UCMERCED

2024

ANNUAL SECURITY REPORT

For the 2023-2024 academic year, containing crime statistics for 2023, 2022, and 2021

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Contact Information

For Campus Emergencies

From cell phone and campus landline	9-1-1
UC Merced Police Department	209-228-2677
Emergency status line	866-993-0969
Emergency website	http://emergency.ucmerced.edu
Blue lights	Press the call button

UC Merced Police Department

Non-emergency (24 hours)	209-228-2677 (CAT-COPS)
Administrative Office	209-228-8273
Fax	209-228-7866
Rave Guardian App	Download from your app store
Police website	http://police.ucmerced.edu
Clery Act website	https://clery.ucmerced.edu/
Police Facebook page	http://www.facebook.com/ucmercedpolice
Police Instagram account	@ucmpolicedepartment
Lost and Found	209-228-2767
Live Scan	209-228-8273

General Information

Office of Student Rights & Responsibilities	209-228-0069/https://osrr.ucmerced.edu/
Student Health Services	209-228-2273 (CAT-CARE)
Student Accessibility Services	209-228-6996
Accessibility Management Service/Staff	209-228-8247
Student Counseling & Psychological Services	209-228-4266
After Hour Crisis Hotline	209-228-4266 #1
Suicide and Crisis Lifeline	988
Human Resources Office	209-228-8247
Office of the Executive Vice Chancellor and Provost	209-228-4439
Office of the Ombuds	209-228-4410/https://ombuds.ucmerced.edu/
Whistle Blower Hotline	209-403-4744
Ethics and Compliance	209-291-5150
Equity, Justice, and Inclusive Excellence	209-228-3511
Behavioral Intervention Team	http://ecar.ucmerced.edu/threat_management
Prevention of Harassment and Discrimination (OPHD)	209-285-9510/https://ophd.ucmerced.edu/
Valley Crisis Center	*24/7 Hotline* – 209-722-4357

	Merced Office – 209-725-7900

Resources for Survivor of Sexual Assault, Stalking and Dating/Domestic Violence

CARE Director	209-223-1746/https://care.ucmerced.edu/
Campus Advocate	209-386-2051
Counseling and Psychological Services	209-228-4266
Valley Crisis Center of Merced	209-722-4357
Merced County Victim Witness Assistance Program	209-385-7385
Merced County District Attorney	209-385-7381
Merced County Mental Health Emergency Services	209-381-6800
Campus Student Response Team/Dean of Students	209-228-3633

Off-Campus Safety Contact Information

Merced County Sheriff's Department	209-385-7445
Merced City Police/Fire Department	209-385-6912
Merced County Fire/Cal Fire	209-385-7344
Riggs Ambulance	209-725-7000

Message from the Assistant Vice Chancellor and Chief of Police

UC Merced holds the safety and security of our community as a top priority. Through collaborative partnerships across the different campus units there are multi-disciplined groups who come together to address concerns that may impact an individual, a segment of the campus or the university community in general. The university police department is a collaborative partner in these efforts.

The university police department operates 24 hours a day, 7 days a week. The department provides law enforcement services and safety awareness resources to the community. The department's field staff are regularly in contact with campus partners to ensure that individuals who call for assistance are provided the most appropriate services, resources, and guided to the right units for on-going care and support.

The police department's staff and its partners across the campus are dedicated professionals who work tirelessly to promote a vibrant campus experience. These professionals understand the campus's student-centered approach towards success, and they are all supportive of the university's mission of teaching, research, and public service.

In the preparation of this report, the department worked closely with many campus stakeholders. Information was gathered from campus partners, community resources, and allied agencies that UC Merced engages and/or is physically present at.

As you read this report, you will learn more about the services provided by the university's Police Department, Student Affairs, OPHD, CARE, and other campus service providers. We encourage you to use this document as a guide to learn more about safety on or off university grounds.

Chou Her

Assistant Vice Chancellor of Public Safety and Chief of Police

https://police.ucmerced.edu/

Preparation of the Annual Security Report

This report is issued in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act). The Higher Education Opportunity Act (HEOA) requires institutions to disclose statistics for the previous three years (Calendar years 2021, 2022, and 2023) concerning reported crimes that occurred on campus and/or in certain off-campus buildings or property owned, leased, or controlled by the university. This report also includes university policies and procedures about campus security, including policies regarding sexual and gender-based violence, alcohol and drugs and maintaining a safe campus.

The UC Merced Police Department (UCMPD) has primary responsibility for coordinating and compiling the information contained within the ASR. Information is provided by other university offices, such as the Office of Student Rights & Responsibilities, Housing and Residence Education, Office for the Prevention of Harassment and Discrimination (OPHD), and other Campus Security Authorities (CSAs) along with information provided by other law enforcement agencies surrounding the campus. Each of these offices also provide updated policy information and crime data that they have.

The UCMPD distributes an individual notice about the availability of the ASR to students and employees by October 1 of each year with a link to the report. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting UCMPD at 209-228-8273 or at the UCMPD front office located at 5200 N. Lake Road, Merced, CA 95343.

Annual Fire Safety Report

In addition to publishing this Annual Security Report, University of California, Merced is required to publish an Annual Fire Safety Report that contains information regarding fire safety including topics such as: fire safety policies for campus student housing facilities, fire safety systems and fire reporting policies. The report also contains information about fire statistics for the three previous calendar years concerning reported fires that occurred within on campus student housing facilities. To obtain a copy of the Annual Fire Safety Report, you can access the report online at: https://fabs.ucmerced.edu/annual-housing-fire-safety-reports

If you would like to receive a hard copy of the Annual Fire Safety Report, you can stop by the UC Merced Police Department Office or the Fire and Building Safety Trailer at 5200 N Lake Rd Merced, CA 95343 or you can request that a copy be mailed to you by calling 209-504-8492.

Geography

The U.S. Department of Education requires disclosure of statistics for reported Clery crimes that occur on campus, on public property within or immediately adjacent to the campus, and in or on non-campus buildings or properties owned or controlled by the university. The information is updated annually.

On-Campus – Any building property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes. (Buildings and property located at 5200 N. Lake Road, Merced, CA 95343).

Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus.

Non-Campus – Any building or property owned or controlled by a student organization that is officially recognized by the institution or any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

Crime and Fire Reporting to UC Merced Police Department

Community members are strongly encouraged to immediately report all crimes or emergencies occurring on campus to the UCMPD at 209-228-2677 (non-emergencies) or dial 9-1-1 (emergencies only). Stay connected no matter the situation you are in by downloading the Rave Guardian app from the app store. Rave Guardian is available for both Apple and Android phones. The Rave Guardian app allows you to text Police Dispatch and even share your location should you feel unsafe at any time on campus. It also features emergency timers and the ability to send anonymous tips to police as well. Online reports may also be made to the police department through the UC Merced Police Department website. You may also contact the police department using any blue light kiosk on campus or by pushing the help buttons in elevators.

UC Merced police officers are responsible for investigating all crimes and incidents that occur on UC Merced owned, leased, or controlled property. Any criminal activity occurring at these sites or off-campus sanctioned events hosted by UC Merced should be promptly reported to the police department.

Crimes committed in or on other off-campus buildings or property owned or controlled by UC Merced may be reported to the police agency of jurisdiction where the building or property is located; however, the UCMPD may investigate incidents on all UC Merced properties and at UC Merced sanctioned events as needed.

Crimes occurring on properties not affiliated with UC Merced should be reported immediately to the law enforcement agency having jurisdiction. The UCMPD coordinates police response to crimes in adjoining jurisdictions, when appropriate, and assists local law enforcement agencies such as the Merced Police Department, Merced County Sheriff's Office, and California Highway Patrol.

Additionally, UC Merced police officers work collaboratively with other law enforcement agencies to address safety concerns, student-conduct concerns, and other related community issues. Information provided to the UCMPD about criminal activity engaged in by UC Merced students at off-campus locations is provided to the Office of Student Rights & Responsibilities for action or follow-up. University of California, Merced does not utilize local police to monitor and record criminal activity at non-campus locations of student organizations on a daily basis.

UCMPD will only notify Merced Police Department or the Merced County Sheriff's Office in advance of large events in their jurisdiction. Examples of these types of events would include downtown Merced Commencement activities, UCM student government hosted dances at the Merced County fairgrounds, comedy shows and award ceremonies with guest speakers. If those agencies view criminal activity outside of the venue, they may utilize body worn cameras and/or in-car cameras to record. Generally, UC Merced police are assigned to the interior of the venue for deterrence and security.

Members of the UCM community are encouraged to report crime and emergencies accurately and promptly. Depending on the geographic location of the crime, the appropriate jurisdiction should be contacted. Crimes occurring on campus and inside non-campus properties should be reported directly to UCMPD. Reporting is strongly encouraged even when the victim is unable to make a report.

Good Reasons for Promptly Reporting Crimes

- Allows officials to assist and support victims of crimes, their friends and family.
- Allows officials to prosecute crime activity.
- Allows officials to send Timely Warnings and notices to the campus community about incidents that might affect the ongoing safety and security of our campus, including murder, burglary, auto theft, robbery, arson, rape, sexual assault, and hate crimes.

Reporting to Campus Security Authorities (CSA)

While the university prefers that community members promptly report all crimes and other emergencies directly to the UCMPD, we also recognize that some may prefer to report to other individuals or university offices.

CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with

- Campus Police Department employees.
- Any individual or individuals who have responsibility for campus security but does not constitute a campus police department or a campus security department.
- Any individual or organization to whom students and employees may report criminal offenses.
- Any institution official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

CSAs are responsible for forwarding non-identifying information to the campus Clery Coordinator for inclusion in the ASR, regardless of whether the victim chooses to file a report with law enforcement or press charges. Information forwarded by CSAs is for statistical purposes and the assessment for issuing a Timely Warning. If someone wants to pursue criminal charges, they must file a report with the police department. When a CSA receives notice of an incident that may be a reportable crime, they must disclose the information to the designated Clery Coordinator at https://police.ucmerced.edu/CSAform

These reports are confidential unless the victim provides permission to document identifying information or permission for the police to investigate the incident. CSA training is available to all students, staff, and faculty. Private security officers/volunteers working at university events receive CSA training from the Campus Clery Coordinator or the police department staff if they temporarily have significant responsibility for student safety.

The Clery Coordinator works with other campus partners to identify and monitor training for CSAs. A list of trained CSAs is maintained in UC Merced's Learning Center. A copy of this list can be made available by contacting UCMPD at 209-228-8273.

Clery Act crime statistic information is collected from police reports generated by the UCMPD, reports made to other law enforcement agencies where UC Merced has property that is defined as Clery Geography, email, mail, or in-person by UC Merced designated CSAs. Primary CSAs include but are not limited to the following:

- Housing & Residence Education
    - Phone: 209-228-4663

    - Email: housing@ucmerced.edu
- Office of Student Rights & Responsibilities
    - Phone: 209-228-0069
    - Email: osrr@ucmerced.edu
- Office for the Prevention of Harassment and Discrimination (OPHD)
    - Phone: 209-355-0352
    - Email: ophd@ucmerced.edu
- Local law enforcement agencies with jurisdiction over non-campus Clery designated locations.

Statistical information received is cross-referenced to reduce the risk of duplicate reporting.

Members of the community are helpful when they immediately report crimes or emergencies to the UC Merced Police Department or CSAs for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary.

Response to a Report

UCMPD is available 24/7 by calling 209-228-2677 to answer your calls for assistance. In response to a call, UCMPD will take the required action, either dispatching an officer or asking the victim to visit the UCMPD office for assistance in filing an incident report. All reported crimes will be investigated by the university and may become a matter of public record. Student Conduct-related incidents are forwarded to the Dean of Students Office for review and referral to the Office of Student Rights and Responsibilities for potential action, as appropriate. UCMPD will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Office of Student Rights and Responsibilities. If assistance is required from the City of Merced Police Department or CAL Fire, depending on the location of the incident, UCMPD will contact the appropriate agency. If a sexual assault or rape should occur, staff on the scene, including UCMPD, will offer the survivor a wide variety of services and resources from the campus and university.

Confidential Reporting Process

If you are the victim of a crime and do not want to pursue actions within the UC Merced system or the criminal justice system, you are encouraged to consider filing a confidential report for purposes of inclusion in the annual disclosure of crime statistics at https://police.ucmerced.edu/CSAform. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure your safety and the safety of others. With this information, the university can keep an accurate record of the number of incidents involving students, faculty, and staff, determine where there is a pattern of crime regarding a particular location, method, or assailant, and alert the campus community to

potential danger. Please note that if others witnessed the crime, they may report independently to a non-confidential reporting source on campus who may have a duty to act.

Pastoral and Psychological Counselors

Although confidential psychological counselors typically have significant responsibility and involvement in student and campus activities, they are exempt from Clery reporting requirements. However, they are encouraged to forward non-identifying information to the police department on crimes that may be reported through their offices for inclusion in the Annual Security Report.

Campus "Professional Counselors" when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselors at the University of California, Merced are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to UCMPD.

Professional Counselor is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

Pastoral Counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential is functioning within the scope of that recognition as a pastoral counselor.

Pastoral Counselor services are currently not offered at UCM.

Counseling and Psychological Services located inside the Health & Athletic Center

Law Enforcement Partnership

The UCMPD is required to have a Memorandum of Understanding (MOU) with local entities to comply with statutory requirements[1] and must adopt and implement written policies and procedures to ensure that reports of violent crimes, hate crimes or sexual assaults are immediately, or as soon as practicably possible, disclosed to local law enforcement.

The UCMPD has an MOU with the Merced City Police Department, Merced County Sheriff's Office, Merced District Attorney and the Alliance for Community Transformations, the parent organization of Valley Crisis Center.

The MOU is designed to promote collaboration to enhance the reporting, investigation and appropriate response to sexual assault and other covered crimes and to ensure the university complies with all state and federal laws that provide specific requirements related to these issues[2].

UCMPD will act as the first responder for incidents and have responsibility for the investigation of crimes on the UC Merced campus and on property owned, operated, or controlled by UC Merced and will report to Merced City Police Department or Merced County Sheriff's Office incidents of violent crimes, hate crimes and sexual assault in accordance with the appropriate agency with jurisdiction. The Merced County Sheriff's Office will act as the first responder for incidents and have responsibility for the investigation of crimes occurring in Merced County, and will report incidents of violent crimes, hate crimes and sexual assault that affect UC Merced to the campus police department.

If incidents involve police action from the UCMPD and Merced City Police Department and/or Merced County Sheriff's Office, law enforcement supervisors from each department will confer and decide which agency will have primary responsibility for investigating and reporting the incident.

The parties recognize that regardless of which law enforcement agency ultimately has operational responsibility in responding to sexual assaults, hate crimes or other violent crimes, other parties may be first responders to reported crimes. Each party has a responsibility to act in a manner that facilitates effective law enforcement and institutional response, as well as appropriate treatment of the individual reporting the crime. This includes ensuring the

[1] Established by AB (Gatto, 2014), specified in the California Education Code (Ed. Code 67383, subd. (a) and Ed. Code, 67381)

[2] Outlined in California Education Code sections 67383, 67381 (the Kristin Smart Campus Safety Act of 1998) and 67383, including SB 967 (de Leon, 2014), specified in California Education Code section 67386; the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); Title IX of the Higher Education
Amendments of 1972 ("Title IX"); and the California Penal Code and applicable state laws related to health and confidentiality/privacy.

appropriate preservation of evidence and coordination with the law enforcement to maintain chain of custody and authorize forensic sexual assault examinations.

UCMPD maintains a strong working relationship with state and local agencies. This strong relationship is essential because UC Merced has non-campus properties in these jurisdictions:

- Merced Police Department
- Merced County Sheriff's Office
- California Highway Patrol
- Fresno Police Department
- Mariposa County Sheriff's Office
- CAL-Fire
- Merced City Fire Department
- Yosemite National Park Services
- Tulare County Sheriff's Office

Local Law Enforcement Statistics

Each year, the UCMPD reaches out to the other law enforcement agencies having jurisdiction over the UC Merced off-campus locations to request crime statistics. All reports received are maintained at the campus police department. Crimes reported to us and these agencies that occurred at UC Merced-owned or controlled locations are included in this report.

The agency with jurisdiction will investigate a Clery crime that took place in a non-Clery location. The UCMPD will not count it in the Clery statistics.

Emergency Response and Evacuation Procedures

The UC Merced Police Department – Office of Emergency Management, is responsible for the implementation and maintenance of the all-hazards Emergency Operations Plan (EOP) and preparedness programs and projects in emergency planning, training, response, and recovery.

General information on emergency response guidelines (flipcharts) and Building Emergency Action Plans (BEAP) can also be found online at https://emergency.ucmerced.edu/node/7.

Emergency Operations Plan

The UC Merced Emergency Operations Plan (EOP) was developed to ensure university faculty, staff, and students, and the surrounding community are well prepared to respond to a hazard or emergency incident. The plan clearly defines the roles and responsibilities of all stakeholders should an emergency occur, so all individuals can mobilize effectively and efficiently, and carry out their duties to the best of their ability.

The EOP is organized into two major components:

- The Basic Plan provides a general overview of university processes and procedures to respond to and recover from an emergency incident.
- Functional Annexes provide a detailed description of specific functions and operations. The annexes are developed as standalone refence tools that can be utilized independently of the whole EOP.

The Emergency Operations Plan, guidelines, and emergency resources are available at the Emergency Management site, https://emergency.ucmerced.edu/. Additionally, the EOP is posted on an internal website for campus personnel to access.

Training, Tests, and Exercises

Annually, the university conducts testing, training, and exercises to test emergency procedures. The exercises may include tabletop exercises, drills, emergency operations center exercises, functional exercise, or full-scale exercises. Each test or exercise is documented and includes a description of the test or exercise, the date and time of the exercise and whether it was announced or unannounced. Prior to a test or exercise, UC Merced Emergency Management provides a summary of emergency response and evacuation procedures to meet the requirements of the Higher Education Opportunity Act.

Every year, UC Merced participates in the Great Shake Out to bring awareness and training to become earthquake ready. In addition to practicing “Drop or Lock, Cover, and Hold On”, UC Merced tests its emergency notification system, UCM Alert.

UC Merced emergency response personnel such as first responders, Emergency Operations Center (EOC) staff and the Executive Policy Group (EPG) receive training in compliance with the Incident Command System (ICS), National Incident Management System (NIMS) and California’s Standardized Emergency Management System (SEMS). When a catastrophic incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the UCMPD, Cal Fire, Riggs Ambulance, and general service units at UC Merced. These entities work together to manage incidents.

Depending on the nature of the incident, affected UC Merced departments and other local or federal agencies may be involved through the provision of mutual aid.

On an annual basis, the Office of Housing and Residential Education, Emergency Management, Fire and Building Safety, and UC Merced Police conduct fire safety, evacuation procedures, and fire extinguisher training for Resident Assistants and Residence Education Coordinators. Annually, Housing and Emergency Management also coordinate evacuation drills for all residential facilities on campus. Student residents learn and practice evacuation procedures, emergency communications, identify exists in the building, and emergency assembly areas. In addition to educating the residents of each building about the evacuation procedures during the

drills, the process also provides the university opportunities to test the operation of the fire alarm system.

Emergency Evacuation Drill

Emergency Evacuation Procedures

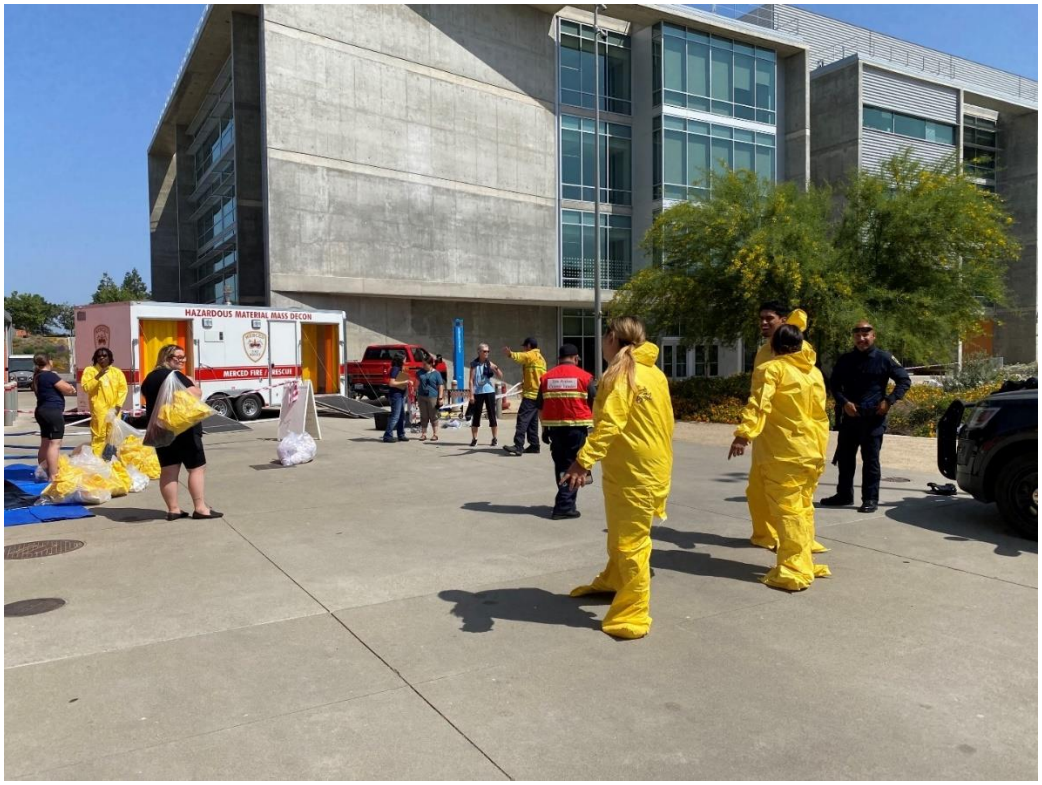
The purpose of evacuation drills is to test evacuation procedures and to prepare building occupants for an organized evacuation in case of a fire or other emergency. At UC Merced, evacuation drills are tested at least annually and used to educate and train students, faculty, staff, and visitors on fire safety issues specific to their building. During the drill, building occupants exercise evacuation procedures and familiarize themselves with the location of primary and secondary exits, designated emergency assembly areas, and fire suppression systems such as visual flashers, audible alarms, and mass notification systems such as public address systems and blue light phones.

Evacuation drills are monitored and evaluated by UC Merced Police, Emergency Management, Environmental Health and Safety, Fire and Building Safety, Risk Services, and CalFire. Building occupants are evaluated on timely and safe evacuation procedures and effectiveness of fire suppression, and emergency communication systems.

While buildings have pre-designated short-term evacuation assembly areas, UC Merced Police does not tell occupants in advance of the locations for long-term evacuations as those decisions are affected by the time of day, location of the building being evacuated, the availability of the

various gathering locations on campus, and other factors such as the location and nature of the threat. In either case, UC Merced Police and other first responders on scene will communicate information to building occupants regarding the developing situation or any evacuation status changes.

