the Action Collaborative:**

- Developed a presentation for the campus that summarizes the findings of the 2018 NASEM report and its recommendations, the findings of the NASEM subcommittees, and information from the first two NASEM meetings. It was presented to the Chancellor's Cabinet, but further rollout has been delayed due to the COVID-19 pandemic.
- Participated in the NASEM November 2019 Public Summit, which included attendance by Faculty Senate Chair Kimberly Lau; Title IX Director Isabel Dees, who presented on a panel about how to better support and prevent people with marginalized identities from sexual harassment; Dean of Science Paul Koch; and EE Biology graduate student Melissa Cronin, who presented a poster on the workshop, "Building a Better Fieldwork Future."



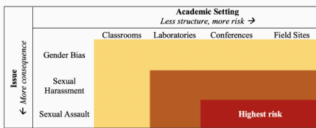
- Brought together the higher education community, sexual violence and harassment researchers, sexual harassment response practitioners, grassroots and nonprofit organizations, public and private foundations, and federal and state policy makers.
- Made recommendations for institutional actions after a formal Title IX complaint resolution action has concluded. That effort is being guided by conversations coming out of the NASEM Remediation Subcommittee.

## Building a Better Fieldwork Future: Preventing & Managing Sexual Harassment and Assault in the Field

Melissa R. Cronin\*, Roxanne S. Beltran, Erika Zavaleta  
Ecology & Evolutionary Biology Department, University of California, Santa Cruz  
mecronin@ucsc.edu

### The Problem

Fieldwork is an important and often necessary component of many scientific disciplines, yet research suggests that it presents a high-risk setting for incidents of sexual harassment and assault. A survey of over 600 field scientists across disciplines found that 64% of respondents had personally experienced sexual harassment in a field setting, and one in five reported experiencing sexual assault while in the field.'



### Why the field?

- Long hours in close quarters, blurry boundaries
- Limited or no outside communication
- Power asymmetry, dependence on leaders
- Interactions with non-group members

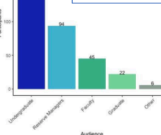
1. E. H. Gentry, K. G. Nelson, L. N. Rutherford, K. Hinde, *Field Ques.* 9: 1-9 (2016)

### The Solution

- 90-minute bystander training workshop
- focus on prevention, early detection of trouble spots, diverse ways to intervene as bystanders
- Interactive, discussion-based scenarios allow participants to explore range of options for responding to incidents
- Focus on shifting norms and organizational climate
- Offers tangible prevention, reporting policies for remote, disconnected field sites

#### Workshop Events

- 16 workshops
- 363 participants
- 3 UC campuses



### Scenario

You are a student on a field team in the Arctic, where all students sleep in tight quarters in the same tent. You notice from your sleeping bag that a student nearby has a habit of putting an arm around one of the other students at night, saying they are cold. You have heard the second student ask them not to, but it continues to happen.

### Recommendations

#### Plan

- Codes of Conduct and medical emergency protocols
- Offer mechanisms for switching sleeping quarters, private access to communication lines

#### Prevent

- Build community agreements to include acceptable behaviors and boundaries
- Establish clear privacy, hygiene, alcohol protocols

#### Respond

- Identify "responsible employees," reporting systems
- Institutional enforcement of zero-tolerance disciplinary policies

### Future Goals

- Workshop scale-up
- "Train the trainers" initiative to recruit and train new facilitators
- Establish UC Certification for facilitators
- Institutionalize bystander training
- Measure efficacy of training



### Acknowledgments

We are grateful to the Center to Advance Mentored, Inquiry-Based Opportunities (CAMINO) in Ecology and Conservation at the University of California, Santa Cruz and the H. D. Thoreau Foundation.

EE Biology graduate student Melissa Cronin presented this poster at the NASEM November 2019 Public Summit.

# GLOSSARY OF TERMS

## CONSENT

**Consent** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct). The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the factfinder will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

1. The Respondent's belief arose from the Respondent's own intoxication or recklessness;
2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
3. The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
  - a. asleep or unconscious;
  - b. unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - c. unable to communicate due to a mental or physical condition.

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

## AMNESTY

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

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

## PRIVACY AND CONFIDENTIALITY

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

## PROHIBITED CONDUCT

### Sexual Violence

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

**Note:** This definition encompasses a broad spectrum of conduct, not all of which is sexual violence. So, the Title IX Officer must sometimes determine whether an allegation should be charged as sexual violence or sexual harassment. Conduct that meets the definition of both Sexual Assault—Contact and Sexual Assault—Penetration will be charged as Sexual Assault—Penetration.