Additionally, Building Emergency Action Plans contain building specific evacuation procedures and floorplans and may be found on the Emergency Preparedness site, https://emergency.ucmerced.edu/.



Emergency Management Hazmat Evacuation Drill

General Evacuation Procedures

Call UC Merced Police Department Dispatch Center for help.

- If it is practical and safe, call other appropriate campus authorities.
- If it is safe and time allows, take cellphones, keys, wallet/purse.

When evacuating the building, all Assistant Building Safety Coordinators shall alert and encourage the building occupants to evacuate the building and coordinate the evacuation.

- If it is safe, close doors and windows.
- If it is safe, assist others out of the building.
- DO NOT use the elevators.

- All employees and visitors shall go to the designated evacuation assembly area.
- Direct remaining occupants to evacuate immediately and go to their designated evacuation assembly area.
- DO NOT RE-ENTER the building until first responders have indicated it is safe to do so.

Emergency push-to-talk phones are located near the elevators to call for help for anyone who may be physically unable to evacuate without assistance.

Circumstances permitting, everyone must go to the designated evacuation assembly area and wait to be cleared by first responders before leaving the site. The objective is to make sure everyone is safe and accounted for. Building occupants will be allowed to leave the site as quickly and safely as possible.

Evacuation of Persons with Disabilities and or Access and Functional Needs

- Persons with Disabilities and/or Access and Functional Needs (D/AFN) are encouraged to self-identify and work with their supervisor, colleagues, Building Safety Coordinators to determine evacuation routes and methods, areas of refuge, and other emergency planning needs before an emergency occurs.
- Establish a "buddy system" whereby disabled and non-disabled colleagues work together to ensure the safe evacuation of all building occupants and relay assistance needs to first responders.
- In many cases, evacuation from the building may not be feasible or advisable. Evacuate when the fire alarms are activated, directed by emergency personnel, or danger is imminent.
- Proceed to the nearest safe exit, implement your individual emergency plan and request assistance from others in the area if exit is difficult or obstructed, do not use the elevator.
- Emergency Evacuation Chairs[3] are located in several buildings on campus and may be an option with appropriate training and assistance
- If unable to evacuate the building:
    - Take safe refuge in a fire rated stairwell and close the door to keep smoke out.
      OR
    - Evacuate 'horizontally' to a room away from hazards, close the doors, signal to rescuers by placing a sign on the window, and place wet cloths around and under the door to prevent smoke from entering.
        - Call the UC Merced Police Department Dispatch Center at 9-1-1 and provide your location and situation, remain on the phone and follow their instructions.

[3] Located on page 28

Assisting Persons with Disabilities and or Access and Functional Needs during evacuation:

Before assisting persons with D/AFN, always ask the individual how to help before attempting any rescue technique or giving assistance.

Persons with Mobility Limitations:

- Listen to the individual; they are the expert regarding their own disability.
- Wheelchairs may have moveable or fragile parts that were not constructed to withstand the stress of lifting. Ask the individual for the safest method of lifting or carrying them.
- Stairway evacuation involves using steps to reach ground level exits from the building. It is important to remember that stairway evacuations of individuals who use wheelchairs may be hazardous to disabled individuals, rescuers, and others attempting to evacuate and should not be attempted by untrained persons, unless there is no other alternative. Emergency evacuation chairs are located in several buildings on campus and may be an option with appropriate training and assistance.
- If unable to lift or carry the individual of the building, move them to a safe area of refuge and relay their location to first responders of the UC Merced Police Department Dispatch Center

Persons with Visual Limitations:

- Tell the person the nature of the emergency, how and where to exit.
- Offer to guide them by having them take hold of your elbow.
- While walking, state your location and advise of any obstacles.

Persons with Hearing Loss and/ or Speech Impairments:

- Turn the light switch on and off, tap the individual on the shoulder or make eye contact to get their attention.
- For those who read lips, clearly state the problem. Use gestures and pointing as visual instructions.
- Write concise notes such as “FIRE! EVACUATE NOW. GO TO THE EXIT NOW”.

Accessibility Evacuation Chair Training

Shelter-in-Place Procedures

Shelter-in Place is a term used to describe actions a person should take when a threat to their safety is present in their location. Examples of Shelter-in-Place type of threats are weather-related emergencies, hazardous materials accidents, or potentially violent incidents near their location.

How will you know when to "Shelter-in-Place"?

A Shelter-in-Place notification may come from several sources, including UC Merced Police, university personnel, local police, or other authorities utilizing the university's emergency communications tools. UC Merced utilizes interior and exterior public address systems including the blue light phones, which may be used to notify all persons on campus when there is a need to take shelter. These procedures will be immediately put in place to address sheltering for severe weather and sheltering during a campus lockdown.

If it is safe to do so, individuals should call 9-1-1 as soon as possible to report any immediate threats. Leaving a safe location or space to retrieve personal items is highly discouraged.

How to "Shelter-in-Place"

If an incident occurs and the buildings or areas become unstable, or if the air outside becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors as leaving the area may expose that danger. Thus, “Shelter-in-Place” means to take shelter in the building and with a few adjustments this location can be made more comfortable until it is safe to go outside.

No matter the situation, the basic steps of Shelter-in-Place will generally stay the same. Should the need ever arise, follow these steps, unless otherwise instructed by local emergency response personnel:

1. If inside, stay put. Collect any emergency Shelter-in-Place supplies and a telephone to be used in case of emergency. If outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
    - An interior room
    - Above ground level
    - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able (university staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (Building Safety Coordinators, staff, faculty, and other personnel) to call the list to UC Merced Police Department so they know where you are sheltering. If only students are present, one of the students should call the list to the UC Merced Police Department.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

Safety Location or Space

A safer location or space refers to any location or space that may be a better location to seek refuge than the present location or workspace. In some instances, the current location may be a safer place depending on where the danger or threat to safety is occurring.

Emergency Notifications

UC Merced is committed to ensuring the campus community receives timely, accurate, and useful information in the event of a major disruption or emergency on campus or in the surrounding area that poses an immediate threat to the health and safety of the campus community. In the event of a major disruption or threat, the university will use various methods or systems in place to communicate information in a timely manner.

- UCM Alert - a layered approach for notifying students, staff, faculty, parents, and visitors of an emergency or dangerous situation that poses an immediate threat to their health, safety and/or general welfare while on campus.
- Public Address Systems – amplify the voice of the individual communicating the emergency. UCM has both internal and external PA Systems.
- Blue Light Phones – placed strategically throughout the campus and may be used to notify all persons on campus of an incident or threat.
- Wide Array System – placed throughout the South side of campus and may be used to notify individuals of an incident or threat.

In the event that a person is not registered to receive UCM Alerts or is a member of the community who are interested in staying up to date with the incident, they may utilize the UC Merced Emergency Status Line toll free at 1-866-993-0969 or may visit the emergency website (https://emergency.ucmerced.edu/) to obtain regular updates. UC Merced conducts annual testing of the campus-wide mass notification systems including UCM Alert, blue light phones, interior and exterior public address systems.

Individuals can report emergencies occurring at the University of California, Merced by calling 9-1-1 or CATCOPS (209) 228-2677.

Procedures to Notify the Campus Community

In the event of an incident that poses an immediate threat to members of the campus community, the university has various systems in place for communicating critical information in a timely manner. Some or all of these systems of communication may be activated in the event of an emergency.

In the event of an incident, the university will post updates on the emergency homepage. If the situation warrants, the university will establish a call center to establish communications with the larger campus community, parents, and stakeholders.

If any of these systems fail or the university deems it appropriate, in-person communication may be used to communicate during an emergency.

System to use	Primary Message Creator	Backup Message Creator	Authority for Approving & Sending Messages	Primary Message Sender/Distributor	Backup Message Sender/Distributor
UCM ALERT	UCMPD	UC Merced Communications	Chief of Police and/or the Officer on scene	UCMPD	Communications
PA SYSTEM	UCMPD	N/A	UCMPD	UCMPD	N/A
BLUE LIGHTS	UCMPS	N/A	UCMPD	UCMPD	N/A
WIDE ARRAY	UCMPD	N/A	UCMPD	UCMPD	N/A

Emergency Blue Light Phones located across campus

Confirming the Existence of an Emergency or Dangerous Situation and Initiating the Emergency Notification System

The university police or other safety personnel may become aware of a critical incident or other emergency that potentially affects the health and safety of the campus community through a report and/or firsthand observation or knowledge. Generally, campus first responders become

aware of these situations when they are reported to the UC Merced Police Dispatch Center or upon discovery during patrol or other assignments. UC Merced Police has the responsibility of responding to, and requesting resources or mutual aid, to mitigate, investigate, and document situations that may cause a significant emergency or dangerous situation.

If an emergency notification is required, UCMPD will immediately initiate UCM Alert. If in the professional judgement of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the university may elect to delay issuing emergency notifications. As soon as the condition that may compromise efforts is no longer present, the university will issue the emergency notification to the campus community.

If Emergency Notification procedures are activated, we are not required to send a Timely Warning follow up. An Emergency Notification follow-up will suffice.

Determining the Contents of the Emergency Notification

Time permitting, UCMPD and External Relations (ER) collaborate before, during and after an incident to activate the Crisis Communications Plan and appropriate methods of communication methods and systems.

UCMPD and External Relations have developed a wide range of template messages addressing many different emergencies. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where there are no pre-determined template messages in the system, the individual authorizing the UCM Alert will develop a message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

During incidents in which the university's emergency alert notification system has been used, the university may continue to send updates via that system to faculty, staff, and students. The updates will reflect the same messaging that the university Communications sends via email and posts on the emergency website and university social media. Additionally, the university will send the All Clear via the emergency alert notification system or another, which may be followed up with additional information from the university's Communications Department.

Procedures for Disseminating Emergency Information to the Larger Community

The university will provide information to the larger campus community, parents, and stakeholders through the UC Merced emergency website (https://emergency.ucmerced.edu/), Emergency Status Line, and local media outlets. When circumstances require, External Relations will provide media releases and ensure the website is up to date.

Enrolling in UCM Alert

By default, UC Merced students, faculty, and staff will receive UCM Alerts to their UC Merced email addresses and cell phones if they have not opted out of UCM Alert. To receive UCM Alerts and updates, we encourage members of the campus community to maintain and update their current notification preferences. To sign up for UCM Alerts visit: https://police.ucmerced.edu/services/uc-merced-alertregistration.

Opting Out of UCM Alert

Faculty, students, and staff members may opt out of the UCM Alert system by texting "STOP" to 89361 from their mobile device. By opting out, messages will not be received so it is highly discouraged.

Timely Warnings

The Clery Act requires UC Merced to alert the campus community regarding any Clery Act crime that is reported to campus police or a CSA, is reported to have occurred on or within the UCM Clery Geography (On Campus, Public Property and Non-campus property) and is considered to represent a serious or on-going threat to the campus community. Time permitting, the Chief of Police may consult with External Relations and Student Affairs as appropriate, to determine if the crime represents a serious or continuing threat to students and employees.

Timely Warnings ensure the campus community is informed about safety and security issues on an ongoing basis. The police department must alert the campus community of certain crimes in a manner that is timely so that they may take appropriate precautions and aid in the prevention of similar crimes.

The warning will be titled "Campus Crime Alert Bulletin" or, in case of an impending hazard such as a flood or fire watch not involving a crime, "Campus Safety Bulletin." Notifications will be issued by UCMPD and may be prepared in collaboration with External Relations and Student Affairs.

To facilitate the issuance of Timely Warnings and Emergency Notifications required by the Clery Act, UCMPD may work with other law enforcement agencies and/or stakeholders as appropriate.

UCMPD does not need to obtain the approval of an outside agency to issue any warnings and/or notifications, nor is UCMPD required to seek pre-clearance of the content of any warnings and/or notification. However, UCMPD will inform the appropriate law enforcement jurisdiction about such warnings as soon as practicable. Parties agree to coordinate the sharing of information related to crimes on and off campus that pose serious threats to the safety of students and employees.

The issuance of a Timely Warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and possible risk of compromising law enforcement efforts.

Timely Warnings are usually issued for the following National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another.
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger UCM community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Chief of Police, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there may not be the ability to distribute a "timely" warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Chief of Police, or his designee in his absence.

Clery Act Crimes

Clery Act Crimes include:

- Homicide
- Murder
- Negligent and non-negligent manslaughter
- Sex offenses (forcible and non-forcible) such as rape, statutory rape, fondling, and incest
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Domestic violence

- Dating violence
- Stalking
- Hate crimes, which include any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation or destruction, damage or vandalism of property that was motivated by bias.

Responsibility for Issuing Timely Warnings

The UCMPD is responsible for issuing Timely Warnings. Timely Warning Notices are typically written and distributed by the Chief of Police, or designee in close collaboration with UC Merced External Relations and other campus stakeholders.

Although the Clery Act does not define the word "timely," because the intent of a warning regarding a criminal incident(s) is to allow people to take precautions for their personal safety, a Timely Warning should be issued as soon as pertinent information about the crime is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Therefore, even if all facts surrounding a criminal incident(s) are not available, the police department will issue an alert for any Clery Act incident that meets the criteria set forth below.

Timely Warnings will be provided to External Relations and electronically mailed to members of the campus community.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Standard for Issuing Timely Warnings

Determination about whether to issue a Timely Warning is made on a case-by-case basis, considering all facts surrounding a reported Clery Act crime including, but not limited to, such factors as the nature of the crime, any continuing danger to the campus community and the possible risk of compromising law enforcement efforts. A Timely Warning may be issued in the form of a Campus Crime Alert Bulletin.

Determination to Issue Timely Warnings

The decision to issue a Timely Warning will be determined by UCMPD personnel. When possible, the decision will be made in collaboration with UCM External Relations. The UCMPD may elect to not issue a Timely Warning in very limited circumstances: if the suspect has been detained and no threat to the campus community exists; if the Chief of Police or designee determines there is no threat; or if the incident is reported in such a manner that negates the

need for a Timely Warning. The UCMPD will consider notifying crime victims before alerts are issued to the campus community.

Daily Crime and Fire Safety Log

The UCMPD Daily Crime and Fire Safety Log records all alleged criminal incidents, including non-Clery Act crimes, reported to campus police, regardless of how much time has passed since the alleged incident occurred. Crimes in this log are recorded by the date they were reported and include the nature of the crime, the date and time the incident occurred, the general location of the incident and the disposition of the crime if known. The Daily Crime and Fire log can be found on the Clery Act website or the police department website. The log is available via QR Code and can also be printed during normal business hours at the police department, which is located at 238 Services Lane Merced, CA 95343. The police department is located near Transportation and Parking Services.

In some instances, the nature of the crime may be too long to be included in one line of the daily crime log. When this happens, the nature of the crime wraps around to a second line to be included in the daily crime log.

The only exceptions in the posting of crimes reported are if the disclosure is prohibited by law; if disclosure would jeopardize the safety of the community; or if disclosure would jeopardize the confidentiality of the victim. Posting of crimes reported may be temporarily withheld in some cases if the release of the information would jeopardize an ongoing investigation, endanger the safety of an individual, cause a suspect to flee or evade detection or result in the destruction of evidence.

Campus Security Program and Procedures

The campus offers numerous support and service options to help make UC Merced a safe place to work, learn and live. The police department provides workshops, training sessions, posters, social media posts and informational brochures year-round.

UCMPD continuously provides these educational opportunities as a way to engage with community members about safety.

In addition, the police department provides consultation about crime prevention. Safety concepts can be fixed by rearranging furniture, ingress/egress, duress alarms, convex mirrors, etc.

Changes to emergency plans for evacuations, bomb threats, criminal incidents and violence are always being updated during the planning of new campus buildings, landscaping design and forecasting maintenance issues.

Public Service Ambassador Program

The Public Service Ambassadors (PSA) Program provides a wide range of services, including campus patrol to non-emergency situations, safety escorts and support for special events. PSAs supplement the police department's security efforts at the Downtown Campus Center, Castle Facility, and the Fresno Center. PSAs are not sworn peace officers but full-time, uniformed security staff who help augment police services as appropriate. PSAs work closely with sworn staff to serve the campus. PSAs serve in an "eyes and ears" manner to observe, report, and monitor concerning situations while awaiting the arrival of a sworn police officer. PSAs offer campus resources and provide information to community members.

Student Service Ambassador Program

The Student Services Ambassador (SSA) Program provides a wide range of services. These include campus patrol, event security, building checks, the bike lock program, electronic/bicycle registration, livescans, lost & found, safety presentations and tabling.

SSAs provide escorts for students, faculty, staff, and visitors when requested on weekdays between the hours of 6 PM and 1 AM during the academic school year, excluding the summer quarter. To request an escort, call 209-228-2677. SSAs also provide support to the Environmental Health & Safety, Fire and Building Safety departments.

SSAs wear bright yellow uniform shirts to be a visible presence in the community. They assist with directions, resources and help those who have questions. SSAs respond to emergencies requiring 24/7 coverage for building security matters such as fire watch and building repairs.

Student Orientation Presentations

Each semester and throughout the year during prospective student orientations, the police department presents information regarding security awareness, safety issues, and UCMPD services to students, their parents, families, and other supporters. Presentations are conducted by officers in English and Spanish.

Violent Intruder Response Training

Violent Intruder Response Training (V.I.R.T.) is training for a civilian response to a violent intruder/active shooter incident and covers information everyone should know before an incident occurs, options for people during a crisis and law enforcement's responses to various incidents. Under this program V.I.R.T. instructors and qualified personnel offer one-on-one site assessments for specific situational awareness in their own space.

The information can be used every day, in any setting, on or off campus, at work or during travels. The program is 1.5 hours long, includes interactive scenarios and allows time at the end for questions and discussion.

Contact the UC Merced Police Department at 209-228-2677 to request a class. Several open-session classes are also offered throughout the year on and off campus. Zoom sessions are offered. VIRT is held on different days/times of the week to accommodate those with limited availability.

Police Insight Program

The Police Insight Program is set up on Scholars Lane as a mobile platform to address multiple safety topics. The program allows for engagement and learning opportunities for all. The UCMPD police officers, Detective, and Sergeants are the instructors. They incorporate hands on activities to enhance the training.

If you would like to learn more, please call 209-228-2677 or email police@ucmerced.edu.

Policy Statements

The Clery Act requires institutions to publish and distribute an Annual Security Report, which must contain various campus policy statements. These statements must accurately reflect how the policies are currently implemented.

Law Enforcement Authority

UCMPD has primary law enforcement jurisdiction on the campus and associated university properties. UC Merced police officers are full sworn peace officer under 830.2 of the California Penal Code appointed by 92600 of the California Education Code. UC Merced police officers have primary responsibility for all criminal investigations and the arrests of criminal violators. The UC Merced police officers have the authority to enforce state, local, federal laws and university policies.

Public Service Ambassadors maintain their certification through the Bureau of Security and Investigative Services (BSIS). BSIS is governed by the California Code of Regulations. This allows PSAs to serve in a security role. They must comply with the Business and Professions Code of Private Security Services. They do not have the power to arrest.

Officers and dispatchers fully subscribe to the standards of the California Commission on Pease Officer Standards and Training (POST) and receive the same training as other state, city, and county peace officers and dispatchers throughout the state. The UCMPD is committed to the University Principles of Community and strives to have a representative workforce broad enough to appropriately serve the campus community.

Additionally, the UCMPD is committed to the mandates listed by former UC President Janet Napolitano's taskforce recommendations. Training includes diversity, equity, and inclusion. A complete list of the trainings can be found on the UC Merced Police Department website: https://police.ucmerced.edu/. UCMPD is also in compliance with the UC systemwide Campus Safety plan issued by President Drake.

Crime Prevention, Security Awareness, Programs and Risk Reduction

The prevention of crime is a top priority for UC Merced as well as providing programs and awareness training on crime and safety. In addition, all members of the UC Merced community are encouraged to report safety and security concerns to the appropriate campus office.

During the 2023-2024 academic year, UCM offered approximately 100 crime prevention and security awareness events. UCMPD offers training through the Violence Intruder Response Training, Duress Alarm Training Program, Police Insight Program, CARE office collaboration trainings, human trafficking awareness, First Amendment training, and countless tabling activities centered on various topics of safety, awareness, and security. While the UCMPD can offer guidance, risk-reduction suggestions and assistance regarding campus safety, each person must take primary responsibility for their own safety.

The UCMPD supports proactive crime prevention by working closely with community members to help create and maintain a safe environment. The UCMPD supports and encourages students to attend violence prevention education offered by the UC Merced CARE office. For example, as part of the UC Office of the President's initiative to help prevent sexual violence, all members of the UC community are required to receive sexual violence prevention and intervention training. For undergraduate students at UC Merced, this comes in the form of the Violence Intervention and Prevention (VIP) program. Graduate students receive access to workshops and online training. Starting in 2015, VIP became mandatory training that all incoming undergrad students are required to complete within their first six weeks of classes. This program aims to educate incoming students on bystander intervention techniques to respond to and prevent sexual violence such as sexual assault, dating/domestic violence, and stalking. The CARE office also provides year-round prevention workshops, presentations, campaigns, and class announcements. In addition, the UCMPD gives various presentations and workshops regarding personal safety, self-defense, and office safety/workplace violence. The UCMPD's efforts to educate the campus community about incidents of crime, the importance of reporting crime and the prevention of crime are performed on an ongoing basis. The CARE office, the UCMPD, Student Affairs, Campus Housing and Residence Education Office, Office of the Associate Vice Chancellor and Dean of Students, Office of Student Rights & Responsibilities and the Center for Student Wellness and Health Promotion all actively participate and contribute to this effort. From first-year orientation to Commencement, students and employees are presented with and offered many different safety and security programs. The departments listed above offer a

variety of educational programs, which may vary depending on requests by community members.

Campus Safety and Security Education, Programming and Other Events

The UCMPD collaborates with campus departments such as the CARE office, the Office of Equity, Justice, and Inclusive Excellence, Housing & Residence Education, Student Affairs, and others to provide security and safety programs, safety presentations, and safety related workshops throughout the year. In addition, these campus units and the UCMPD produce and publish brochures and pamphlets relating to personal safety, bystander intervention and risk-reduction strategies.

UCMPD and Emergency Management tabling event

Emergency Management

UC Merced's Emergency Management is responsible for the implementation and maintenance of an all hazards Emergency Operations Plan and the development implementation of programs and projects in emergency planning, training in response and recovery. The policy on emergency evacuation and responses can be found on the Campus Policies website located at https://policies.ucmerced.edu/

Office of the Ombuds

The Office of the Ombuds provides conflict resolution resources to all faculty, staff, and students.

Whistleblower and Anti-Retaliation

The University of California has a responsibility to conduct its affairs ethically and in compliance

with the law. If individuals suspect a UC employee is engaged in improper governmental activities, the UC has policies that instruct individuals how to "blow the whistle" and can protect individuals from retaliation if the need arises.

Improper governmental activities include acts such as corruption, bribery, theft or misuse of university property, fraudulent claims, fraud, coercion, willful omission to perform duty, economic waste, gross misconduct, gross incompetence, or gross inefficiency; or any condition that may significantly threaten the health or safety of employees or the public.

Serious or substantial violations of UC policy may constitute improper governmental activities determined upon review or investigation. Individuals can report suspected improper governmental activities to the Locally Designated Official (LDO) via the university-wide Whistleblower Hotline at 800-403-4744 or universityofcalifornia.edu/hotline.

More information is available at https://ethics.ucmerced.edu/reporting-improper-activities.

Security, Access and Maintenance of Campus Buildings & Grounds

During the academic year, the daily population is approximately 11,000 community members. This reflects our student body, staff members, faculty and visitors.

Due to the campus being an open environment, individuals may find it easy to access the buildings and grounds. Unfortunately, this presents a challenge for crime prevention. UCMPD encourages everyone to report if they see concerning behavior or safety issues.

Buildings, facilities and landscaping are maintained in a manner that minimizes hazardous conditions. UC Merced police officers regularly patrol the campus and report malfunctioning lights or other unsafe physical conditions to Facilities Management for correction.

In addition, anyone who sees a hazardous condition may report it to UC Merced Police Dispatch, campus Facilities Management or other appropriate units.

UCMPD does not assign staff to fixed posts. Housing staff and UCMPD officers monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

The dormitories require authorized subjects to scan the electronic key to gain access into housing. Propped doors and holding the door open for others allows subjects to enter when they do not have access.

UCMPD dispatch monitors the access denials to locate any individuals who are not allowed in that building. Student Service Ambassadors ensure the main doors remain locked instead of propped open. Some buildings have a propped door sensor.

Video surveillance of entrances to buildings helps to locate suspicious behavior or unauthorized access. Auditory and duress alarms are strategically located throughout campus. Police officers conduct building/area checks during their patrol shifts.

Public Service Ambassadors and Student Service Ambassadors conduct routine patrols of campus buildings to evaluate and monitor security related matters.

Non-Residential Buildings

The campus has 24 buildings that directly support academic instruction and research:

- Leo and Dottie Kolligian Library
- Classroom and Office Building 1
- Classroom and Office Building 2
- Science and Engineering Building 1
- Science and Engineering Building 2
- Arts and Computational Sciences Buildings
- Sustainability Research and Engineering Building
- Research Server
- Greenhouse
- Social Sciences and Management Building
- Student Service Building
- Biomedical Sciences and Physics Building
- Academic Office Annex Building
- Student Activities and Athletic Center
- Joseph Edward Gallo Recreation Wellness Center
- Fred and Mitzie Ruiz Administration Building
- Health and Athletic Center
- Castle 1200
- Castle 1201
- Downtown Campus Center
- Fresno Center
- Early Childhood Education Center
- Yablokoff-Wallace Dining Center
- Pavilion Dining Center

Mixed-use Space

Sentinel Rock, Glacier Point, Granite Pass, and El Portal are UC Merced's residential units with mixed-use, student-focused environments.

These buildings offer residential housing, study rooms, lounge spaces, meeting spaces and sheltered bike storage. The ground floor public spaces include classrooms and student life spaces connected to the pedestrian circulation network.

Kolligian Library may be accessed by authorized faculty, staff, and students using their keys or card access after business hours. The administrative offices in the library building are locked at 5 p.m. However, the main library building is open to UC Merced and the greater Merced community until midnight every Sunday and Monday during the academic year. From 6 p.m. until midnight, library staff members are present to help maintain a safe environment. UC Merced police officers, PSAs and SSAs periodically provide foot patrol through the library to help maintain that safe environment.

It is essential that staff, faculty, and students work with the UCMPD to keep closed facilities locked and prevent unauthorized access. Do not prop the doors open, leave doors unlocked or open the door to people you do not know. In addition, protect the security of campus keys, and report immediately any loss or theft of keys to the campus locksmith and university police.

Residential Buildings

UC Merced provides housing to nearly 4,300 students. The campus has 18 residence halls that support student housing:

- Granite Pass
- Glacier Point
- El Portal
- Sentinel Rock
- Half Dome
- Tenaya
- Cathedral
- Mariposa
- Tuolumne
- Calaveras Hall
- Fresno Hall
- Kern Hall
- Kings Hall
- Madera Hall
- Merced Hall
- San Joaquin Hall
- Stanislaus Hall
- Tulare Hall

The UCMPD and Housing and Residence Education staff work closely together to create a safe and more comfortable living and learning environment. Although all student residences are accessible by key 24-hours a day, to maintain the safety and security of residential buildings, residents and visitors must ensure that locked buildings stay closed and locked. Keep suite and room doors locked, always carry your key, take precautions to protect your keys against theft or loss, and immediately report any theft and/or loss of your building, suite, or room keys. In addition, do not open the door for unknown persons, and alert residence hall staff and the UCMPD if you notice improper entry or suspicious activity. Always use good judgement and follow campus safety procedures.

For residence hall maintenance, including lighting and window and door locks, students are directed to submit a request for repair online at https://jcifmaz.swgasp.com/QFMliveJCIMerced , then select "guest login" and choose north campus or south campus and the building needing the repair. Residents are expected to submit work requests when something is not working properly. Students are asked not to attempt any do-it-yourself projects in buildings. Questions about maintenance or custodial work can be directed to Housing Services email to housing@ucmerced.edu or call 209-228-2293 during business hours.

Driving, Biking, or Walking and Moving Around Campus

Vehicle Safety Tips

Drive defensively

- Be vigilant about your surroundings and anticipate other drivers' actions. Keep an eye out for pedestrians, cyclists, and other vehicles.
- Maintain a safe following distance, especially in bad weather or heavy traffic. This allows more reaction time.
- Always use turn signals to communicate your intentions to other drivers and pedestrians.

Avoid distracted driving

- Use hand free options if you need to make calls but avoid texting or using apps while driving. Your focus should be on the road.
- Avoid eating, adjusting the radio, or engaging in activities that could divert your attention from driving.

Respect speed limits

- Follow posted speed limits, particularly in residential areas, school zones, and around campus where pedestrian traffic is high.
- Slow down in adverse weather, heavy traffic, or on poorly maintained roads.

Parking and securing your vehicle

- Always lock your vehicle when you leave it, even if it's just a short time.
- Store valuable items out of sight, such as in the trunk or glove compartment, before arriving to your destination to deter theft.
- Consider using a steering wheel or pedal-locking device and/or auto alarm.
- Park in well-lit and populated areas, especially if you'll be returning to your car at night.
- When returning to your vehicle, be aware of your surroundings and have your car keys ready

Bicycle, Scooter, and Skateboard Safety Tips

Follow traffic rules

- Obey all traffic signals and signs, just like a car.
- Slow down when riding on campus, especially around academic buildings, dorms, and dining centers.
- Be mindful of pedestrians, who may not always be paying attention.

Avoid distractions

- Keep both hands on the handlebars and avoid using your phone or listening to music while riding.
- Stay focused on the road and your surroundings.

Plan for weather changes

- Before heading out, check the local weather forecast to anticipate any changes in weather conditions.
- In wet conditions, ride slower and allow more time to stop, as brakes may not work as efficiently on wet surfaces.
- Wet roads can be slippery, so slow down and take turns carefully.

Use a high-quality lock

- Use a high-quality lock to lock your bike, even if you expect to be gone for a few minutes.

Be visible

- If you plan on biking at night, wear bright or reflective clothing especially in low-light conditions.
- Use lights on the front and back of your bike and consider adding reflectors.

Walking Safety Tips

Stay aware of your surroundings

- Avoid distractions and keep your phone in your pocket while walking. If you need to use it, stop and stand in a safe place.
- Be alert and aware of your environment, especially when crossing streets or walking in unfamiliar areas. Avoid wearing headphones or keep the volume low so you can hear what is happening around you.

Cross Streets Safely

- Always cross at designated crosswalks or intersections, where drivers expect to see pedestrians.
- Look both ways before crossing, even if you have the right of way. Make eye contact with the driver to ensure they see you.

Walking alone at night

- If you know you'll be out late, arrange to walk with your friend or use a campus shuttle or rideshare service to get home.
- Stick with areas around people, like main streets or campus buildings that are open late.

Trust your instincts

- If something doesn't feel right, trust your instincts. Change route, cross the street, or seek out a crowded area if you feel unsafe.
- Seek help if needed. If you are being followed or harassed, go to a public place, such as a store or a campus building, and ask for help.

Practice safe walking habits

- Avoid walking if you're intoxicated or impaired. If needed, call a friend.
- Be cautious on uneven surfaces or wet sidewalks. Walk carefully to avoid slips, trips, and falls.

Policy Regarding Alcohol and Controlled Substances

The university strives to maintain communities and workplaces free from the illegal use, possession or distribution of alcohol and other drugs. Manufacture, sale, distribution, dispensation, possession or use of alcohol and controlled substances on university property, at official university functions or on university business – are prohibited except as permitted by law, university policy or campus regulations. University of California, Merced prohibits the unlawful possession, use, and sale of alcoholic beverages and illegal drugs on campus.

The UC Merced Police Department is responsible for the enforcement of State underage drinking laws and enforcement of Federal and State drug laws. UCMPD enforces laws including but not limited to violations of the California Business & Professions Code, Health & Safety Code, and the Penal Code.

Violation of these policies is subject to disciplinary action, including suspension or dismissal from the university, and may be referred for criminal prosecution resulting in jail, fine, or both.

Campus sponsored events where alcohol is served are required to have an appropriate permit for the event.

California Alcohol and Drug Laws and Sanctions

California law prohibits furnishing and selling alcoholic beverages to underage (younger than 21) or intoxicated individuals.

Underage persons may not buy alcoholic beverages or possess them on campus, in public or places open to public view; the penalties for violations of these laws may include substantial fines and jail. Alcohol may not be sold without a license or permit. State law also prohibits driving a motor vehicle under the influence (a blood alcohol level of .08 percent or higher creates a presumption of intoxication, but one can be charged with lower blood alcohol levels); drinking or possessing an open container of alcohol while driving; and operating a bicycle while intoxicated. Drunk driving penalties include jail or prison, fines of $1,000 or more, driver's license suspension or revocation and required drug/alcohol treatment programs. Refusing to submit a test for blood alcohol can result in suspension of the driver's license for up to three years. Sale or possession for sale of controlled substances such as cocaine, methamphetamines, heroin, Ecstasy, GHB, Ketamine, LSD, PCP, and "designer drugs" is a felony. Sentences are enhanced for previously convicted felons, for distribution within 1,000 feet of a school or university or within 100 feet of a recreation facility and for distribution to a pregnant woman or to someone under 18 by someone over 18. Property used in drug transactions can be seized.

Drugs and Alcohol Abuse Education Programs

The University of California recognizes misuse of alcohol and other drugs as a treatable condition and offers programs and services for university employees and students with substance abuse problems in accordance with the Federal Drug-Free Schools and Community Act. UC Merced's Drug and Alcohol Abuse Prevention Program (DAAPP) is intended to support student and employee health, safety, and security by increasing awareness, preventing abuse and decreasing potential drug and alcohol related crime. More information can be found in the UC Merced's Drug and Alcohol Abuse Prevention Program (DAAPP) at https://ecar.ucmerced.edu/daapp.

Programs for UC Merced Employees

The university encourages employees who have a problem with the use of controlled substances or alcohol to seek professional advice and treatment. For confidential help with substance-related problems, employees can explore the following options:

Many UC medical plans offer tobacco cessation resources. Co-pays and program fees may apply. https://ucnet.universityofcalifornia.edu/working-at-uc/livingwell/tobacco-cessation-resources.html

- **The Insight Employee Assistance Program:** website at http://www.insighteap.com/index.html is a free and confidential service that provides services to faculty and staff. EAP has various resources (articles, assessments, videos, webinar, and more) surrounding drugs, alcohol, and substance abuse information.
- **Anthem:** Anthem Blue Cross provides behavioral health and substance abuse coverage for employees, dependents, and retirees enrolled in the UC PPO plans:
    - UC Care PPO Plan
    - UC Health Savings Plan
    - Core PPO Plan
- **Kaiser HMO:** Behavioral health and substance abuse coverage are provided by Kaiser and Optum. Kaiser members may access care from Kaiser behavioral health providers *and* from Optum in-network providers.
    - Website: https://ucnet.universityofcalifornia.edu/compensation-and-benefits/health-plans/medical/kaiser-permanente.html

- **UC Blue and Gold HMO:** Behavioral health substance abuse coverage are provided by Managed Health Network (MHN – a Health Net Company)
    - Website: https://ucnet.universityofcalifornia.edu/compensation-and-benefits/health-plans/medical/health-net-blue-gold.html
- **New Employee Orientation:** During introductory discussions of UC Merced Principles of Community, policies and procedures, a slide is presented summarizing the University of California Policy on Substance Abuse and makes references to the online comprehensive policy document.
- **The Office of the Ombuds:** provides conflict resolution resources to all faculty, staff, and students. Visit their website at https://ombuds.ucmerced.edu/ to learn more.

Programs for UC Merced Students

The university provides educational programs and counseling to students who are substance abusers and those affected by the substance abuse of others. For confidential help with substance-related problems, students can explore the following options:

- Counseling and Psychological Services: 209-228-4266
- Student Health Services: 209-228-2273
- Peer Recovery Support Groups: Students can participate in virtual recovery support groups hosted by other UC campuses.

- In-patient care coordination: CAPS and Health Services work to coordinate care for students with a high level of dependency. Students with Medi-Cal/Central California Alliance can receive in- and out-patient services through Merced County Behavioral Health and Recovery Services. Students with UC SHIP, a self-funded comprehensive medical, dental and vision insurance program, can receive in-patient care as close as Fresno.
- Health Promotion offers interactive educational workshops to students throughout the year and promotes safer party strategies/behaviors related to alcohol use through tabling and social media campaigns during the first six weeks of school and prior to large campus events (e.g., Treats N' Beats and Cowtopia).

The following programs are offered to all UC Merced students:

- *Party Like a Bobcat* Instagram campaign: the first six weeks of freshmen year are a vulnerable time for harmful and underage drinking as well as for alcohol-related consequences because of student expectations and social pressures at the start of the academic year. During this social media campaign, Health Promotion highlighted several "Party Like a Bobcat" safer party strategies in an effort to help our students make responsible choices when it comes to consuming alcohol.
- *Party Like a Bobcat* Workshop: – This workshop focuses on alcohol safety by educating students about things they can do before the party, during the party, and after the party to ensure a safer night out. This workshop also includes the Narcan training required to receive a free Overdose Prevention Kit from the Health Promotion Office.
- *Party Like a Bobcat* poster – This campaign targets first-year students and promotes safer party behaviors related to alcohol consumption. . Posters are promoted though Health Promotion's Instagram, and anyone can come get a poster for their dorm room, building or office.
- *Safer Party Kits:* These kits are available for students who are planning to host off-campus parties in the community in an effort to help plan a safer night out for all, including party-throwers and party-goers. The kits include a Safer Party Checklist, door tags to notify neighbors of the party plan, a refrigerator magnet highlighting the signs and symptoms of alcohol overdose, and condoms.
- *Greek Life Guide* – This workshop was facilitated during the Spring 2024 Be a New Member Conference for all new Greek life. This workshop focused on various strategies on how to better manage their new member process through a well-being lens, including safer party strategies.
- *AlcoholEdu* – Targeting all incoming students, including first-year and graduate students, AlcoholEdu is an interactive online course that uses the latest evidence-based prevention methods to create an engaging learning experience, educating students on how to make healthier decisions related to alcohol use and decrease negative alcohol-related consequence.

- *AlcoholEdu Sanctions* is also an evidence-informed course that provides knowledge, skills and tailored planning strategies for students who have violated campus alcohol policies.
- *Overdose Prevention Kits* – In an effort to prevent any lives lost due to fentanyl overdose, Health Promotion distributes *Safer Party Kits.* Kits include Narcan (overdose reversal medication), fentanyl test strips which can detect the presence of fentanyl in many drugs, and educational information.
- *T-Break* Campaign focuses on supporting students who want to take a tolerance break from Cannabis. In addition to tabling, there is alcohol a coinciding Instagram campaign leading up to 4/20.
- Social media campaigns are implemented throughout the year addressing alcohol and cannabis use/misuse. Alcohol education is largely targeted around large campus events as well as holidays known for an increase in alcohol use. These campaigns focus on campus norms and safer party strategies.

Alcohol and Drug Abuse Prevention and Treatment

Alcohol and Drug Abuse Prevention and Treatment for students is part of the UC Merced Health and Wellness Education Program (HWEP) hosted by the H. Rajender Reddy Health Center or 209-228-2273 (CATCARE). HWEP provides organized campuswide outreach and prevention programs; assessment, education, and referrals for students with identified needs related to alcohol or other drugs; and specific education programs designed for students referred for alcohol/drug incidents.

Resources for Alcohol and Drug Help

UC Merced

- Counseling and Psychological Services: 209-228-4266
- Student Health Services: 209-228-2273 (CAT-CARE)
- Insight Employee Assistance Program: 800-422-5322

Merced County

- Merced County Alcohol and Drug Services: 350 G St., Merced, 209-381-6850; https://www.countyofmerced.com/78/Behavioral-Health-Recovery-Services
- Alateen: 209-524-3907
- Merced County Alcohol, Drug and Mental Health Services: 888-334-0163 (no charge, 24 hours), TDD toll free: 866-293-1818; https://www.countyofmerced.com/462/Substance-Use-Disorder-Services
- Merced County Mental Health Emergency Services: 209-381-6800

The following resources exist to assist people in alcohol and drug treatment and recovery. These services are not endorsed by UC Merced or the County of Merced but provided as a community service.

- Alcoholics Anonymous: 212-870-3400; https://www.aa.org/
- Narcotics Anonymous:818-700-0700; https://www.na.org/
- Marijuana Anonymous: 800-766-6779; https://marijuana-anonymous.org/
- Tough Love Support for family members of teens: 209-386-0980
- Hobie House men's residential treatment program: 209-722-6335
- Tranquility Village women's residential treatment program: 209-357-5200
- Alcohol Treatment Referral Hotline: 800-ALCOHOL
- Al-Anon and Alateen Family Group Headquarters, Inc.: 800-344-2666
- Alcoholics Anonymous World Services Inc.: 212-870-3400
- SmokefreeTXT (for Adults in the U.S. who are ready to quit smoking) https://smokefree.gov/tools-tips/text-programs/quit-for-good/smokefreetxt
- SmokefreeVET (for military veterans who receive their health care through VA) https://veterans.smokefree.gov/tools-tips-vet/smokefreevet?utm_source=vetshortlink&utm_medium=SFV&utm_campaign=Vet_SFVTXT
- National Drug and Alcohol Treatment Referral Service: 800-662-HELP (4357)
- National Council on Alcoholism and Drug Dependence Hope Line: 800-622-2255/800-NCACALL
- Families Anonymous: 800-736-9805
- National Institute on Alcohol Abuse and Alcoholism https://www.niaaa.nih.gov/
- Nar-Anon Family Groups: 310-534-8188 or 800-477-6291; https://www.nar-anon.org/

Reporting

Any person may make a report – anonymously or by name – of prohibited conduct to the Campus's Title IX Officer (OPHD Director), OPHD or any responsible employee or to any appropriate office such as the Academic Personnel Office, Student Affairs, Office of the Provost, or Human Resources. Reports will be sent to the Title IX Officer. All complaints (student, staff, and faculty) will receive information about their rights and options when a report is submitted to the UCMPD or to OPHD. Any person can submit a report at http://ophd.ucmerced.edu/. Reporting to the UCM Police Department can be done by calling 209-228-2677.

Immediate Health and Safety

The university will consider and take supportive measures as appropriate to ensure the safety, well-being and equal access to university programs and activities of its students. Interim measures include, but are not limited to, no-contact orders, housing assistance, academic

support, accommodations, and referral to counseling. Per the SVSH Policy, Respondents may be excluded from campus depending upon the circumstances surrounding the allegations. Any accommodations or protective measures initiated will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide such accommodations or protective measures.

OPHD will provide written notification to students and employees about available supportive measures and procedures for requesting such assistance.

Students can seek orders of protection and/or restraining orders through the courts. The UCMPD will also help the victims of these crimes apply for Emergency Protective Order (EPO) through the court. The CARE Campus Advocate can assist the student in applying for a Temporary Restraining Order (TRO) through the court. The Office of the Associate Vice Chancellor and Dean of Students will help to provide accommodation.

Throughout the resolution process, the university will offer and provide support services for Complainants through the CARE office and for Respondents through the Respondent services coordinator.

At all stages of the process, the Complainant and Respondent have the right to an advisor or support person of their choosing. An advisor may be any person, except another party or potential witness, who provides the complaint or Respondent with support, guidance, or advice (including attorneys).

All stages of the resolution process will be tracked by the campus case management team. All university officials involved in the resolution process will be trained to carry out their roles in an impartial manner in keeping with trauma-informed practices.

The standard of proof at all stages of the investigatory process is the preponderance of the evidence.

Campus Advocacy, Resources, and Education (CARE) Services

The Campus Advocacy, Resources, and Education (CARE) office collaborate with UC Merced partners to develop and support an understanding of gender-based violence through prevention education and trauma-informed care advocacy using an intersectional framework. CARE promotes empathy, diversity, equity, and inclusion through its programs to staff, faculty and students.

All supportive services are rendered by the Campus Advocate and Valley Crisis Center (non-UC Merced staff). Valley Crisis Center (VCC) is the local community agency serving Merced County on issues related to sexual assault, domestic violence, and human trafficking. The Campus Advocate is confidential and certified by the California Office of Emergency Services (CAL OES) and stationed on campus at the CARE office. VCC and the Campus Advocate provide all

community services on campus, such as support for restraining orders, crisis intervention, resources, transportation to forensic exams, safety planning and other services tailored to the needs of the survivor. Reports to the Campus Advocate or VCC DO NOT constitute official notice to the university. Contact the Campus Advocate at 209-386-2051 or email care.advocate@ucmerced.edu

The CARE office staff provide ongoing prevention education and training to all affiliates of the UC Merced community. We envision a UC Merced community empowered to eliminate all forms of oppression and gender-based violence – sexual assault, domestic abuse, stalking, and human trafficking – fostering a campus where all members are respected, valued, and safe. The CARE office website is, https://care.ucmerced.edu and our email is ucmcare@ucmerced.edu.

CARE Office tabling event

Primary and On-going Prevention and Awareness Programs

All campus affiliates receive ongoing training related to preventing and responding to sexual violence and sexual harassment (SVSH). OPHD also conduct trainings related to reports that are received from campus affiliates. As part of UC Merced's efforts to prevent and address sexual violence and sexual harassment, all UC students and employees are required to complete ongoing SVSH prevention training, either in person or online. All incoming students receive training related to their status as an incoming graduate or undergraduate student.