**Note:** **Sexual Assault—Penetration and Sexual Assault—Contact** are aggravated when they include any of the following: Overcoming the will of Complainant by:

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

**c. Relationship Violence:**

- i. Relationship Violence is:
  1. physical violence toward the Complainant or a person who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child or other relative), or
  2. intentional or reckless physical or non-physical conduct toward the Complainant or someone who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child or other relative) that would make a reasonable person in the Complainant's position fear physical violence toward themselves or toward the person with whom they have the close relationship, that is by a person who is or has been in a spousal, romantic, or intimate relationship with the Complainant, or who shares a child with the Complainant, and that is part of a pattern of abusive behavior by the person toward the Complainant.
- ii. Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.
- iii. Patterns of abusive behavior may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).
- iv. The nature of the relationship between the Complainant and Respondent is determined by the length and type of relationship, and the frequency of interaction between them. Relationship violence includes both "dating violence" and "domestic violence."
- v. Conduct by a party in defense of self or another is not Relationship Violence under this Policy. If either party asserts that they acted in defense of self or another, the Title IX Officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.

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

**SEXUAL HARASSMENT**

- a. **Sexual Harassment** is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal, or physical conduct of a sexual nature when:
  - i. **Quid Pro Quo:** a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program, activity, or service; or

- ii. **Hostile Environment:** such conduct is sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs, activities or services of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.
- b. Consideration is given to the totality of the circumstances in which the conduct occurred.
- c. This Policy will be implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and will not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles discussed in Section III.F.

## **OTHER PROHIBITED BEHAVIOR**

### **a. Invasions of Sexual Privacy.**

- i. Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
- ii. Without a person's consent, making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or
- iii. Using depictions of nudity or sexual activity to extort something of value from a person.
- b. Sexual intercourse with a person under the age of 18.
- c. Exposing one's genitals in a public place for the purpose of sexual gratification.
- d. Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under this Policy.
- e. Engaging in Retaliation. Retaliation is an adverse action against a person based on their report or other disclosure of alleged Prohibited Conduct to a University employee or their participation in the investigation, reporting, remedial, or disciplinary processes provided for in this Policy. An adverse action is conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for in this Policy, such as threats, intimidation, harassment and coercion. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

## **OTHER DEFINITIONS**

### **Complainant**

A person alleged, in a report to the Title IX Officer, to have experienced Prohibited Conduct.

### **Confidential Resources**

The following employees who receive information about Prohibited Conduct in their confidential capacity:

- a. CARE Advocates
- b. Licensed counselors in student counseling centers and in employee assistance programs

- c. Any persons with a professional license requiring confidentiality (including health center employees but excluding campus legal counsel), or someone who is supervised by such a person. Designation as a “Confidential Resource” under this Policy only exempts a person from reporting to the Title IX Officer. It does not affect other mandatory reporting obligations under UC CANRA (Child Abuse and Neglect Reporting Act) Policy, the Clery Act as a Campus Security Authority (CSA), and other policies or laws that require reporting to campus or local law enforcement, or Child Protective Services.

### **Supportive and Remedial Measures**

**a. Supportive Measures** include both Interim Measures and Mitigating Measures. The University provides Supportive Measures as appropriate and reasonably available, without fee or charge.

- i. **Interim Measures:** Services, accommodations, or other measures put in place temporarily after the Title IX Officer receives a report of Prohibited Conduct to assist or protect the Complainant, the Respondent, or the University community; restore or preserve a party’s access to a University program or activity; or deter Prohibited Conduct.

Interim measures may:

- remain in place until the final outcome of a Resolution Process (see Section V.A.5) or a subsequent disciplinary or appeal process;
- change or terminate depending on the parties’ evolving needs, as assessed by the Title IX Officer; or
- become permanent as part of the resolution of a report.

- ii. **Mitigating Measures:** Services, accommodations or other measures for a Complainant who is not in a Resolution Process (see Section V.A.5), including a Complainant who was previously in a Resolution Process that did not result in a finding of a policy violation. Mitigating measures may be implemented to provide support, restore or preserve access to a University program or activity, or deter Prohibited Conduct.

**b. Remedial Measures:** Services, accommodations, or other measures put in place as a result of a completed Resolution Process (see Section V.A.5).

**c. Supportive Measures:** Services, accommodations or other measures put in place to support a Complainant who is not involved in a Resolution Process (see Section V.A.5). Examples of services, accommodations, and other measures are in Appendix III. The Title IX Officer will consult with the Complainant and, when appropriate, the Respondent, to identify suitable services, accommodations and other measures.

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

Campuses may take other measures per other University policies.

**Location**

“Location” is any University campus, the Lawrence Berkeley National Laboratory, Medical Centers, the Office of the President, and Agriculture and Natural Resources.

**Preponderance of Evidence**

A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.

**Respondent**

A person alleged, in a report to the Title IX Officer, to have engaged in Prohibited Conduct.

**Responsible Employee**

Any University employee who is not a Confidential Resource. If a Responsible Employee learns, in the course of employment, that a student may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer or designee. This includes professional staff, residential assistants, graduate teaching assistants, and all other student employees, when disclosure is made to them in their capacities as employees. In addition, if any of the following people learn, in the course of employment, that any other person affiliated with the University may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer or designee:

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

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