In 2022, all incoming first year and transfer students were required to complete an online program administered through Vector LMS entitled, "Sexual Assault Prevention- Undergraduates" within their first 6 weeks of classes. All incoming graduate and professional students took a mandatory online program administered through Vector LMS entitled "Sexual Assault Prevention- Graduate Students." In addition to the online Vector LMS module, all

graduate students as part of the GROW orientation received an additional video training and knowledge check from CARE and OPHD through their Cat Courses site. This video includes information about CARE services, responsible employees' reporting responsibilities, and trauma-informed care upon receiving a disclosure.

All university employees are also required to complete prevention training every two years, while supervisors and faculty are required to complete harassment and discrimination training yearly. The SVSH prevention training for employees includes information about reporting responsibilities that employees have unless they are designated as confidential resources. The online SVSH prevention trainings for staff and faculty are provided through the UC Learning Center for all UC locations.

OPHD also conducts targeted trainings, often in collaboration with CARE, for critical campus stakeholders.

CARE and OPHD provide annual training to Resident Assistants, Library Student Assistants, and Dining Student Leaders, and Dining Career Staff. These collaborative trainings cover Responsible Employee reporting requirements and campus-wide support resources for incidents of sexual assault, relationship violence, and stalking, as well as other forms of discrimination and harassment. CARE also provides training to student staff in SSHA Peer Navigators, Social Justice Initiatives, Health Promotion, Basic Needs, and Admissions on topics covering awareness of all forms of sexual violence, consent, and campus-wide support resources. Additionally, CARE and OPHD provide virtual and in-person training and workshops for campus constituents as requested.

UC Merced offers various programs to assist students, staff and faculty with a wide range of issues, including primary and ongoing programs to promote the prevention and awareness of dating violence, domestic violence, sexual assault, sexual exploitation, and stalking. These programs are primarily available from the CARE Office. In addition, other university departments and student organizations may organize campaigns throughout the school year on topics that overlap with dating violence, domestic violence, sexual assault, and stalking.

CARE provides ongoing education throughout the year for the entire UC Merced community and with a special focus on domestic violence/dating violence in October, stalking and human trafficking in January, teen dating violence in February, and sexual assault in April. Programs are tailored to the needs of the target audience for each event or activity. Themes covered:

- Healthy Relationships- Red Flags
- Dating Violence Prevention & Awareness
- Bystander Intervention & Consent
- Effective Communication in Healthy Relationships
- Party Awareness & Risk Reduction
- Stalking Prevention & Awareness

- Human Trafficking Prevention & Awareness
- CARE 101
- Sexual Assault Prevention & Awareness
- Safety Planning

Educational Programs

CARE encourages the UC Merced community to step in and speak up against all forms of gender-based violence. In addition, CARE collaborates with campus partners to educate all incoming students since they are required to complete a mandatory prevention education program online (Vector LMS).

The CARE office offers the following programs in-person and online to engage the campus community:

- **Fraternity & Sorority Life (FSL) New Member**– Discussions to new members of Greek-lettered organizations of how sexual violence affects Greek-lettered organizations as well as identifying techniques Greek-lettered organizations can use to promote violence prevention.
- **All fraternities and sororities are required to take a 60-minute program regarding Interpersonal/Gender-based Violence annually** – The purpose of this program is to promote positive social norms in the FSL community, such as bystander intervention, consent, supporting survivors of violence, holding people accountable for their words/actions, and creating a culture that does not tolerate violence.
- **GROW (Graduate Orientation Week)** – Introduction to types of domestic/sexual violence they may receive in their role as Graduate Students.
- Unit 18 Lecturers Orientation- Introduction presentation about the CARE office, sexual violence definitions, handling disclosures and confidential advocacy services.
- **Joint Presentations on Responsible Employees** – Introduction to types of gender-based violence, resources, bystander techniques and employee responsibilities
- **Domestic Violence, Human Trafficking, Stalking and Sexual Assault Awareness Month in-person Fairs** – Resource fair in-person in collaboration with campus partners to raise awareness on these forms of violence, resources available in the community and campus and bystander intervention.
- Halloween Party-Participants are made aware of CARE resources and bystander intervention approaches while attending parties. **Home 4 the Holidays**- Safety planning for when home is not a safe place. How to access support on campus and in their local community. How to cope and manage unhealthy family dynamics.
- **Pumpkin Painting & Party Awareness**- This workshop focuses on bystander intervention when attending parties and information on risk reduction techniques.

- **14 Days of Valentines** - this is a fourteen-day event that focuses on what consent is finalized by a tabling activity on Scholars Lane for Valentines Day where we talk about consent and survey participants on how they define what it is.
- T.R.U.S.T- TRUST trainings are 8-hour certificate program on the various aspects of healthy relationships (intimate & platonic). Sessions include how to recognize abusive and unhealthy behaviors, how to implement boundaries in relationships and work and safety planning.
- **Healthy Relationships and Communication**- a workshop that taught participants how to recognize unhealthy/red flags in relationships and how to have healthy boundaries and communication. The presentation also includes resources and information on how to help a friend.
- Healthy Friendships and Communication- In collaboration with the Office of the Ombuds participants learn how to recognize unhealthy/red flags in platonic relationships, how to have healthy boundaries and effective communication.
- **Class Announcements**- 5–10-minute presentations to various classes throughout the year that provides a brief overview of CARE services and Bystander Intervention techniques.

Mandatory Trainings- Vector LMS Higher Education Corporation- Online Programs

All incoming graduate and professional students are required to complete the following mandatory online courses

- **"Sexual Assault Prevention: Graduate Students"** - gives students the tools to identify, prevent, and report sexual assault, dating violence, domestic violence, and stalking, and the education they need to be successful UC Merced community members.
- **"Sexual Assault Prevention for Undergraduate Students"** - this course covers the definitions of dating violence, domestic violence, sexual assault and stalking, the importance of obtaining consent, information on risk reduction and techniques for bystander intervention.

Immediate Assistance for Survivors of Gender-based Violence

Survivors (CARE uses survivors in place of victims to encourage healing) of these crimes are encouraged to take the following steps:

- Seek immediate assistance. Survivors are provided with all their reporting options to ensure physical safety and/or to initiate an investigation.
- Preserve evidence. Even if a survivor is not sure about pursuing an investigation or sanctions against the perpetrator, they are encouraged to preserve evidence. It is essential to keep physical evidence to assist in criminal prosecution. Evidence should be preserved in a paper bag, not a plastic bag, when possible.

    - Survivors of sexual assault should make every effort to save anything that might contain the perpetrator's DNA. Therefore, the survivor should try not to bathe or shower, use the restroom or douche, change clothes, comb their hair, clean up the crime scene or move anything the offender might have touched. Evidence of sexual assault is most effectively collected via a sexual assault forensic exam within approximately 7 days as a general guideline after an assault.
    - To obtain the free exam, a survivor can call the UC Merced Police Department or local law enforcement by dialing 9-1-1 or by calling the CARE Campus Advocate at 209-386-2051 or Valley Crisis Center after hours at 209-725-4357.
    - A "Jane Doe" police case number will be assigned to the report for the purpose of CAL OES tracking only. A police investigation will not be initiated or commenced without a written request by the survivor. Connect with the CARE Campus Advocate to get more information.
    - Survivors of sexual assault violence can also preserve evidence by saving or taking screenshots of text messages, instant messages, social networking pages, photographs, and other documents applicable to the police.
- Obtain medical attention. Health care providers can examine and treat physical injuries, provide pregnancy tests, emergency contraception and tests for sexually transmitted diseases. Health care providers are mandatory reporters. Call the CARE Campus Advocate for more details or questions at 209-386-2051.

Affirmative Consent

California laws make it illegal to engage in a sexual act with another without affirmative 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 affirmative consent (yes means yes) of the other to engage in 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 between the parties involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Reporting Options and Confidential Resources

The UCMPD is located at the back of the campus near the Facilities building. To reach the police department by phone, call 9-1-1, text 9-1-1 from a cell phone, or 209-228-2677 (CAT-COPS) for non-emergencies. UC Merced police officers and public safety dispatchers are on duty 24- hours a day, seven days a week.

When a report is made to the UCMPD, an officer will be dispatched to the scene. The officer will explain, guide, and provide the survivor with all the available options on how to proceed so that the survivor can make an empowered decision. The officer will also contact the CARE Campus Advocate to ensure that the survivor has support throughout the process. A sexual assault forensic exam may be obtained at that time. When the investigation is concluded, the case may be submitted to the Merced County District Attorney's office for their review and consideration in the formal filing of criminal charges. The decision to formally file criminal charges against the accused individual is at the sole discretion of the Merced County District Attorney's office.

California Crime Victim's Bill of Rights – Marsy's Law

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

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

UC Merced's goal is to prevent, correct and when necessary, to discipline behavior that violates the SVSH policy.

- Office of Rights and Responsibilities: 209-228-0069; located in Kolligian Library, Room 113; http://osrr.ucmerced.edu. This office is obligated to notify the Title IX officer.
- Office for the Prevention of Harassment and Discrimination (OPHD)/Title IX officer: 209-355-0352; located in the Kolligian Library, Suite 323; http://ophd.ucmerced.edu/

OPHD, OSRR, and the CARE office are located inside the Kolligian Library (KL)

UC Merced has a Title IX Officer (OPHD Director) who aids, supports, monitors, and oversees overall compliance with laws and policies related to sexual violence.

OPHD staff members can explain and discuss the survivor's rights and options, including the right to file a criminal complaint or administrative complaint, confidentiality, the investigation process, remedial and protective measures, support options, and other related matters.

OPHD is also responsible for conducting neutral, administrative (non-criminal) investigations of all reports of sexual violence, harassment, discrimination, and retaliation. If a Complainant chooses, they may request an investigation regardless of whether they made a police report against the alleged perpetrator.

Although UC Merced encourages the timely reporting of all crimes, survivors of sexual violence are not required to report to the police, OPHD or any other campus office or official.

Regardless of whether a survivor chooses to formally report sexual violence to law enforcement or UC Merced, the following on and off-campus confidential support resources are available to help:

- Campus Advocacy, Resources and Education (CARE) General Office number 209-228-4147; https://care.ucmerced.edu/; CARE is a source for information, crisis intervention and follow-up support regarding sexual assault, dating and domestic violence, human

trafficking, and stalking. All supportive services are rendered by Valley Crisis Center to all UC Merced constituents (staff, faculty, and students).

- Valley Crisis Center: 24-hour hotline: 209-722-4357, 790 Loughborough Dr., Merced, CA 95348 http://www.valleycrisiscenter.org/
- Counseling and Psychological Services (CAPS) (students only): 24-hour hotline: 209-228-4266, http://counseling.ucmerced.edu/, in the Student Health Center
- Insight Employee Assistance Programs (employees only): 800-422-5322; http://counseling.ucmerced.edu/
- Office of the Ombuds (students and employees): 209-228-4410; http://ombuds.ucmerced.edu/, Student Services Building, Room 213

A survivor may report a sexual assault at any time.

- A survivor has the right to a free and confidential CARE Campus Advocate throughout the reporting process and they may talk with the Campus Advocate before they decide to report to law enforcement.
- The CARE Campus Advocate is available through Valley Crisis Center and located at the CARE office. The CARE Campus Advocate will assist a survivor in exploring their options and can accompany them throughout the process if they choose to report to law enforcement.

Required Notifications

Individuals making reports shall be informed about:

- Confidentiality of reports, including when reports cannot be kept confidential.
- The range of possible outcomes of the report, including Health and Safety measures, remedies, and disciplinary actions that may be taken against the Respondent, and information about the procedures leading to such outcomes.
- Victim rights, university policies, Code of Student Conduct policies and other relevant options, including the contact of the CARE Campus Advocate.

If the report results in a formal investigation, after the conclusion of the investigation, the Complainant and Respondent will be simultaneously informed in writing of:

- The outcome of the investigation and its rationale.
- Any available appeal rights and procedures.
- A copy of the investigation report, which may be redacted as necessary to protect privacy rights.

If the matter results in a disciplinary proceeding, when the proceeding concludes, the Complainant and Respondent will be simultaneously informed in writing of:

- The outcome of the proceeding, including the final determination with respect to the alleged offense; any sanctions being imposed, and the rationale for the result.
- Any available hearing rights appeal rights and procedures.
- Any subsequent change to the results and when results will become final.

Seeking Medical Attention

It is important that survivors of sexual assault and other violent crimes are provided immediate care and support. A survivor of violence has the right to seek immediate medical attention, no matter whether they report the incident, even if they do not feel they have been seriously injured. A medical examination can check for sexually transmitted infections or other injuries and pregnancy. Medical professionals are mandated to report disclosures of sexual assault to law enforcement, but a survivor does not need to file or report with law enforcement if they do not wish to do so. Emergency medical services can be requested by calling 9-1-1.

Preserving Evidence

Physical evidence can be collected at a certified medical facility. The CARE Campus Advocate or Valley Crisis Center advocate and/or a police officer will transport and accompany a survivor to the exam. A police investigation does not have to occur for this resource to be used. Through an anonymous “Jane Doe” report, the survivor can have access to this resource without having to provide their name and information.

Support and Assistance

UCMPD contacts the CARE Campus Advocate as soon as a survivor contacts the police. If they do not want to speak to the CARE Campus Advocate, they will be provided with written resources describing options and available support services. The CARE Campus Advocate can provide individual crisis counseling and will accompany the survivor as requested to notify law enforcement authorities, medical treatment, interviews by law enforcement, student conduct proceedings, court hearings, etc.

The CARE Campus Advocate provides support and crisis intervention services. The role of the CARE Campus Advocate is to discuss options and procedures regarding academic assistance, housing, safety, medical and counseling needs, regardless of whether the survivor chooses to report the crime to law enforcement.

In addition, the CARE Campus Advocate will make the necessary referrals to resources, including support groups, individual psychological counseling, and outside agencies. With respect to academic matters, the advocate serves as the liaison between the survivor and Student Affairs to make necessary arrangements for accommodations, including class attendance.

OPHD will provide written notification to students and employees about counseling, health, mental health, survivor advocacy, legal issues, visa, immigration assistance, student financial aid and other services available for complaints.

Reporting Suspected Sexual Misconduct by Students, Student Organizations, Staff or Faculty

To report suspected misconduct by a UC Merced student, staff member, faculty member or registered student organization, contact:

- Office of Student Rights & Responsibilities: 209-228-0069
- Assistant Vice Chancellor of Student Life and Residence Education: 209-228-4560
- Associate Vice Chancellor and Dean of Students: 209-228-4482
- Vice Chancellor for Student Affairs: 209-228-7620 (Students)
- Human Resources (Staff): 209-228-8247
- Office of Academic Personnel (Faculty): 209-228-7948
- Office for the Prevention of Harassment and Discrimination (OPHD): 209-355-0352
- UC Merced Police Department: 209-228-2677
- UC Acts of Intolerance Report Form: https://ucsystems.ethicspointvp.com/custom/ucs_ccc/default.asp

Students, staff, and faculty have the right to free confidential advocacy throughout this process. The CARE Campus Advocate can be reached at 209-386-2051.

Bystander Intervention and Risk Reduction

The UC Merced campus supports the CARE office in the use of the following forms of bystander intervention behaviors – known as the 3Ds.

At CARE, we believe that everyone can play a role in preventing gender-based violence such as sexual assault/harassment, stalking, and human trafficking. However, we understand that not everyone knows or feels comfortable with intervening. It is okay to feel uncomfortable or unsure when we see something happening, but it is important that we are all Up-Standers and actively intervene if we see something happening. If nothing was wrong, the individuals will let you know and might even thank you for looking out for them. Together we help create a strong community where we all feel safe.

The 3-Ds (described below) are a tool that can help anyone intervene when they suspect something problematic is occurring. These tools are meant to empower you to step in and speak out, but we also want everyone to keep their own safety in mind when faced with a situation of intervening.

- **Direct:** Approach the situation

    - You can be direct by approaching the person we think may be doing harm and telling them to stop or asking the person who is potentially being harmed if they are okay or need help.
- **Distract:** Create a distraction to diffuse the situation
    - By distracting, we are changing the subject, diffusing the situation by changing the location, topic, or separating the individual(s). This can look like interrupting the individuals and asking, “Hey do you know where the library is?”, “Do you know what they are serving at the pavilion?” or in case of a party, dancing awkwardly between the individuals.
- **Delegate:** Seek assistance from others (friends, authority figures, etc.)
    - By delegating, we are asking help from others to address the situation, such as asking a friend to help to intervene or asking an authoritative figure (an RA in the dorm halls, Professor/TA in the classroom, or Cat Cop) to intervene on your behalf.

Risk reduction consists of options to use in-the-moment should an act of violence take place. It is designed to decrease perpetration and bystander inaction. Some people may feel safer knowing risk reduction strategies exist and may also feel empowered to address situations after learning different risk reduction strategies. There are no absolutes for risk reduction strategies to prevent sexual assault because the only people who can prevent sexual assault are those who perpetrate it. However, below are risk reduction strategies incorporated throughout primary and ongoing prevention and awareness programs.

Consent- It is important that everyone understand consent is mutual, affirmative, voluntary, and revocable. It is an agreement by each participant to engage in sexual activity. The initiator is responsible for receiving consent from their partner(s). In addition to an informed “yes” consent must also be accompanied by positive body language such as active and engaged participation. Receiving a “yes” to one form of sexual contact does not indicate a yes for everything else.

- Consent is a continuous process it is voluntary and can be withdrawn at any time. It must be given without coercion, force, threats, or intimidation.

Alcohol and other substances - consent cannot be given when someone is under the influence of alcohol and/or drugs. Perpetrators of sexual violence may attempt to use alcohol and/or drugs to facilitate an assault. Some drugs can be added to beverages with the intent to incapacitate or alter the consciousness of a person without their knowledge. Alcohol or drugs are never an excuse for choosing to violate another person.

Know the definition of sexual assault - Sexual Assault is any unwanted contact or non-consensual behavior from kissing to fondling to rape. Ignorance of the law or university policy concerning sexual assault, sexual misconduct, and sexual harassment is never an excuse for non-consensual sexual behavior.

Although risk reduction is an element of educational programming and environmental strategies at UC Merced, the university focuses on educating campus community members about the role each person plays in changing the culture to prevent violence, rather than focusing only on risk reduction strategies that places the responsibility on potential victims/survivors.

Changing the culture can happen with the support of every individual on campus. Below are some examples of behaviors or interventions that can be done to prevent gender-based violence.

- Hold perpetrators accountable for their choices to harm others by speaking up against their actions.
- Challenge victim-blaming myths and jokes about rape, stalking and abusive relationships in classes, practices, games, and activities.
- Attend educational programs and training to learn more about the complexities of these issues.
- Model healthy relationships and interactions with others.
- Treat others with respect.
- Volunteer with the CARE office.
- Display posters, flyers, brochures, and buttons from the CARE office.

fTo learn more, visit https://care.ucmerced.edu/education/how-intervene.

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

UC Merced is committed to maintaining a community dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence where all people who participate in university programs, activities, and services can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Sexual violence - which includes sexual assault, domestic violence, dating violence and stalking, and other behavior prohibited by the University of California Sexual Violence and Sexual Harassment Policy - interferes with these goals. Prohibited Conduct, as defined in the University of California Sexual Violence and Sexual Harassment Policy is a violation of university policy and may violate law.

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

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

- Resources for survivors (including resources in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas)
- Non-reporting options
- Confidentiality/Privacy and Obtaining Supportive Measures and Public Recordkeeping
- Law enforcement reporting options, including medical exams and the importance of preserving evidence
- Civil reporting options and protective orders
- University reporting options, including the investigative and disciplinary process
- University-issued No Contact Orders
- University-facilitated interim measures and remedies

Federal Violence Against Women Act Definitions (VAWA)

As of July 31, 2024, pursuant to Federal court orders, the U.S. Department of Education is currently enjoined from enforcing the 2024 Final Rule under Title IX in multiple states and at a majority of UC campuses. As a result, UC has decided to pause finalizing and implementing an updated systemwide Sexual Violence and Sexual Harassment Policy (SVSH) until the courts and the U.S. Department of Education provide further direction. Until then, the current systemwide SVSH Policy continues to apply. Following the adoption of an updated systemwide SVSH Policy, as appropriate and subject to any further direction from the Department of Education, this ASR will be republished to contain all the required information regarding the UC's policies for procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

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

Domestic Violence: Felony or misdemeanor crime of violence committed.

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the parties involved in the relationship.
- For the purposes of this definition:
    - Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic violence.[4]
- For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System (NIBRS) User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

[4] 34 C.F.R. § 668.46(a).

- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Stalking:

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
    - Fear for the person's safety or the safety of others; or
    - Suffer substantial emotional distress.
- For the purposes of this definition:
    - *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
    - *A reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
    - *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- As required by law and policy, UC Merced prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.

State Definitions

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

Dating Violence:

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

California Penal Code - Domestic Violence:

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

- For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship.
    - Factors that may determine whether persons are cohabiting include but are not limited to: (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use, or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship.
- “Abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.[5]

Punishment for battery generally; Punishment for battery against specified officers or others:

- A battery is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding six months, or by both fine and imprisonment.
- When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.
- When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail for a period of not more than one year, or by both fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program or if none is available, another appropriate counseling program designated by the court.
- As used in this section, “serious bodily injury” means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.[6]

California Family Code – Domestic Violence:

- For purposes of this act, “abuse” means any of the following:

[5] Cal. Penal Code § 13700 (a), (b).
[6] § 243.

    - To intentionally or recklessly cause or attempt to cause bodily injury.
    - Sexual assault.
    - To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
    - To engage in any behavior that has been or could be enjoined pursuant to Section 6320. [Note: "Section 6320 behavior" includes "molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, ... harassing, telephoning, including, but not limited to, making annoying telephone calls, ... destroying personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of the other party, and, in the discretion of the court, on a showing of good cause, of other named family or household members."
- Abuse is not limited to the actual infliction of physical injury or assault.[7]
- **"Affinity,"** "when applied to the marriage relation, signifies the connection existing in consequence of marriage between each of the married persons and the blood relatives of the other."[8]
- **"Cohabitant"** "means a person who regularly resides in the household. "Former cohabitant" means a person who formerly regularly resided in the household."[9]
- **"Dating relationship"** "means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations."[10]
- **"Domestic violence"** is abuse perpetrated against any of the following persons:
    - A spouse or former spouse.
    - A cohabitant or former cohabitant, as defined in Section 6209.
    - A person with whom the Respondent is having or has had a dating or engagement relationship.
    - A person with whom the Respondent has had a child.
    - A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
    - Any other person related by consanguinity or affinity within the second degree[11]

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

Rape: an act of sexual intercourse accomplished under any of the following circumstances:

[7] Cal. Family Code § 6203(a), (b).
[8] § 6205.
[9] § 6209.
[10] § 6210.
[11] § 6211.

- If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 – commencing with Section 5000 - of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
- If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury to the person or another.
- If a person is prevented from resisting by any intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.
- If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
    - Was unconscious or asleep.
    - Was not aware, knowing, perceiving, or cognizant that the act occurred.
    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
- As used in this Section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary

susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim's relationship to the defendant, are factors to consider in appraising the existence of duress.
- As used in this Section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.[12]

Penetration: The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.[13]

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

- Any person who commits an act of sodomy when the act is accomplished against the victims will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. . ..
- Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.
- Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy (1) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or (2) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years. . .
- Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act, and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
    - Was unconscious or asleep.
    - Was not aware, knowing, perceiving, or cognizant that the act occurred.
    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

[12] § 261.
[13] § 263.

    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- A person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship . . .., the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. . ..
- Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.
- Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.
- "Threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.[14]

Oral Copulation: Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

- Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.
- Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.
- Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (1) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (2) 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

[14] § 286.

perpetrator will execute the threat, or (3) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years.

- Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act, and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
    - Was unconscious or asleep.
    - Was not aware, knowing, perceiving, or cognizant that the act occurred.
    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that oral copulation served a professional purpose when it served no professional purpose.
- Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship, the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
- Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.
- Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.[15]

Penetration by Foreign Object:

- Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

[15] § 287.

- Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for eight, ten, or twelve years.
- Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for six, eight, or ten years.
- Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.
- Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed shall be punished by imprisonment in the state prison for three, six or eight years. Notwithstanding the appointment of a conservator, the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
- Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act, and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
    - Was unconscious or asleep.
    - Was not aware, knowing, perceiving, or cognizant that the act occurred.
    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
    - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any

artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

- As used in this section:
    - "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.
    - "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ.
    - "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.
- "Threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.
- As used in this section, "victim" includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.[16]

Sexual Battery (Fondling):

- Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- Any person who touches an intimate part of another person for sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.
- Any person who, for sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice or is institutionalized for medical treatment and is seriously disabled or

[16] § 289.

medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of 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 misdemeanor sexual battery.
- As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.
- "Touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.
- As used in this Section, the following terms have the following meanings:
    - "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
    - "Sexual battery" does not include the crimes defined in Section 261 or 289.
    - "Seriously disabled" means a person with severe physical or sensory disabilities.
    - "Medically incapacitated" means a person who is incapacitated because of prescribed sedatives, anesthesia, or other medication.
    - "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
    - "Minor" means a person under 18 years of age.[17]

Incest:

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.[18]

Statutory Rape:

- Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator if the person is a minor. For the purposes of this Section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.
- Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or

[17] § 243.4.
[18] § 285.

a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment under subdivision (h) of Section 1170.

- Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment under subdivision (h) of Section 1170 for two, three, or four years.[19]

Stalking:

- Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.
- For the purposes of this Section, "harasses" means engaging in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- For the purposes of this Section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."
- For the purposes of this Section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this Section. Constitutionally protected activity is not included within the meaning of "credible threat."
- For purposes of this Section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
- This Section shall not apply to conduct that occurs during labor picketing.
- For purposes of this Section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other

[19] § 261.5.

person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.[20]

Use of electronic communication to instill fear or to harass, Misdemeanor:

- Every person who, with intent to place another person in reasonable fear for his or her safety, or the safety of the other person's immediate family, by means of an electronic communication device, and without consent of the other person, and for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment, by a third party, electronically distributes, publishes, e-mails, hyperlinks, or makes available for downloading, personal identifying information, including, but not limited to, a digital image of another person, or an electronic message of a harassing nature about another person, which would be likely to incite or produce that unlawful action, is guilty of a misdemeanor.
- For purposes of this section, "electronic communication device" includes, but is not limited to, telephones, cell phones, computers, Internet Web pages or sites, Internet phones, hybrid cellular/Internet/wireless devices, personal digital assistants (PDAs), video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Section 2510(12) of Title 18 of the United States Code.
- For purposes of this section, the following terms apply:
    - "Harassment" means a knowing and willful course of conduct directed at a specific person that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing the person and that serves no legitimate purpose.
    - "Of a harassing nature" means of a nature that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing of the person and that serves no legitimate purpose.[21]

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

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.[22]

Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a

[20] § 646.9.
[21] § 653.2.
[22] § 261.7.

county jail for not more than one year or in the state prison for two, three, or four years. As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family.[23]

University of California Policy Definitions

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

NOTE: The University of California Sexual Violence and Sexual Harassment Policy defines "Prohibited Conduct" to include the incidents defined in the list below. Additional behavior, including, but not limited to, sexual harassment and invasion of sexual privacy, may also qualify as Prohibited Conduct.

General Information

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 sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the factfinder will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or

[23] § 266c.

- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
    - asleep or unconscious
    - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
    - unable to communicate due to a mental or physical condition.

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

Sexual Violence[24]

Sexual Assault – Penetration: Without the consent of the Complainant, penetration, no matter how slight, of:

- the Complainant's mouth by penis or other genitalia; or
- the Complainant's vagina or anus by any body part or object.

Sexual Assault – Contact: Without the consent of the Complainant, intentionally:

- touching Complainant's intimate body part (genitals, anus, groin, breast, or buttocks).
- making the Complainant touch another or themselves on any intimate body part; or
- touching the Complainant with one's intimate body part, whether the intimate body part is clothed or unclothed.

[24] **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 is aggravated when they include any of the following:

- Overcoming the will of Complainant by:
    - force (the use of physical force or inducing reasonable fear of immediate or future bodily injury).
    - violence (the use of physical force to cause harm or injury).
    - menace (a threat, statement, or act showing intent to injure).
    - duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship (including a power imbalance), to do or submit to something that they would not otherwise do); or
    - deliberately causing the Complainant to be incapacitated (for example, through drugs or alcohol).
- Deliberately taking advantage of the Complainant's incapacitation (including incapacitation that results from voluntary use of drugs or alcohol).
- Recording, photographing, transmitting, or distributing intimate or sexual images of Complainant without Complainant's prior knowledge and consent; or
- Effective January 1, 2022: Engaging in the conduct during or in connection with a clinical encounter (as defined in Appendix V of the Sexual Violence and Sexual Harassment Policy) in which the Complainant was a patient and the Respondent was a health care provider or health care worker.

Relationship Violence:

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

Stalking:

- Repeated conduct directed at a Complainant (for example, following, monitoring, observing, surveilling, threatening, communicating, or interfering with property), of a sexual, romantic, or other sex-based nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress.
- Stalking that is not sex-based is addressed by other university policies, including but not limited to the Policy on Student Conduct and Discipline Section 102.10.
- Effective January 1, 2022, the University of California Sexual Violence and Sexual Harassment Policy also defines "sexual exploitation" as a form of Prohibited Conduct:

Sexual Exploitation:

- Sexual Exploitation is taking sexual advantage of another, where the conduct is not otherwise addressed in the Sexual Violence and Sexual Harassment Policy, in the following circumstances:
    - The trafficking or prostituting of another without their consent: Inducing the Complainant to perform a commercial sex act through force, fraud, or coercion, or where the Complainant is under the age of 18.
    - Knowingly making a materially false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing the Complainant to participate in a specific sexual act or encounter.
    - Providing alcohol or drugs to the Complainant with the specific intent and effect of facilitating Prohibited Conduct; or
    - Actively facilitating or assisting another person in committing Prohibited Conduct.
- As used in the above definition of Sexual Exploitation:
    - Coercion is overcoming the will of Complainant through:
        - credible threats of serious physical or non-physical harm to the Complainant or another person.
        - a plan intended to make the Complainant believe that failure to perform an act would result in serious physical or non-physical harm to the Complainant or another person; or
        - the abuse or credible threat of abuse of a legal or university policy process.
    - A commercial sex act is any sex act for which anything of value is given to or received by any person.
    - Force is physical conduct that would reasonably overcome the will of another.
    - Fraud is intentional deception that would reasonably overcome the will of another.

Prohibited Conduct in the Context of Patient Care (Definitions):

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

Sexual Assault – Penetration:

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

Sexual Assault – Contact:

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

Invasions of Sexual Privacy:

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

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

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

Standard of Care:

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

consent in the medical record is required, or whether it may be implied under the circumstances, and the required content of the consent discussion, form, or both).

Jurisdiction Over Reports of Prohibited Conduct

The university has jurisdiction over alleged violations that occur on university property or connected with university activities, programs, or events. In addition, the university may exercise jurisdiction over conduct that occurs off campus:

- That affects the learning or working environment; and/or
- That would violate other university policies had it occurred on campus.

DOE (Department of Education)-covered conduct includes only sexual misconduct that occurs in a school's program or activity, while the Complainant was in the United States. This excludes some off-campus conduct, for example, study abroad programs. The protection in the SVSH Policy is broader, covers on-campus conduct, conduct in a UC program or activity (wherever located), and off-campus conduct that creates a hostile environment on campus or in a UC program or activity.

Sexual Violence and Sexual Harassment Resolution Process, including Possible Sanctions

Upon receipt of a report or information about alleged sexual violence and/or sexual harassment, the campus's Title IX officer will determine whether an investigation should be initiated. Each resolution process provides action taken in a flow-chart format that describes each step of the investigation. The flow charts pertain to students, staff, and faculty.

For Non-DOE-covered Conduct:

- Student Investigation and Adjudication Process as referenced in Policies applying to Campus Activities, Organizations and Students - Appendix E (Available at: https://policy.ucop.edu/doc/2710641/PAC AOS-Appendix-E; Flow-chart format available on page 22)

Sanctions will be assigned as follows:

- Penetration or Sexual Assault: Contact that is aggravated as defined in the SVSH Policy will result in a minimum sanction of suspension for two calendar years.
- Sexual Assault: Penetration, domestic or dating violence, or stalking will result in a minimum sanction of suspension for two calendar years unless there are exceptional circumstances.
- Sexual Assault: Contact will result in a minimum sanction of suspension for one calendar year unless there are exceptional circumstances.

- Sexual Harassment and other prohibited behavior, as defined by the SVSH Policy, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified in the section above.

For DOE-covered Conduct:

- Student Investigation and Adjudication Process as referenced in Policies applying to Campus Activities, Organizations and Students – Appendix F (Available at: https://policy.ucop.edu/doc/2700689/PA CAOS-Appendix-F; Flow-chart format available on page 27)

Sanctions will be assigned as follows:

- Penetration or Sexual Assault: Contact that is aggravated as defined in the SVSH Policy will result in a minimum sanction of suspension for two calendar years.
- Sexual Assault: Penetration, domestic or dating violence, or stalking will result in a minimum sanction of suspension for two calendar years unless there are exceptional circumstances.
- Sexual Assault: Contact will result in a minimum sanction of suspension for one calendar year unless there are exceptional circumstances.
- Sexual Harassment and other prohibited behavior, as defined by the SVSH Policy, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified in the section above.
- Staff Adjudication Process as referenced in Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel (Available at: https://www.ucop.edu/title-ix/files/staff-nfarpframework- final-english.pdf. Flow chart format available on pages 31-32)
- Following approval by the Chancellor's designee, the Respondent's supervisor will implement the approved decision in accordance with applicable PPSMs, which may include but is not limited to PPSM-62 and PPSM-64 or if represented by a Union, in accordance with the applicable collective bargaining agreement. (https://ucnet.universityofcalifornia.edu/labor/bargaining-units/)
- Possible sanctions the university may impose on policy covered staff depend on the nature of the violation and may include, but not limited to (as stated in PPSM-62 https://policy.ucop.edu/doc/4010411/PPSM-62):
    - Written warning
    - Corrective salary decrease
    - Suspension (unpaid)
    - Demotion
    - Dismissal from university employment

Senate Faculty Adjudication Process as referenced in Investigation and Adjudication Framework for Senate and Non-Senate Faculty (Available at: https//www.ucop.edu/title-

ix/_files/investigation-and-adjudicationfamework-for-senate-and-non-senate-faculty.pdf; Flow-chart format available on pages 30-31)

Following consultation with the Peer Review Committee, in accordance with Academic Personnel Manual (APM)-016, can be viewed at https://ucop.edu/academic-personnel-programs/_files/apm/apm-016.pdf. The Chancellor or Chancellor's designee will decide what action to take to resolve the matter. Sanctions may include:

- No Formal Discipline: In the event the Chancellor or Chancellor's designee determines to resolve the matter without taking any formal disciplinary action, the Chancellor or Chancellor's designee will promptly communicate this decision and its rationale to both the Complainant and the Respondent.
- Early Resolution: The Chancellor or Chancellor's designee can enter an early resolution with the Respondent in accordance with APM 016. An early resolution can be achieved at any time prior to the final imposition of discipline.

Subsequent to the Respondent agreeing to the terms of the early resolution, the Chancellor or Chancellor's designee will promptly inform the complaint of those terms, including any discipline or other corrective or remedial measures and the rationale for these terms.

- Charge Filed with Academic Senate Privilege and Tenure Committee: The Chancellor or Chancellor's designee can take steps to propose discipline and file a charge with the Academic Senate's Privilege and Tenure Committee without first pursuing early resolution, or if the Respondent does not agree to early resolution.
- The Chancellor or Chancellor's designee will promptly inform the Complainant that the charge has been filed.

Non-Senate (Non-Represented) Faculty Adjudication Process as referenced in Investigation and Adjudication Framework for Senate and Non-Senate Faculty (Available at: https://www.ucop.edu/titleix/_files/investigation-and-adjudication-framework-for-senate-and-non-senate-faculty.pdf; Flow-chart format available on pages 32-33

Following consultation with the Peer Review Committee or Academic Personnel Office, and in accordance with Academic Personnel Manual (APM)-150, which can be viewed at https: www.ucop.edu/academicpersonnel-programs/_files/apm/apm-150.pdf. The Chancellor or Chancellor's designee shall decide what action to take to resolve the matter.

Sanctions may include:

- No Disciplinary Action: In the event, the Chancellor or Chancellor's designee determines to resolve the matter without taking any disciplinary or corrective action, the Chancellor or Chancellor's designee will promptly communicate this decision and its rationale to both the Complainant and Respondent.

- Informal Resolution: The Chancellor or Chancellor's designee can pursue an informal resolution in accordance with APM-150, which may include discipline and/or other corrective or remedial measures. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

After Respondent agrees to terms of an informal resolution, the Chancellor or Chancellor's designee will promptly inform Complainant of those terms, including any discipline or other corrective or remedial measures, and the rationale for these terms.

- Notice of Intent: The Chancellor or Chancellor's designee can issue a notice of intent instituting dismissal or other corrective action in accordance with APM-150.
- Non-Faculty (Non-Represented) Academic Personnel Adjudication Process as referenced in Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel (Available at: https://www.ucop.edu/title-ix/_files/investigation-and-adjudication-framework-for-staff-andnon-faculty-academic-personnel.pdf; Flow-chart format available on pages 32-33)

Possible sanctions the university may impose on policy covered Non-Faculty Academic Personnel may include:

- No Further Action: Supervisor or appropriate administrative authority may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated to both Complainant and the Respondent.
- Informal Resolution: Supervisor or appropriate administrative authority may propose an informal resolution in accordance with APM-150, which may include discipline and/or other corrective or remedial measures. The proposed informal resolution and its terms will be reviewed by the Chancellor's designee for approval. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

In the event the informal resolution is approved and agreed to by the Respondent, the Complainant will be promptly informed of its terms and rationale.

- Notice of Intent: Supervisor or appropriate administrative authority may propose to issue a notice of intent instituting dismissal or other corrective action in accordance with AMP-150. The proposed terms of the notice of intent shall be reviewed by the Chancellor's designee for approval.

Following the provisions of a notice of intent, corrective action or termination will be implemented in accordance with AMP-150. The terms of the implemented action and its rationale will be promptly communicated to both the Complainant and the Respondent.

Formal Investigation (Student Respondents)

If an investigation is **not** concluded, the Title IX officer will notify the Complainant in writing and explain the rationale for the determination.

If an investigation is concluded, the Title IX officer will send written notice of the charges to the Complainant and Respondent.

The written notice will include:

- A summary of the allegations and potential policy violations.
- The purpose of the investigation.
- A statement that the investigative report, when issued, will make factual findings and recommendations regarding whether there has been a violation of university policy.
- A statement that the findings and recommendation will be based on a preponderance of the evidence standard.
- A summary of the process, including the expected timeline; and
- A summary of the rights of the Complainant and Respondent.

Decision on Responsibility and Disciplinary Sanctions

Upon completion of the Title IX investigation, the Title IX officer will send to the Complainant and the Respondent:

- Written notice of the investigation findings and the investigator's recommended determinations; and
- Will provide a copy of the investigation report. The investigation report may be redacted, if necessary, to protect student privacy rights.

Hearings

Non-DOE-Covered Conduct

For investigated cases that are not covered by the DOE Grievance Process and that involve a Student Respondent, the investigation is followed by a hearing where questions are asked of the parties and witnesses by a neutral Hearing Officer.

- The Hearing Officer will ask questions of the parties and witnesses.
- The Hearing Officer will implement measures they deem appropriate to protect the well-being of the parties and witnesses.
- After the hearing, there is a right to appeal the Hearing Officer's determination; and
- There was a procedural error in the hearing process that materially affected the outcome.

In cases involving employee Respondents, there is no hearing or appeal under the SVSH Policy. Employees retain all rights to hearings and appeals that are available under the relevant grievance procedure.

DOE-Covered Conduct

For investigated cases covered by the DOE Grievance Process, the university must provide a hearing following the investigation. This hearing must take place before a decision is made about whether the accused (known as the "Respondent" under the SVSH Policy) violated the policy.

- A hearing must be provided in cases where the Respondent is a student or an employee.
- The hearing will be conducted remotely with any modifications the Hearing Coordinator has made in response to a party's request for assistance.
- The parties have the right to have their advisor ask the party's questions of the other party and witnesses.
- If the party does not have an advisor, the university will make a person available who will ask questions on behalf of that party. After the hearing, there is a right to appeal to the Hearing Officer's determination.

Appeal Process

Non-DOE-Covered Conduct

- The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the available grounds. In cases where there was a hearing, the following grounds for appeal apply:
- There was a procedural error in the hearing process that materially affected the outcome.
- The determination regarding policy violation was unreasonable based on the evidence before the Hearing Officer; this ground is available only to a party who participated in the hearing; and
- The sanctions were disproportionate to the Hearing Officer's findings.
- In cases where there was no hearing, the parties may appeal on only one ground: that the sanctions were disproportionate to the investigator's preliminary determination regarding policy violations.
- In cases where there was a hearing, an appeal must be submitted to the Hearing Coordinator within 10 business days following the issuance of the notice of the Hearing Officer's determination and, if imposed, disciplinary sanctions.

DOE-Covered Conduct

- The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the available grounds. In cases where there was a hearing, the following grounds for appeal apply:
- There was a procedural error in the hearing process that materially affected the outcome; procedural error refers to alleged deviations from university policy and not challenges to policies or procedures themselves.
- There is new evidence that was not reasonably available at the time of the hearing and that could have materially affected the outcome.
- The Hearing Officer had a conflict of interest or bias that affected the outcome.
- The determination regarding policy violation was unreasonable based on the evidence before the Hearing Officer; this ground is available only to a party who participated in the hearing; and
- The sanctions were disproportionate to the Hearing Officer's findings.
- In cases where there was no hearing because the parties both decided to accept the preliminary determination, the parties may appeal on only one ground: that the sanctions were disproportionate to the preliminary determination regarding policy violations that was accepted.
- In cases where there was a hearing, an appeal must be submitted to the Hearing Coordinator within 10 business days following issuance of the notice of the Hearing Officer's determination and, if imposed, discipline sanctions.
- In cases where the parties accepted the preliminary determination, an appeal must be submitted in writing to the Officer of Student Rights & Responsibilities (OSRR) within 10 business days following OSRR's notice to the parties that the preliminary determination was final. OSRR will notify the other party of the appeal and the other party will have an opportunity to submit a written statement in response to the appeal, within five business days. OSRR will also inform the parties that they have an opportunity to meet with the Appeal Officer to discuss the proportionality of the sanctions.

Appeal Decision

The same appeal decision process for DOE and Non-DOE Conduct.

Within 10 business days of receiving the appeal, the Appeal Officer will send their written decision to Complainant and Respondent. The Appeal Officer may uphold, overturn, modify, remand the case back or issue any other directive they deem appropriate. The Appeal Officer's decision is final and there is no further right of appeal. Additional details are outlined in Appendix E of Policies Applying to Campus Activities, Organizations and Students (PACAOS). https://policy.ucop.edu/doc/2710641/PACAOS-Appendix-E

University Reporting Options

Complaints of sexual violence, dating violence, domestic violence, or stalking may be addressed through the university administrative process. A Complainant or reporting party can report an incident to the university by contacting the Office for the Prevention of Harassment & Discrimination (OPHD) in person, by email, by phone call or by filing a report online at OPHD Web Form – https://ophd.ucmerced.edu/report. OPHD is the UC Merced Title IX Office. A Complainant has the right to have an advisor and/or a support person or advocate present with them while making a complaint to OPHD. Please note that the university administrative process is separate from any criminal or civil process.

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

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

To the extent possible, information reported to OPHD, or other university employees, will be shared only with individuals responsible for handling the university's response to the incident. The university must balance the privacy interests of people involved in a report of "Prohibited Conduct" as defined under the University of California Sexual Violence and Sexual Harassment (SVSH) Policy, against the need to gather information, ensure a fair process, and stop, prevent and remedy "Prohibited Conduct" as defined under the SVSH Policy. In this context, the university tries to protect people's privacy to the extent permitted by law and university policies. The university protects the privacy of personally identifiable information per all applicable state and federal privacy laws, and university policies.

The university will not require the Complainant to participate in any investigation or disciplinary proceeding if they do not wish to participate. The entire investigation process from initial investigation to final results shall be prompt, fair and impartial. Both the Complainant and the Respondent will be notified of the investigation. The investigator will meet separately with the Complainant, the Respondent and other potential witnesses to gather information. When that process is complete (usually within 60-90 business days), the investigator will prepare and submit a report addressing whether a university policy was violated or not. The standard of evidence in these cases is preponderance of the evidence, with the university bearing the burden of proof. A preponderance of the evidence means that it is "more likely than not" that the Respondent is responsible for the charged violation.

For an overview of the university's complaint process as it pertains to sexual violence, dating violence, domestic violence, and stalking, please see the University of California SVSH Policy.

University No Contact Orders, Supportive Measures and Remedies

University-Issued No Contact Orders:

A Complainant, Respondent, and/or OPHD staff member may request the Office of Student Rights and Responsibilities (OSRR) issue a no contact order relating to a sexual violence and sexual harassment incident involving a UC Merced student Respondent. The request must specify the reasons the requesting party wants the no contact order issued. CARE can assist survivors and Respondent Services Coordinators can assist Respondents with requesting no contact orders.

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

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

The Complainant, Respondent, and/or investigator may request OSRR to consider modifying the no contact order after its issuance and until the order is removed or expires.

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

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

For staff and faculty at UC Merced, no contact orders are implemented and facilitated through the Academic Personnel Office (APO), department leadership or Employee or Labor Relations, as appropriate.

University-Facilitated Supportive and Remedial Measures:

The university will provide Supportive Measures and Remedial Measures if a Complainant requests them, and if they are reasonably available, regardless of whether a Complainant chooses to report to the police or to the university.[25] If reasonably available, a Complainant may be offered changes to academic, living, working or transportation situations. Examples of options for a potential change include the following:

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

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

In determining Supportive Measures, the Title IX Officer will tailor the measures to the circumstances of each case, minimize burdens on the parties, and avoid depriving the parties of educational and employment opportunities as much as practicable. In matters involving DOE-

[25] Supportive Measures include both Interim Measures and Mitigating Measures. The university provides Supportive Measures as appropriate and reasonably available, without fee or charge.

- Interim Measures: Services, accommodations, or other measures put in place temporarily after the Title IX Officer receives a report of Prohibited Conduct to assist or protect the Complainant, the Respondent, or the university community; restore or preserve a party's access to a university program or activity; or deter Prohibited Conduct. Interim measures may: - remain in place until the final outcome of a Resolution Process (see Section V.A.5 of the Policy) or a subsequent disciplinary or appeal process; change or terminate depending on the parties' evolving needs, as assessed by the Title IX Officer; or become permanent as part of the resolution of a report.
- Mitigating Measures: Services, accommodations or other measures for a Complainant who is not in a Resolution Process (see Section V.A.5 of the Policy), including a Complainant who was previously in a Resolution Process that did not result in a finding of a policy violation. Mitigating measures may be implemented to provide support, restore or preserve access to a university program or activity, or deter Prohibited Conduct." See SVSH Policy Section II.C.3.a.

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.[26]

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

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

Assessment/Resolution Overview

UC Merced takes all complaints of dating violence, domestic violence, sexual assault and stalking very seriously. The safety and well-being of students and employees are among the university's highest priorities, and everyone has the right to a learning or work environment that is free from any type of harassment or discrimination. UC Merced responds to reports of dating violence, domestic violence, sexual assault, and stalking according to the university's SVSH policy and procedures. A full copy of the University of California SVSH Policy governing the University of California system is available at: https://policy.ucop.edu/doc/4000385/SVSH. The University of California SVSH Policy contains the definition of "consent" governing the entire University of California system.

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

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

[26] The Title IX regulations issued by the U.S. Department of Education ("DOE") that went into effect August 14, 2020, require the university to follow a specific grievance process ("DOE Grievance Process") in response to conduct covered by the regulations. The SVSH Policy refers to this conduct as "DOE-Covered Conduct."

Supportive and Remedial Measures need to be put into place. The university may implement measures, such as:

- Creating a plan to limit or prevent contact between the Complainant and the Respondent. This may include making changes to academic, work or housing situations for the Complainant or the Respondent.
- Taking steps to increase the Complainant's sense of safety and security while they continue with classes, work, and other activities; and
- Referring the Complainant to confidential emotional support services through Counseling and Psychological Services (CAPS), the INSIGHT Employee Assistance Program (EAP), and/or CARE.

The specific procedures for investigating and resolving complaints of dating violence, domestic violence, sexual assault and stalking depend on the Respondent's identity and relationship to the university. Following is a summary of the assessment and resolution processes. Capitalized terms are defined in the Sexual Violence and Sexual Harassment Policy. The entire process shall be prompt, fair and impartial.

Initial Assessment of a Report / Immediate Health and Safety

As soon as practicable after receiving a report, the Title IX Officer will make an initial assessment, including a limited factual inquiry when appropriate, to determine how to proceed. The Title IX Officer will first assess the report to determine whether the alleged conduct is DOE-Covered Conduct and, if so, whether to begin a DOE Grievance Process or Alternative Resolution. This stage of the assessment is described in Appendix IV of the SVSH. If the alleged conduct is not DOE-Covered Conduct, then the Title IX Officer will next determine:

- whether the report on its face alleges an act of Prohibited Conduct as defined under the University of California SVSH Policy; and

The Title IX Officer or designee, in coordination with the Case Management Team, and in consultation with the Complainant, when possible, will:

- make an immediate assessment of the health and safety of the Complainant and the campus community,
- determine and oversee Supportive Measures that are immediately necessary (including no contact orders), and
- provide to the Complainant a written explanation of rights and reporting options (including the right to report to the police), a request to meet with the Title IX Officer or designee, and available campus and community resources.

The Title IX Officer or designee will also inform the Complainant of the range of possible outcomes of the report, including Supportive Measures and Remedial Measures and disciplinary

action, the procedures leading to such outcomes, and their right to make a DOE Formal Complaint.[27]

Closure After Initial Assessment

Not all reports the Title IX Officer or designee receive are reports of Prohibited Conduct that can be resolved through a Resolution Process described below. This includes reports for which the Title IX Officer or designee determine that:

- even if true, the alleged conduct is not Prohibited Conduct
- the conduct is not covered by university policy
- there is not enough information to carry out a Resolution Process (for example, the identities of the people involved)
- a Complainant's request that no investigation occur can be honored
- there is not enough nexus between the conduct and the university to carry out a Resolution Process (for example, the conduct did not occur in the context of a university program, or activity, and involved only third parties)

The Title IX Officer or designee will close such matters per written guidelines issued by the UC Systemwide Title IX Office. The Title IX Officer or designee will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. Such steps may include, for example, offering resources and Mitigating Measures to the Complainant and providing targeted preventive education (including to the Respondent) and training programs.[28]

When the reported conduct is not Prohibited Conduct (such as stalking or harassment that is not sex-based), or comments of a sexual nature during a clinical encounter that do not rise to the level of a Hostile Environment), the Title IX Officer or designee will, if appropriate, refer the matter to another office for review and resolution.

To determine whether there is enough nexus between the conduct and the university to carry out a Resolution Process, the Title IX Officer or designee will consider factors such as:

- where and in what context the Prohibited Conduct allegedly occurred (meaning whether there is a connection between the conduct and university property or a university program, or activity)
- whether the Complainant or Respondent were university community members when the Prohibited Conduct allegedly occurred
- whether the Complainant or Respondent were university community members at the time of the report

[27] Remedial Measures: Services, accommodations, or other measures put in place as a result of a completed Resolution Process (see SectionV.A.5). See Sexual Violence and Sexual Harassment Policy Section II.C.3.b.
[28] See Footnote 26.

- whether there is information indicating an ongoing threat to the university community

Overview of Resolution Processes

Reports of Prohibited Conduct that are not closed after the Title IX Officer or designee's initial assessment may be addressed through Alternative Resolution, Formal Investigation, a DOE Grievance Process, a separate employee grievance or complaint process, or Other Inquiry. At the beginning of any Resolution Process, the Title IX Officer will inform parties of the university's rules of conduct during the process. Each of these is described below. Resolution Processes are non-adversarial proceedings.

Alternative Resolution:

Alternative Resolution is not available when the Complainant is a student, and the Respondent is an employee. In other cases, after an initial assessment of the alleged facts, the Title IX Officer or designee may—if the Complainant and Respondent agree in writing—begin an Alternative Resolution process. Alternative Resolution is not an investigative process. Alternative Resolution may include, among other responses:

- separating the parties
- providing for safety
- referring the parties to counseling
- mediation (except in cases of sexual violence)
- referral for disciplinary action
- an agreement between the parties
- conducting targeted preventive educational and training programs
- conducting a follow-up review to ensure that the resolution has been carried out effectively

Alternative Resolution may be especially useful when:

- an investigation is not likely to lead to a resolution
- both parties prefer an informal process
- a case involves less serious allegations

The Title IX Officer or designee has discretion to determine whether the complaint is appropriate for Alternative Resolution, to determine the type of resolution to pursue, and to stop the process at any time before its conclusion and move to a Formal Investigation or (if it applies) DOE Grievance Process.

Participation in Alternative Resolution is voluntary, meaning both the Complainant and the Respondent must agree to participate. If Alternative Resolution is selected, the Title IX Officer or designee will provide timely written notice to both parties that includes:

- the allegations
- the Title IX Officer or designee has begun the process
- the process is voluntary and will end upon either party's request
- termination may result in Formal Investigation or (if it applies) a DOE Grievance Process
- they may be accompanied by an advisor throughout the process
- the Title IX Officer or designee will notify both parties of the process's outcome
- the process is private but not confidential, the Title IX Officer will maintain a record of the process and may share information with others if needed to carry out the resolution, and information shared by parties may be considered in any subsequent Resolution Process

The Title IX Officer or designee will oversee the Alternative Resolution process and, if other campus officials are involved in the process, maintain an appropriate level of involvement.

The Title IX Officer or designee will complete the Alternative Resolution process promptly, typically within 30 to 60 business days of notifying the parties in writing of starting the process. However, the Title IX Officer or designee may extend past 60 days for good cause. The Title IX Officer or designee will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required will depend on the specific circumstances, including the complexity of the allegations and the nature of the alleged conduct. The Title IX Officer or designee will consider, approve, and communicate extensions per written guidelines from the UC Systemwide Title IX Office.

Once the parties have agreed to the terms of an Alternative Resolution, the university will not conduct a Formal Investigation or (if it applies) DOE Grievance Process unless the Title IX Officer or designee determines that the Respondent failed to satisfy the terms of the Alternative Resolution, or that the Alternative Resolution was unsuccessful in stopping the Prohibited Conduct or preventing its recurrence.

The Title IX Officer or designee will keep records of all reports and conduct addressed through Alternative Resolution.

Formal Investigation or DOE Grievance Process

The Title IX Officer will begin a DOE Grievance Process when they determine it is necessary per Appendix IV of the University of California SVSH Policy. This may happen after an Alternative Resolution addressing DOE-Covered Conduct that ends before the parties agree on terms. The DOE Grievance Process begins with an investigation.

The Title IX Officer or designee will begin a Formal Investigation when they decide not to close a report after an initial assessment, the alleged conduct is not DOE-Covered Conduct, and either (i) Alternative Resolution and Other Inquiry are not appropriate, or (ii) the parties do not agree to participate in Alternative Resolution, or it ends before they agree on terms. In both Formal

Investigations and DOE Grievance Process investigations: If the Complainant does not want an investigation, the Title IX Officer or designee will seriously consider this preference. However, the Title IX Officer or designee may determine an investigation is necessary to mitigate a risk to the campus community. If the Title IX Officer or designee decides to open an investigation despite the Complainant's request, the Title IX Officer or designee will tell the Complainant of the decision before beginning the investigation or otherwise notifying the Respondent of the Complainant's identity; tell the Respondent that the Complainant did not request an investigation, but the Title IX Officer determined one was necessary; and provide the Complainant with all information required by the SVSH Policy unless the Complainant states in writing that they do not want it. If the Title IX Officer or designee does not begin an investigation, they will inform the Complainant that this limits possible remedies. The Title IX Officer or designee will nonetheless provide Mitigating Measures as appropriate and consistent with Complainant's privacy and the absence of an investigation.

When the Title IX Officer or designee begins an investigation, they will give the parties a written summary of the allegations, an explanation of their rights, the procedures that will be followed, available resources, and the University of California SVSH Policy. While the parties have the right to identify evidence and witnesses, the university bears the burden of proof and of gathering evidence sufficient to reach a determination regarding responsibility.

- *Timeframe.* The Title IX Officer or designee will complete the investigation promptly, typically within 60 to 90 business days of notifying the parties in writing of the charges. However, the Title IX Officer or designee may extend the timeframe past 90 days for good cause. The Title IX Officer or designee will periodically update the parties on the status of the investigation and notify them in writing of the reason for any extension and the projected new timeline. The actual time required depends on the specific circumstances, including the complexity of the matter and the severity and extent of the alleged conduct. The Title IX Officer or designee will consider, approve, and communicate extensions per written guidelines from the UC Systemwide Title IX Office. If the police are also investigating the alleged conduct, the Title IX Officer or designee will coordinate with the police but must nonetheless act promptly without delaying the investigation until the end of the criminal investigation.
- *Disclosure of Information*. The investigation generally includes interviews with the parties and any witnesses, and a review of evidence. The Title IX Officer or designee will share information with witnesses only as reasonably necessary to conduct a fair and thorough investigation. They will also counsel witnesses about keeping information learned through the investigation private to protect both the people involved and the integrity of the investigation. They will inform witnesses that directly related information they provide, and their identities will likely be disclosed to the Complainant and Respondent.

- *Right to an Advisor.* The Complainant and Respondent may have an advisor present when they are interviewed and at meetings. They may have other support persons present under other policies. Other witnesses may have an advisor present at the discretion of the Title IX Officer or designee or as required by university policy or a collective bargaining agreement.
- *Academic Freedom/Merit*. When the investigation implicates academic merit or academic freedom, the Title IX Officer or designee will consult with the appropriate academic officer for relevant academic judgment.
- *Initiation of Investigation by University*. The Title IX Officer or designee may choose to begin and conduct an investigation without a Complainant when there is, for example:
    - information indicating an ongoing threat to the university community
    - a pattern of alleged sexually harassing conduct toward multiple people by the same Respondent that would, in the aggregate, create a hostile environment (as defined in the University of California SVSH Policy) for a reasonable person
    - allegations of Prohibited Conduct covered by the University of California SVSH Policy in the public realm (such as reports in the news or social media)
- *Administrative Closure.* The Title IX Officer or designee may close an investigation before completing it if they determine that a significant change in circumstances has so substantially impaired the investigation that they cannot reach reasonably reliable conclusions about whether the alleged conduct occurred. The Title IX Officer or designee will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. They will also offer, as appropriate, resources and Mitigating Measures to the Complainant.

Grievance/Complaint Procedures for Employees

Instead of, or in addition to, reporting to the Title IX Officer or designee or other Responsible Employee, a university employee may file a grievance or complaint. That grievance or complaint must meet all the requirements, including time limits for filing, under the applicable complaint resolution or grievance procedure listed in Appendix I of the University of California SVSH Policy.

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

Other Inquiry:

When a report is not closed after initial assessment yet is not appropriate for Alternative Resolution, Formal Investigation or a DOE Grievance Process because there is no individual

identifiable Respondent over whom the Title IX Officer or designee has jurisdiction, the Title IX Officer or designee will:

- conduct an inquiry to try to determine what occurred
- take prompt steps reasonably calculated to stop any substantiated conduct, prevent its recurrence, and, as appropriate, remedy its effects

Such an inquiry may be appropriate when, for example, the Complainant alleges Prohibited Conduct by an organization, a person whose identity is unknown, or a third party, or alleges conduct by multiple people that rises to the level of Prohibited Conduct only when considered in the aggregate.

The extent of the inquiry and responsive steps will depend on the specific circumstances. This includes, for example:

- the nature and location of the alleged conduct,
- the university's relationship to the Complainant, and the university's relationship to and level of control over the organization or person alleged to have engaged in the conduct.

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

Notifications and Documentation:

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

- information provided to the parties about their rights and options
- notices provided to the parties at the beginning and end of a process
- documentation of the parties' agreement to engage in Alternative Resolution
- documentation of resolutions reached through Alternative Resolution, including documentation to be obtained from any other campus officials involved in the resolution
- the types of documentation to be kept at the end of a process

The Investigation Report and Outcome:

If either a Formal Investigation or DOE Grievance Process investigation is conducted, the Title IX Officer or designee will prepare a written report that includes:

- the factual allegations and alleged policy violations
- statements of the parties
- a summary of the evidence
- an explanation of why any proffered evidence was not relied upon
- credibility determinations when appropriate

- findings of fact
- an analysis of whether the University of California SVSH Policy was violated

The report will also include the Title IX Officer's determination of whether the Respondent violated the University of California SVSH Policy. However, in a DOE Grievance Process (except for "No Title IX Hearing DOE Covered Conduct"), and any time the Respondent is a student, the determination is only preliminary[29] (see Appendix D, Appendix E, Appendix F and Appendix G) in determining whether the University of California SVSH Policy was violated, the Title IX Officer or designee will apply the preponderance of evidence standard. At the end of the investigation, the Title IX Officer or designee will simultaneously provide the parties with the Investigation Report. The report may be redacted to protect privacy (see APM-160 and other university policies governing privacy). The Title IX Officer or designee will also inform the parties in writing of the outcome of the investigation and its rationale, and of any available appeal rights. In a DOE Grievance Process (except for "No Title IX Hearing DOE Covered Conduct"), and any time the Respondent is a student, the Title IX Officer will inform the parties of their right to contest or not accept the investigator's preliminary determination and have a hearing to determine whether this Policy was violated, unless certain exceptions apply.[30] If they do, the next stage of the DOE Grievance Process or Formal Investigation is a hearing, unless certain exceptions apply.[31]

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

Discipline:

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

Any member of the university community who is found to have engaged in Prohibited Conduct may be subject to disciplinary action, up to and including dismissal per the applicable university

[29] When the Respondent is a faculty or staff member, there are certain circumstances in which alleged conduct may constitute DOE-Covered Conduct but a hearing is not required. This applies when the alleged conduct arose outside the university's postsecondary program, meaning in the context of:

- the Respondent providing patient care to the Complainant or a person in the Complainant's charge,
- a program or activity provided for the benefit of minors, including elementary and secondary schools, and the Complainant is a beneficiary,
- a program or activity provided for the benefit of people with intellectual disabilities, and the Complainant is a beneficiary,
- a program or activity of Agricultural and Natural Resources or Lawrence Berkeley National Laboratory, or
- a service or function of the UC Police Department. See Appendix F and Appendix G.

[30] See Footnote 30.

[31] Id.

disciplinary procedure (Appendix II: University Disciplinary Procedures) of the University of California SVSH Policy or other policy.

At the end of any disciplinary proceeding, the Complainant and the Respondent will be contemporaneously informed in writing of:

- the outcome, including the final determination regarding the alleged offense, any discipline, and the rationale for the results
- any available appeal rights and procedures
- any subsequent change to the results and when results become final

The university tries to finalize and notify parties of disciplinary decisions reasonably promptly per applicable procedures, depending on the severity and extent of the Prohibited Conduct and the complexity of the matter.

Student Adjudication Procedures

The university has established standards intended to ensure the consistent application of disciplinary sanctions by the university in responding to conduct that violates the University of California SVSH Policy, University of California Policy on Student Conduct and Discipline, and the UC Merced Student Conduct Procedures. Please see Appendix D and Appendix E for the full description of the hearing procedures and appeals process, including the timing of each step.

Office of Student Rights and Responsibilities staff receive annual training on issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct a proceeding/hearing that protects the safety of survivors and promotes accountability.

Proposed Sanctions:

In cases where the Title IX OPHD investigator preliminarily determines a policy violation has occurred, each party may schedule a meeting with or submit a written statement to the Office of Student Rights and Responsibilities (OSRR) to provide input on sanctions. OSRR will review the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, the Respondent's prior conduct record, any in-person or written comments about potential sanctions submitted by the parties, and any other information relevant to the applicable sanctioning factors. OSRR will then propose sanctions in all cases where there is a preliminary determination that the Policy was violated regardless of whether the preliminary determination is contested**.**

Opportunity to Contest Preliminary Determination:

Non-DOE Covered Conduct

If either party wishes to discuss the possibility and implications of contesting the preliminary determination, including the hearing that will result if either party contests, they may discuss

their options with OSRR (even if the investigator's preliminary determination was that no policy violation occurred).

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

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

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

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

<u>DOE Covered Conduct</u>

If either party wishes to discuss the possibility and implications of accepting or not accepting the preliminary determination, including the hearing that will result if either party does not accept the preliminary determination, they may discuss their options with OSRR (even if the investigator's preliminary determination was that no policy violation occurred).

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

A party may accept the preliminary determination by providing OSRR with a written response stating that the party accepts the preliminary determination and wishes not to proceed with a hearing. A party may also provide OSRR with a written response stating that the party does not accept the preliminary determination.

If both parties provide written response that they do not wish to proceed during the 20 business days, then the preliminary determination becomes final and OSRR will assign the proposed sanctions and the parties will have the right to appeal the sanction.

Hearing to Determine Policy Violations:

Non-DOE Related Conduct

If either party contests, or is presumed to contest the investigator's preliminary determinations, there will be a fact-finding hearing before a single hearing officer. The hearing is to determine whether a violation of the SVSH Policy (and any non-Sexual Violence and Sexual Harassment Policy violations charged in conjunction with them) occurred. The university's main role is neutral. The university will consider relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

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

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

The investigation file will be entered as evidence at the hearing. The Hearing Officer generally will rely on any finding in the report that is not disputed. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the Hearing Officer.

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

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

Within 15 business days of the hearing, the Hearing Coordinator will send written notice to both parties setting forth the Hearing Officer's determinations about violations and if any, OSRR's

determination of any assigned sanctions. The written notice will also include the findings on each disputed, material fact and an analysis of the evidence supporting the findings, a summary of facts found by the investigator that the parties did not dispute, the rationale for the determination of any charge, the rationale for any sanctions, a statement of the right to appeal and relevant information about the appeals process, and an explanation that both parties will receive a copy of any appeal submitted.

DOE Related Conduct

Unless both parties accept the investigator's preliminary determinations, there will be a fact-finding hearing before a single Hearing Officer. The hearing is to determine whether a violation of the SVSH Policy (and any non-Sexual Violence and Sexual Harassment Policy violations charged in conjunction with them) occurred. The university's role in the hearing is neutral. The university will consider relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

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

The hearing will be conducted in a respectful manner that promotes fairness and accurate fact findings and that complies with the rules of conduct. The parties and witnesses will address only the Hearing Officer, and not each other. Only the Hearing Officer and the parties' advisors (or Readers if they do not have advisors), consistent with the framework may question witnesses and parties and will determine the order of questioning. The hearing will be conducted remotely with any modifications the Hearing Coordinator has made in response to a party's request for assistance. The Hearing Officer will also implement measures they deem appropriate to protect the well-being of parties and witnesses, including separation of the parties, breaks, and the participation of support persons.

The investigation file will be entered as evidence at the hearing. The Hearing Officer generally will rely on any finding in the report that is not disputed. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the Hearing Officer.

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

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

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

- A summary of the allegations that would constitute DOE-Covered Conduct and other Prohibited Conduct under the SVSH Policy and any other related student conduct violations
- The determinations of whether the SVSH Policy and/or other student conduct policies have been violated and assigned sanctions (if any)
- A statement that the Title IX Officer will determine whether Complainant will be provided additional remedies, and will inform Complainant of that determination
- A description of the procedural history of the complaint
- The findings on each disputed, material fact and an analysis of the evidence supporting the findings
- A summary of facts found by the investigator that the parties did not dispute
- The rationale for the determination of any charge
- If the hearing officer determines that DOE-Covered Conduct did not occur, an analysis of whether other charged conduct, including other SVSH Policy violations occurred
- The rationale for any sanctions
- A statement of the right to appeal and relevant information about the appeals process
- An explanation that both parties will receive a copy of any appeal submitted.

Appeal Process:

<u>Non-DOE Related Conduct</u>

The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The university administers the appeal process but is not a party and does not advocate for or against any appeal.

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

The Appeal Officer will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented at the hearing, the investigation file, and the appeal statements of the parties.

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

The Appeal Officer will summarize their decision in a written report that includes a statement on the grounds identified on appeal, a summary of the information considered by the Appeal Officer, and the decision of the Appeal Officer. The decision will include the rationale for the decision, including where the findings or sanctions are overturned or modified, an explanation of why the findings were not reasonable or the sanctions were disproportionate, or how the procedural error materially affected the outcome. The decision of the Appeal Officer will be final.

DOE-Related Conduct

The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The university administers the appeal process but is not a party and does not advocate for or against any appeal.

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

- A procedural error in the hearing process that materially affected the outcome
- New evidence that was not reasonably available at the time of the hearing and that could have materially affected the outcome
- The Hearing Officer had a conflict of interest or bias that could have affected the outcome
- The determination regarding policy violations was unreasonable based on the evidence before the Hearing Officer
- The sanctions were disproportionate to the Hearing Officer's findings.

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

The Appeal Officer, who will not be the same person as the Title IX Officer or Investigator, or Hearing Officer or Hearing Coordinator, will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented at the hearing, the investigation file, and the appeal statements of the parties. In appeals regarding disproportionate sanctions, the parties may meet separately with the Appeal Officer to provide

input on their desired sanction outcomes. If this occurs, the Appeal Officer may consider the statements made by the parties in these meetings in their review of the appeal.

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

Advisors and Support Persons:

Non-DOE Covered Conduct

At all stages of the process, the parties have the right to an advisor and/or a support person of their choosing. The advisor and/or support person may be a person (including an advocate, attorney, friend, or parent) who is not otherwise a party or a witness.

The advisor's primary role is to provide guidance through the process. The support person's primary role is to provide emotional support. The advisor and/or the support person may not speak on behalf of a student or otherwise disrupt any meetings or proceedings in any manner. The university reserves the right to exclude an advisor and/or support person who does not abide by these procedures.

DOE Covered Conduct

At all stages of the process, the parties have the right to an advisor of their choosing, as well as the right to a support person of their choosing. The advisor and/or support person may be a person (including an advocate, attorney, friend, or parent) who is not otherwise a party or a witness.

The advisor's primary role is to provide guidance through the process and during the hearing. An advisor is required to ask a party's questions of the other party and witnesses in accordance with the framework. The only instance in which an advisor may speak on behalf of a party is to ask the party's questions of the other party or witnesses during the hearing. If a party does not have an advisor available at any point during the hearing, the university will assign a person, without cost to the party, to fulfill the role of asking the party's questions for them.

The support person's primary role is to provide emotional support. Generally, the support person may not speak on behalf of a party.

Advisors and support persons may not disrupt any meetings or proceedings in any manner. At all stages of the process, advisors and support persons must comply with the university's rules of conduct for participants in the process ("rules of conduct"). The university reserves the right to exclude an advisor and/or support person who does not abide by all these procedures.

Results:

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

Sanctions:

When a student is found responsible for violating these policies, the university will assign sanctions that are proportionate and appropriate to the violation, taking into consideration the context and seriousness of the violation. Sanctions serve the purpose of stopping the behavior that violated the policies and preventing its recurrence. Sanctions are also designed to hold a student accountable for violating university standards of conduct and to promote personal growth and development.

University sanctions include, but are not limited to:

- Dismissal (Expulsion) from the University of California
- Suspension from the University of California
- Exclusion from areas of the campus and/or from official university functions
- Loss of privileges and/or exclusion from activities
- Restitution
- Probation
- Censure/Warning
- Other actions as set forth in university policy and campus regulations

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

- Sexual Assault: Penetration or Sexual Assault – Contact that is aggravated as defined in the SVSH Policy will result in a minimum sanction of suspension for two calendar years.
- Sexual Assault: Penetration, Domestic or Dating Violence, or Stalking will result in a minimum sanction of suspension for two calendar years unless there are exceptional circumstances.
- Sexual Assault: Contact will result in a minimum sanction of suspension for one calendar year unless there are exceptional circumstances.
- Sexual Harassment and Other Prohibited Behavior, as defined by the SVSH Policy, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified below:
    - Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; presence of weapons, use of force, violence; physical injury; menace; deliberately causing or taking advantage of a person's

incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent
- Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; use of authority to abuse trust or confidence; planned or predatory conduct; hate or bias based on the Complainant's membership or perceived membership in a protected group as defined in UC Policies Applying to Campus Activities, Organizations and Students (PACAOS) Section 104.90
- Whether the conduct is aggravated, as defined in the SVSH Policy
- Response following violation: voluntarily acknowledged wrongdoing at early stage of the process; failure to follow no contact order; attempt to influence witnesses; obstructed or disrupted the process
- Disciplinary history: prior violations unrelated, prior violations related. A Respondent's disciplinary history is cumulative. Therefore, increased sanctions may be assigned to take into consideration the Respondent's overall record of violations of all types, not just those of a similar type. Violations of university policies during the period of an active sanction may be cause for further action.
- Impact on others: input from the Complainant, protection, or safety of the community

Faculty/Staff Adjudication Procedures

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

Assessment and Consultation

At the conclusion of a Formal Investigation by OPHD, the appropriate administrative authority will decide what action to take in response to the findings of the Investigative Report. The appropriate administrative authority may determine that additional investigation is required to determine whether violations of other policies occurred but will not reinvestigate allegations of Prohibited Conduct investigated by OPHD.

At the conclusion of a DOE Grievance Process investigation, the parties have the opportunity to accept or not accept the preliminary determination. When the preliminary determination is that the Respondent engaged in DOE-Covered Conduct, or both DOE-Covered Conduct and other Prohibited Conduct, the appropriate administrative authority will propose a resolution, in consultation with the appropriate office, as described below, and the parties will decide whether to accept the preliminary determination and the proposed resolution.

At the conclusion of a DOE Grievance Process investigation of No-Title IX Hearing DOE-Covered Conduct, the parties have the opportunity to appeal. Once any appeal is final or the period for submitting an appeal has lapsed, the supervisor or other appropriate administrative authority has the responsibility to propose and implement action in response to the findings.

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

The Complainant and the Respondent will have an opportunity to respond to the notice of investigation outcome and accompanying Investigative Report through an in-person meeting and/or a written statement submitted to the appropriate administrative authority. The purpose of this response is not to challenge the factual findings in the Investigative Report or present new evidence, but to provide the Complainant and the Respondent with an opportunity to express their perspectives and address what outcome they wish to see.

Decision Proposal and Submission for Approval for Staff and Non-Faculty Academic Personnel

In the event that an investigation determines or preliminarily determines that a Respondent is responsible for violating the University of California SVSH Policy, the Respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor's designee for review and approval. In the event the Chancellor's designee does not approve the proposed decision, they will send it back to the supervisor or other appropriate administrative authority for reconsideration and submission of a revised proposed decision. In the event the Chancellor's designee approves the proposed decision, they will inform the supervisor or other appropriate administrative authority who will take steps to implement (in a Formal Investigation) or inform OPHD and Human Resources or Academic Personnel Services (in a DOE Grievance Process), the approved decision.

This proposal and approval process will occur in all cases where the investigation has determined or preliminarily determined the Respondent violated the University of California SVSH Policy. Human Resources or Academic Personnel Services will be consulted throughout the process. Additionally, the Chancellor's designee will consult with the campus Title IX Officer on the appropriateness of the proposed discipline before approving or disapproving it.

Peer Review Committee for Senate Faculty

In the event that the investigation determines or preliminarily determines that a Senate faculty Respondent is responsible for violating the University of California SVSH Policy, the Chancellor or Chancellor's designee will engage the campus Peer Review Committee (PRC) to advise on appropriate resolution.

The PRC will advise the Chancellor or Chancellor's designee regarding how to resolve the matter. At the conclusion of a Formal Investigation or a DOE Grievance Process investigation of No-Title IX Hearing DOE-Covered Conduct, this will include advising on whether the Chancellor

or Chancellor's designee should pursue a formal charge for violation of the Code of Conduct or pursue an early resolution. In all cases, the PRC should provide advice on the appropriate discipline or other corrective or remedial measures.

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

Peer Review Committee or Consultation with Academic Personnel Services for Non-Senate Faculty

In the event that the investigation determines or preliminarily determines that a non-Senate faculty Respondent is responsible for violating the University of California SVSH Policy, the Chancellor or Chancellor's designee will engage the Peer Review Committee or consult with Academic Personnel Services. Such consultation, as decided by the campus, will occur in all cases where the OPHD investigation has determined or preliminarily determined that the non-Senate faculty Respondent has violated the University of California SVSH Policy.

Title IX Officer Consultation for Senate and Non-Senate Faculty

In all cases where the investigation determines or preliminarily determines that a Senate or non-Senate faculty Respondent is responsible for violating the University of California SVSH Policy, the Chancellor or Chancellor's designee will consult with the campus Title IX Officer on how to resolve the matter, including the appropriate discipline or other corrective measures.

DOE Grievance Process - Hearing and Appeal

The DOE Grievance Process (except No-Title IX Hearing DOE-Covered Conduct) may include a fact-finding hearing and option to appeal the Hearing Officer's finding. After the assessment and consultation described above, the appropriate administrative authority will inform Human Resources or Academic Personnel Services, and Title IX Officer, of the proposed decision and its rationale, and Human Resources, Academic Personnel Services, or the Title IX Officer (whichever the campus designates) will notify the parties. The parties will receive this notice within 15 business days of the notice of investigative findings and preliminary determination. Unless both parties accept the preliminary determination and proposed resolution, there will be a fact-finding hearing to determine whether the University of California SVSH Policy was violated.

Opportunity to Accept the Preliminary Determination

Either party may accept the preliminary determination and proposed resolution within 20 business days of the notice of investigative findings and preliminary determination. Unless both parties accept the preliminary determination and proposed resolution within this time period, then the matter will proceed to a hearing to determine if a policy violation occurred. If both

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

Hearing Procedures

Unless both parties accept the preliminary determination and proposed resolution, there will be a fact-finding hearing before a single Hearing Officer (not the Title IX Officer) to determine whether the University of California SVSH Policy was violated. The university's role in the hearing is neutral. The university will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred. Within 15 business days of the hearing, the Complainant and Respondent will be sent written notice setting forth the Hearing Officer's determination on whether the University of California SVSH Policy has been violated.

Appeal Process

The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The university administers the appeal process but is not a party and does not advocate for or against any appeal.

An appeal must be submitted to the Hearing Coordinator within 20 business days following issuance of the investigation outcome (in cases of No-Title IX Hearing DOE-Covered Conduct) or of the notice of the Hearing Officer's determination (in all other cases). The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. The Title IX Officer will notify the other party of the basis for the appeal, and their right to submit a written statement in response to the appeal within 3 business days with supporting documentation, as appropriate.

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

Additional Assessment and Consultation for Staff

Once any appeal is final or the period for submitting an appeal has lapsed, the Title IX Officer will send the final findings and determination to the Respondent's supervisor or appropriate administrative authority, with a summary explanation of any difference between the investigator's determination or preliminary determination (whichever applies) and the final determination and findings.

The Respondent's supervisor or appropriate administrative authority has the authority and responsibility to propose and implement any responsive action. They may determine that additional investigation is required to determine whether violations of other policies occurred but will not reconsider the findings and determinations regarding University of California SVSH Policy violations made through the hearing and any appeal. If the final finding is that a Respondent is responsible for violating the University of California SVSH Policy, then the Respondent's supervisor or other appropriate administrative authority will, if they did not already do so, consult with the Title IX Officer, as described in the Assessment and Consultation section above.

The Respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor's designee for review and approval. In the event the Chancellor's designee does not approve the proposed decision, they will send it back to the supervisor or other appropriate administrative authority for reconsideration and submission of a revised proposed decision. In the event the Chancellor's designee approves the proposed decision, they will inform the supervisor or other appropriate administrative authority who will take steps to implement the approved decision.

Human Resources or Academic Personnel Services will be consulted throughout the process. Additionally, the Chancellor's designee will consult with the campus Title IX Officer on the appropriateness of the proposed decision before approving or disapproving it.

Additional Assessment and Consultation for Faculty

Once any appeal is final or the period for submitting an appeal has lapsed, the Title IX Officer will send the final findings and determination to the Chancellor or Chancellor's designee, with a summary explanation of any difference between the investigator's determination or preliminary determination (whichever applies) and the final determination and findings.

The Chancellor or Chancellor's designee has the authority and responsibility to decide what action to take in response to the final determination and findings. The Chancellor or Chancellor's designee may determine that additional investigation is required to determine whether violations of other policies occurred but will not reconsider the findings and determinations regarding the University of California SVSH Policy violations made through the hearing and any appeal. If the final finding is that a faculty Respondent violated the University of California SVSH Policy, then the Chancellor or Chancellor's designee will, if they did not already do so, consult with the Title IX Officer and either engage the Peer Review Committee or consult with Academic Personnel Services, as described in the Assessment and Consultation section above. The Chancellor or Chancellor's designee will decide what action to take to resolve the matter.

Corrective or Other Actions for Staff and Non-Faculty Academic Personnel

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

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

Following approval by the Chancellor's designee (in a Formal Investigation) or final adjudication (in a DOE Grievance Process), the Respondent's supervisor will implement the approved decision in accordance with applicable Collective Bargaining Agreements (CBAs) or PPSMs, including PPSM-62 and PPSM-64.

- **No Further Action:** The supervisor may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval.
- **Action Not Requiring Notice of Intent:** The supervisor may propose corrective or remedial actions that do not amount to corrective action or termination. The proposed actions will be reviewed by the Chancellor's designee for approval.
- **Notice of Intent:** The supervisor may propose to issue a Notice of Intent to institute corrective action or Notice of Intent to terminate. The proposed terms of the Notice of Intent will be reviewed by the Chancellor's designee for approval. In the event it is approved, the decision will be implemented by the supervisor and the Notice of Intent will be issued. Following the provision of a Notice of Intent, corrective action will be taken and/or actions to terminate will be taken.

Decision Approval and Implementation for Non-Faculty Academic Personnel

Following approval by the Chancellor's designee (in a Formal Investigation) or final adjudication (in a DOE Grievance Process), the Respondent's supervisor or other appropriate administrative authority will implement the approved action in accordance with APM-150.

- **No Further Action:** The supervisor or other appropriate administrative authority may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval.
- **Informal Resolution:** The supervisor or other appropriate administrative authority may propose an informal resolution, which may include discipline and/or other corrective or remedial measures. The proposed informal resolution and its terms will be reviewed by the Chancellor's designee for approval. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.
- **Notice of Intent:** The supervisor or other appropriate administrative authority may propose to issue a Notice of Intent instituting dismissal or other corrective action. The proposed terms of the Notice of Intent shall be reviewed by the Chancellor's designee

for approval. Following the provision of a Notice of Intent, corrective action or termination will be implemented.

Timeframe for Implementation of Decision; Extension for Good Cause

The supervisor or other appropriate administrative authority should implement their approved decision promptly, typically within forty (40) business days of receipt of the Notice of Investigation outcome and accompanying Investigative Report. If the matter has not been otherwise resolved within forty (40) business days, a Notice of Intent will be issued. Extensions to this timeline may be granted by the Chancellor's designee for good cause with written notice to the Complainant and the Respondent stating the reason for the extension and the projected new timeline.

Process Following Action Taken

In the event that a PPSM-covered Respondent submits a complaint or a non-faculty academic appointee Respondent submits a grievance, the Chancellor's designee will ensure that both the Complainant and the Respondent receive regular updates regarding the status of the complaint or grievance. The Complainant may follow processes appropriate to their own personnel or student policies.

Decision on Sanctions for Senate Faculty

The steps outlined below apply when a Senate faculty Respondent is found in violation of the University of California SVSH Policy following a Formal Investigation or following a hearing and any appeal in a DOE Grievance Process.

Following consultation with the Peer Review Committee and Title IX Officer, the Chancellor or Chancellor's designee will decide what action to take to resolve the matter.

The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the Respondent no later than three years after the Chancellor is deemed to have known about the alleged violation. For an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any academic administrator at the level of department chair or above, or the campus Title IX Office.

- **No Formal Discipline:** The Chancellor or Chancellor's designee may determine to resolve the matter without taking any formal disciplinary action.
- **Early Resolution:** The Chancellor or Chancellor's designee can enter into an early resolution with the Respondent. An early resolution can be achieved at any time prior to the final imposition of discipline.
- **File a charge:** The Chancellor or Chancellor's designee can take steps to propose discipline and file a charge with the Academic Senate's Committee on Privilege & Tenure

without first pursuing early resolution, or if the Respondent does not agree to early resolution.

The Chancellor or Chancellor's designee should implement their decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying Investigative Report. If the matter has not been otherwise resolved within forty (40) business days, a charge will be filed with the Academic Senate's Committee on Privilege & Tenure. A charge will not be held in abeyance or suspended while an early resolution is being pursued or finalized. Extensions to this timeline may be granted by the Chancellor for good cause with written notice to the Complainant and Respondent stating the reason for the extension and the projected new timeline.

The Investigative Report and hearing officer's notice of determination (if any) will be accepted as evidence in the Privilege & Tenure hearing. The Chancellor or Chancellor's designee will ensure that the Complainant and Respondent receive regular updates regarding the status of the proceedings. Within fourteen (14) calendar days of receiving the recommendation from the Academic Senate's Committee on Privilege & Tenure, the Chancellor will make a final decision regarding discipline, unless the decision involves dismissal for a faculty member who has tenure or security of employment. Authority for dismissal of a faculty member who has tenure or security of employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor. Authority for the denial or curtailment of emeritus status of a faculty member rests with the President, on recommendation of the Chancellor.

Decision on Sanctions for Non-Senate Faculty

The following provisions apply when a non-Senate faculty Respondent is found in violation of the University of California SVSH Policy following a Formal Investigation or following a hearing and any appeal in a DOE Grievance Process.

Following consultation with the Title IX Officer and Peer Review Committee or Academic Personnel Services, and in accordance with APM-150, the Chancellor or Chancellor's designee shall decide what action to take to resolve the matter. The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the Respondent no later than three years after the Chancellor is deemed to have known about the alleged violation.

For an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any academic administrator at the level of department chair or above, or the campus Title IX Officer.

- **No Formal Discipline**: The Chancellor or Chancellor's designee may determine to resolve the matter without taking any formal disciplinary action.
- **Informal Resolution**: The Chancellor or Chancellor's designee can pursue an informal resolution, which may include discipline and/or other corrective or remedial measures.

Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

- **Notice of Intent**: The Chancellor or Chancellor's designee can issue a Notice of Intent instituting dismissal or other corrective action in accordance with APM-150.

The Chancellor or Chancellor's designee should implement their decision promptly and simultaneously, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying Investigative Report. If the matter has not been otherwise resolved within forty (40) business days, a Notice of Intent shall be issued. Extensions to this timeline may be granted by the Chancellor for good cause with written notice to the Complainant and Respondent stating the reason for the extension and the projected new timeline.

Should the Respondent submit a grievance under APM-140 alleging a violation of APM-150 or otherwise challenging an administrative decision, the Chancellor's designee will ensure that both the Complainant and Respondent receive regular updates regarding the status of the grievance. When a non-Senate faculty member receives notice of termination before the expiration of their appointment, they may select as a grievance mechanism either APM-140 or Section 103.9 of the Standing Orders of The Regents.

Disciplinary Procedures from Staff and Faculty Policies

<u>The Faculty Code of Conduct (APM-015)</u>

The Faculty Code of Conduct (APM-015) establishes the ethical and professional standards which university faculty are expected to observe. Because the forms of unacceptable behavior listed in the Faculty Code of Conduct also apply to Sexual Violence or Sexual Harassment, a violation of the University of California SVSH Policy may constitute a violation of the Faculty Code of Conduct. The university policy on Faculty Conduct and the Administration of Discipline (APM-016) outlines sanctions and disciplinary procedures for faculty. The types of discipline that may be imposed on a member of the faculty are as follows, in order of increasing severity:

- **Written Censure:** A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor. Written censure is to be distinguished from an informal written or spoken warning and must be delivered confidentially to the recipient and maintained in a designated personnel file or files indefinitely or for a lesser period of time specified in the writing. Informal written or spoken warning is not an official disciplinary action.
- **Reduction in Salary:** Reduction to lower salary without change in rank or step. The authority to reduce the salary of any faculty member rests with the Chancellor. This authority may not be redelegated. The amount and duration of the reduced salary shall be specified.
- **Demotion:** Reduction to lower rank or step with corresponding reduction in salary. Demotion as a disciplinary action should be imposed in a manner consistent with the

merit-based system for advancement. Generally, demotion is an appropriate sanction when the misconduct is relevant to the academic advancement process of the faculty member. The authority to reduce the rank of a faculty member who does not have tenure or security of employment rests with the Chancellor. The authority to reduce, within rank, the step of any faculty member to a lower step rest with the Chancellor. This authority may not be re-delegated. Authority for demoting a faculty member with tenure or with security of employment to a lower rank, also with tenure or with security of employment, rests with the President, on recommendation of the Chancellor. Demotion of a faculty member with tenure or with security of employment to a lower rank without tenure or security of employment is not an option.

- **Suspension:** Suspension of a faculty member without pay for some stated period of time from the continuance of the appointment on its normal terms. Unless otherwise noted, the terms of a suspension will include loss of normal faculty privileges such as access to university property, participation in departmental governance, voting rights, administration of grants, supervision of graduate students, and use of university administrative staff, and may include loss of other campus privileges such as parking and library privileges. The degree and duration of the suspension shall be specified. Authority for the suspension of a faculty member rests with the Chancellor and may not be re-delegated. Suspension as a disciplinary action is to be distinguished from involuntary leave, which is a precautionary action.
- **Denial or Curtailment of Emeritus Status:** Denial or curtailment of current or future emeritus status of a faculty member, including the privileges associated with the emeritus status. The denial or curtailment of emeritus status does not affect the faculty member's entitlement to earned retirement benefits. Authority for the denial or curtailment of emeritus status of a faculty member rests with the President, on recommendation of the Chancellor.
- **Dismissal from the Employ of the University:** The Chancellor has authority to dismiss a faculty member who does not have tenure or security of employment. This authority may not be redelegated. Authority for dismissal of a faculty member who has tenure or security of employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor.

Prior to the imposition of any disciplinary sanction(s) as described above, the Chancellor may waive or limit any or all disciplinary sanction(s) on the condition that the Respondent faculty member performs some specified action(s) designed to address the harm and/or to prevent future harm. Such actions may include, but are not limited to, monetary restitution, repayment of misappropriated resources, compliance with a commitment not to repeat the misconduct, or other act to make whole injury caused by the faculty member's professional misconduct or to prevent future misconduct. If the imposition of a disciplinary sanction is waived, the subsequent failure to perform the required act or otherwise comply with the conditions of the waiver will immediately subject the faculty member to the implementation of the underlying sanction

without an additional hearing. The authority to determine whether the faculty member has complied with the conditions of the waiver rests with the Chancellor. The Chancellor may designate a fixed time period for compliance with the terms of the waiver, after which the authority to impose discipline will lapse. If a faculty member disputes the Chancellor's determination, the faculty member may grieve under applicable faculty grievance procedures.

A Chancellor is authorized to initiate involuntary leave with pay prior to the initiation of a disciplinary action if it is found that there is a strong risk that the Respondent faculty member's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the university community or impede the investigation of their wrongdoing, or in situations where the faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency. When such action is necessary, it must be possible to impose the involuntary leave swiftly, without resorting to normal disciplinary procedures. In rare and egregious cases, a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action. This is in addition to the Chancellor's power to suspend the pay of a faculty member who is absent without authorization and fails to perform their duties for an extended period of time, pending the resolution of the faculty member's employment status with the university. Thereafter, the faculty member may grieve the decision to place them on involuntary leave pursuant to applicable faculty grievance procedures. The Divisional Committee on Privilege and Tenure shall handle such grievances on an expedited basis and may recommend reinstatement of pay and back pay in cases where pay status was suspended. Within five (5) working days after the imposition of involuntary leave, the Chancellor must explain to the faculty member in writing the reasons for the involuntary leave and initiate disciplinary procedures by bringing charges against the faculty member on leave.

The Faculty Code of Conduct applies to all faculty members, Senate and non-Senate. For members of the Academic Senate, the procedures for disciplinary actions are governed by Senate Bylaws and Divisional rules. For academic appointees who are not members of the Academic Senate (and this group includes certain categories of faculty members), there are procedures for disciplinary actions separate from that of the Senate's committees. Those procedures are found in the Faculty Code of Conduct and relevant collective bargaining agreements or Memoranda of Understanding.

A disciplinary action against a faculty member holding an administrative title may proceed in two parts. One part involves the removal of an administrative title or other administrative action under procedures established by The Regents and the administration. Such action need not adhere to the disciplinary procedures set forth in this policy.

The other part involves the proposed imposition of any type of disciplinary sanction set forth in this policy, which must proceed in accordance with the procedures for discipline outlined in the Faculty Code of Conduct and the applicable Senate Bylaws and Divisional rules.

The removal of the administrative title or other administrative action does not preclude or require the imposition of a disciplinary sanction under this policy. Administrative incompetence does not in itself constitute a violation of the Faculty Code of Conduct.

General University Policy Regarding Academic Appointees: Non- Senate Academic Appointees/Corrective Action and Dismissal (APM-150)

APM-150 applies to all academic appointees who are not members of the Academic Senate. Student academic appointees not covered by an MOU are subject to this policy to the extent that corrective action or dismissal are based solely upon their employment relationship with the university. Non-Senate faculty appointees are also subject to the standards set forth in the Faculty Code of Conduct.

Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, dereliction of duty, or violation of university policy. Corrective action or dismissal may be instituted and implemented by the department chair, unit head, supervisor, or other appropriate administrative authority in accordance with campus procedures. Campus procedures shall outline appropriate consultation requirements for corrective action and dismissal.

The types of corrective action and dismissal that may be imposed are as follows:

- **Written Warning:** A communication that informs the appointee of the nature of the misconduct or deficiency, the method of correction, and the probable consequence of continued misconduct or deficiency. A written warning is to be distinguished from an informal spoken warning. An informal spoken warning or a letter outlining performance expectations is not an official corrective action.
- **Written Censure:** A formal written expression of institutional rebuke which contains a description of the censured conduct. A written censure must be delivered to the recipient and a copy must be maintained in a designated file or files, or for the period of time specified in the writing.
- **Suspension without Pay:** Debarment without pay from appointment responsibilities for stated period of time. Unless otherwise noted, the terms of a suspension will include loss of normal employee privileges such as access to university property and parking and library privileges.
- **Reduction in Salary:** A reduction to a lower salary without a change in rank or step. The amount and duration of the reduced salary shall be specified.
- **Demotion:** A reduction to a lower rank or step with a corresponding reduction in salary. The termination of an appointment for good cause initiated by the university prior to the ending date of appointment. Good cause includes, but is not limited to, misconduct, continued unsatisfactory work performance, dereliction of duty, or serious violation of university policy.

The procedures for corrective action are as follows:

- **Informal Resolution:** Prior to instituting corrective action or dismissal, efforts to resolve the issue(s) informally should be attempted where appropriate.
- **Investigatory Leave:** An appointee may be placed on immediate investigatory leave with pay, without prior written notice, for the purpose of reviewing or investigating conduct which in the judgment of the Chancellor requires removing the appointee from university premises. While on such leave, the appointee's return to university premises without written permission may create independent grounds for dismissal. Such investigatory leave must be documented in writing after it is instituted.
- **Written Notice of Intent:** The university shall provide a written Notice of Intent to the appointee prior to initiating the actions of written censure, suspension without pay, reduction in salary, demotion, or dismissal. The Notice shall state: the intended action, including reasons for the action and the proposed effective date; the basis of the charges, including copies of pertinent materials supporting the charges; the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written Notice of Intent; and the name of the person to whom the appointee should respond. No Notice of Intent is required for a written warning. Prior to instituting the dismissal of a non-Senate faculty member, the appointee should be apprised of the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate.
- **Response to Written Notice of Intent:** The appointee who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the administration.
- **Written Notice of Action:** If the university determines to institute the corrective action or dismissal following the review of a timely response, if any, from the appointee, and within thirty (30) calendar days of the date of issuance of the written Notice of Intent, the university shall issue a written Notice of Action to the appointee of the corrective action or dismissal to be taken and its effective date. The Notice of Action also shall notify the appointee of the right to grieve the action. The Notice of Action may not include an action more severe than that described in the Notice of Intent. A copy of the Notice of Action also shall be placed in the employee's personnel file(s).
- **Representation:** Appointees may represent themselves or may be represented by another person at any stage of the corrective action or dismissal process.
- **Extension of Time:** Upon written request and prior to the expiration of any time limit stated in this policy, the Chancellor may grant extensions, as appropriate.

The procedures for dismissal of a non-Senate faculty appointee are as follows: Termination of the appointment of any member of the faculty before the expiration of their appointment shall be only for good cause, after the opportunity for a hearing before the properly constituted

advisory committee of the Academic Senate, except as otherwise provided in a MOU for faculty who are not members of the Academic Senate. A non-Senate faculty appointee is entitled to select only one grievance review mechanism. If a non- Senate faculty appointee elects an Academic Senate hearing, good cause shall be defined. For a non-Senate faculty appointee with a term appointment if the hearing has not commenced by the ending date of the appointment, the dismissal becomes a non-reappointment effective at the end of the appointment. The appointee has thirty (30) calendar days from the ending date of the appointment to grieve the non-reappointment.

Personnel Policies for Staff Members

The following policies for staff address responding to conduct that violates the University of California SVSH Policy.

PPSM-62: Corrective Action

Prior to taking any corrective action, managers and supervisors shall review the need for corrective action with Employee & Labor Relations. The types of corrective action that can be used to provide an opportunity for an employee to correct conduct or work performance standards are written warning, corrective salary decrease, suspension, and demotion. These four types of corrective action can be used in the progressive discipline process; however, corrective action does not need to follow a specific order. As appropriate, the corrective action taken should correspond to the severity and circumstances of the situation.

- **Written Warning:** Generally, at least one written warning will be given to an employee prior to proceeding with any other corrective action; however, no written warning will be needed if the corrective action is a result of misconduct or work performance that an employee knows or reasonably should have known was unacceptable. The written warning must describe how the employee failed to meet acceptable conduct or work performance standards.
- **Corrective Salary Decrease:** An employee may be subject to a temporary or permanent corrective salary decrease when removal from the workplace is not appropriate, yet discipline is warranted.
- **Suspension:** An employee may be subject to removal from the workplace and suspended for a defined period of time without pay. For exempt employees, suspension without pay must be imposed in a minimum increment of one workday.
- **Demotion:** An employee may be subject to temporary or permanent demotion for disciplinary reasons.

PPSM-63: Investigatory Leave

An employee may be placed on an investigatory leave, with or without prior written notice, to permit the university to review or investigate actions including, but not limited to dishonesty; theft or misappropriation of university property; insubordination; violation of federal or state

law; exploitation, intimidation, discrimination, or harassment; acts endangering employees, students, visitors, or other university constituents; sexual violence, sexual harassment, or other prohibited behavior; or any other conduct which warrants removing the employee from the work site to conduct a university investigation.

Employees placed on investigatory leave must be notified in writing no later than three working days after commencement of the leave if written notice is not provided when the leave commences. The written notice must include the reason(s) for the leave and the expected duration. Such leaves may be extended by written notice to the employee. It should also direct the employee to remain available to speak with and provide information to the university investigator upon request. Such leaves may be extended by written notice to the employee.

Upon conclusion of the university's investigation, the employee must be notified in writing of the outcome of the investigation and whether the investigation's findings will result in continued employment, corrective action, or termination of employment.

PPSM-64: Termination of Career Employees

- **Professional and Support Staff:** Regular status professional and support staff may be terminated from employment because of misconduct or failure to maintain appropriate work performance standards. Normally, termination is preceded by corrective action unless immediate dismissal is warranted.
- **Managers & Senior Professionals:** Managers and senior professionals (Manager 3 and Below and Equivalent Positions) who hold career appointments may be terminated when, in management's judgment, the needs or resources of the department or the performance or conduct of the employee do not justify the continuation of the employee's appointment.
- **Managers & Senior Professionals:** Managers and senior professionals (above Manager 3 and Equivalent Positions) who hold career appointments serve at the discretion of the Chancellor and may be terminated at will and at any time with or without cause.

Sanctioning and Investigatory Leave for Represented Employees

The bargaining units for employees represented by a union have separate employment contracts that include provisions covering corrective action and discipline, as well as investigatory leave.

Policies for Faculty

The Faculty Code of Conduct (APM – 015)

- www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf

University Policy on Faculty Conduct and the Administration of Discipline (APM 016)

- www.ucop.edu/academic-personnel-programs/_files/apm/apm-016.pdf

Non-Senate Academic Appointees/Corrective Action and Dismissal (APM 150)

- www.ucop.edu/academic-personnel-programs/_files/apm/apm-150.pdf

University Policy on Non-Senate Academic Appointees/Grievances (APM 140)

- www.ucop.edu/academic-personnel-programs/_files/apm/apm-140.pdf

Personnel Policies for Staff Members Corrective Action (PPSM-62)

- www.policy.ucop.edu/doc/4010411/PPSM-62

Investigatory Leave (PPSM-63)

- www.policy.ucop.edu/doc/4010412/PPSM-63

Termination of Career Employees (PPSM-64)

- www.policy.ucop.edu/doc/4010413/PPSM-64

Termination of Appointment – Senior Management Group (PPSM II-64)

- www.policy.ucop.edu/doc/4010578/PPSM-II-64

Complaint Resolution (PPSM-70)

- https://policy.ucop.edu/doc/4010417/PPSM-70

Non-Sex-Based VAWA Offenses

Non-Sex-Based-VAWA offenses are addressed by university policies other than the SVSH Policy.

Pursuant to the Policies Applying to Campus Activities, Organizations and Students (PACAOS), stalking is "behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the university to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the university to serve no legitimate purpose."[32] In addition, the PACAOS also includes in its grounds for discipline, "Physical abuse including but not limited to physical assault; threats of violence; or other conduct that threatens the health or safety of any person."[33]

The UC Merced Student Conduct Code includes: "Physical, verbal, written, face-to-face, telephonic, electronic or other means of contact that a student knows or should know is

[32] See PACAOS 102.10 at https://policy.ucop.edu/doc/2710530/PACAOS-100.
[33] PACAOS 102.08.

unwanted, is communicated directly to one or more specific students, faculty, or staff, constitutes severe and/or pervasive, and objectively offensive conduct; and does not constitute speech protected by the First Amendment of the United States Constitution (e.g., speech in a public forum on a matter of public concern)" as a violation of conduct.[34]

While faculty policies do not specifically define stalking, they provide guidance for "unacceptable conduct," which includes "forcible detention, threats of physical harm to, or harassment of another member of the university community, that interferes with that person's performance of university activities."[35] Similarly, staff related policies do not specifically define non-sex-based stalking, but do cover "violations of federal or state law" or "acts endangering employees, students, visitors, or other university constituents."[36] The California Penal Code does not distinguish between sex or non-sex-based stalking.[37]

Reports of non-sex-based stalking can be reported to:

- a supervisor
- Academic Personnel Services
- Employee Relations
- the Office for the Prevention of Harassment & Discrimination (note: OPHD will not investigate non-sex-based stalking, but they can refer a report to the appropriate office):
    - Online — OPHD Web Form https://ophd.ucmerced.edu/report (Available at any time)
    - Email — Send a report to ophd@ucmerced.edu (available at any time)
    - By Phone — (209) 355-0352
- UC Merced Police Department:
    - 911
    - (209) 228-2677 (CAT-COPS)
- UC Systemwide Whistleblower Hotline
    - Online UC Whistleblower Hotline https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html or call 800-403-4744
    - The hotline is independently operated to ensure anonymous and confidential reporting.
- UC Merced's Locally Designated Official (LDO)
    - Chief Ethics and Compliance Officer (CECO)
- California State Auditor

[34] https://policy.ucop.edu/doc/2710530/PACAOS-100
[35] See General University Policy Regarding Academic Appointees: APM - 015 - The Faculty Code of Conduct Part II.C.4 at https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf.
[36] See PPSM 63: Investigative Leave Section III.B at https://policy.ucop.edu/doc/4010412/PPSM-63 and PPSM 64: Termination and Abandonment Section V II .4 at https://policy.ucop.edu/doc/4010413/PPSM-64.Job
[37] Cal Penal Code § 646.9.

- Online Complaint Form - https://www.auditor.ca.gov/contactus/complaint or call 800-952-5665
- Report Improper Activity (Poster posted around campus)
- For more information about reporting to this outside agency, please see the "File a Complaint" page on the State Auditor's website. https://www.auditor.ca.gov/

The university prohibits retaliation against employees who in good faith report suspected ethical, legal or policy violations.

Reports will be investigated by the Police, Office of Student Conduct, Academic Personnel Services, or Employee Relations, as appropriate.

UC PACAOS 100, Section 103.11 describes the minimum procedural requirements for all campuses when conducting a formal hearing into alleged social misconduct, including non-sex-based stalking:

- Written notice, including a brief statement of the factual basis of the charges, the university policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing
- The opportunity for a prompt and fair hearing where the university shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the university; no inference shall be drawn from the silence of the accused
- A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and
- An appeals process.

For Senate Appointees, Academic Senate Bylaws 336 apply:

Disciplinary charges shall be filed by the appropriate Chancellor or Chancellor's designee, once probable cause has been established. The disciplinary charges shall be in writing and shall contain notice of proposed disciplinary sanctions and a full statement of the facts underlying the charges. The Chancellor must file disciplinary charges by delivering notice of proposed disciplinary action to the Respondent no later than three years after the Chancellor is deemed to have known about the alleged violation. The accused shall have 14 calendar days from the date of receipt of the disciplinary charges in which to file an answer in writing with the Committee on Privilege and Tenure.

Within 5 business days after receiving the disciplinary charges, the Chair of the Committee on Privilege & Tenure shall contact the accused, the Chancellor or Chancellor's designee and/or their representatives in writing in order to schedule the hearing. The hearing shall begin no later than 60 calendar days from the date disciplinary charges are filed with the Committee on Privilege & Tenure. The Chancellor or Chancellor's designee, the accused, and/or their

representatives shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received.

Each party shall have the right to be represented by counsel, to present its case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.

A full text of the procedures can be found here: https://www.ucop.edu/academicpersonnelprograms/_files/apm/apm-150.pdf.

The disciplinary process for staff mirrors that for SVSH Policy violations.

Sanctions for students relating to incidents of non-sex-based stalking could include any of the following:[38]

- Suspension (minimum one year) plus probation for tenure
- Practical Decision-Making Assessment and Reflection
- No Contact Order with Complainant(s)
- Exclusion from areas or activities
- Creative/other sanctions
- Expulsion (egregious violations)
- Meetings
- Probation (minimum tenure; only if significant mitigating factors are present)

Sanctions for non-sex-based stalking for faculty and staff are generally the same as for sex-based stalking.

Public Information Regarding Sex Offenders – Megan's Law

Federal Law Regarding Registration and Release of Information: Upon release from prison, individuals convicted of sex crimes may be required to register with law enforcement agencies under laws referred to as Megan's Laws. Additionally, the Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. Such institutions have the authority to release, in some circumstances, certain information about registered sex offenders.

At UC Merced, the controlled release of such information may occur through the authority of the Chief of Police in collaboration with legal counsel and the Office of the Chancellor when such release is deemed appropriate for the safety of the university community.

[38] See https://policy.ucop.edu/doc/2710530/PACAOS-100 at PACAOS at 102.10.

The CSCPA amends the Family Educational Rights and Privacy Act (FERPA) to clarify that nothing in the act prohibits an educational institution from disclosing information provided to the institution concerning registered sex offenders.

The public may gain access to information about convicted and registered California sex offenders at the Megan's Law website: http://www.meganslaw.ca.gov/.

Hearing Education Opportunity Act Notification to Victims of Crimes of Violence (HEOA)

The university will, upon written request, disclose to the alleged victim of a crime of violence, or a nonforcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Missing Persons

It is the policy of the UCMPD to accept all reports of missing persons without delay. Investigative priority will be given to missing person cases over the handling of property crimes. In cases where the missing person report originates in another law enforcement jurisdiction, UCMPD will take the report and immediately contact the law enforcement agency having jurisdiction. The UCMPD will provide them with all the necessary information they need to initiate an investigation as they deem appropriate.

Every missing person's case is a unique investigative challenge that will dictate who, if any (e.g., spouse, roommate, family members, guardians, friends) will be contacted and interviewed and in what order. When a person's disappearance is deemed to be suspicious, when foul play is suspected, and/or the person may be at risk, based on several factors, the UCMPD may request assistance from the Merced City Police Department or Merced County Sheriff's Office. Where necessary, the UCMPD will also require assistance from a range of other local, state and/or federal resources.

Missing Student Notification Policy Statement

If any person has reasonable belief that a student who resides in on-campus housing is missing, it is critical that they immediately notify the UCMPD at 209-228-2677 and provide any information they may have. A police officer will respond and take a missing person's report and initiate an investigation. After investigating, if it is determined that the student is missing, the UCMPD and the Vice Chancellor for Student Affairs will notify the student's designated missing person contact within 24 hours or sooner. If the student is under the age of 18 and not

emancipated, the student's parents or legal guardians and any other designated contact person will be notified within 24 hours by the Vice Chancellor of Student Affairs.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, when UCMPD determines that a missing student did not go missing from campus, UCMPD will inform the appropriate law enforcement agency having jurisdiction where the missing student was last seen or is believed to be headed.

In addition to registering an emergency contact, students residing in on-campus housing have the option annually to identify, confidentially, an individual to be contacted in the event the student is determined to be missing for up to 24 hours. If a student has identified such an individual, that person will be notified no later than 24 hours after the student is determined to be missing. When students are informed of their option to provide a confidential contact, they are advised that their confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate and that it may not be disclosed outside of a missing person investigation.

A student is deemed missing after a reasonable investigation fails to discover the location of the student, or when a set of circumstances may suggest immediate concern to UC Merced officials. Such conditions may include but are not limited to students who have health-related problems; a student who has not regularly attended class and has not been seen elsewhere; and/or parent(s) and roommate(s) of the student report that a student is missing because they have had irregular contact with the student.

It is imperative that any missing student must be referred immediately to the UCMPD at 209-228-2677, regardless of how long the student is believed to have been missing. The official determination that a student is missing can be made at any time by the UCMPD. In addition, students, employees, or other individuals are encouraged to report if a student is believed to be missing.

If a missing student report is received by any office, the UCMPD will immediately be notified, and a report filed.

Students are advised that, in the event a student under 18 years of age and not emancipated, UCM must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. Students are advised that, for all missing students, UCM will notify the local law enforcement agency of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Action to be Taken

For on-campus residential students, the reporting party will notify Housing and Residence Education and/or the UCMPD.

The Residential Life staff members will make the appropriate internal notifications and report to the UCMPD and the appropriate Student Affairs senior staff members. For non-residential students, the reporting party will notify the UCMPD, which will notify the on-duty/on-call Student Affairs senior staff members.

The UCMPD will keep the key stakeholders apprised of the progress of the investigation.

Follow-up

If the search is successful, a Residential Life staff member or an appropriate Student Affairs staff member will contact the student and inform him/her of support services available on campus (e.g., Student Counseling Center, Student Health Center).

If the search is deemed unsuccessful, the Chief of Police, the Vice Chancellor for Student Affairs, and/or other appropriate university officials will decide what further action should be taken.

Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20USC § 1092(f) requires colleges and universities across the country to disclose information about crime on and around their campuses. The UCMPD maintains a close relationship with local law enforcement agencies where UC Merced owns or controls property to ensure that crimes reported directly to the agencies that involve the university are shared with campus police.

The UCMPD collects the Clery crime statistics disclosed in this report through several methods. UC police dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer aided-dispatch system/records management system (CAD/RMS). After an officer enters the report into the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook.

In addition to the crime data, the UCMPD maintains the statistics that are reported to various Campus Security Authorities (CSA). The statistics reported for the subcategories on liquor laws, drug laws and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. These subcategory statistics are collected from police, housing and conduct reports and then cross-referenced to make certain they are counted only once. This process eliminates the opportunity for over reporting.

A reported Clery crime to UCMPD may not be withheld or subsequently removed from the Clery crime statistics data based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus officials.

However, a reported crime may be withheld or subsequently removed from the crime statistics when sworn law enforcement personnel have fully investigated the reported crime and based on the results of a full investigation and evidence, made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn law enforcement personnel may declare a crime report unfounded.

The Clery Act requires colleges and universities to include four general categories of crime statistics:

- Criminal Offenses – Criminal homicide, including murder and non-negligent manslaughter and manslaughter by negligence; sex offenses including rape, fondling, incest and statutory rape; robbery; domestic violence, dating violence, stalking and aggravated assault; burglary; motor vehicle theft; and arson.
- Hate Crimes – Any of the above offenses (except manslaughter by negligence), and/or any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.
- VAWA Offenses – Any incidents of domestic violence, dating violence and stalking (Sexual Assault is also a VAWA offense but is included in the Criminal Offenses category for Clery Act reporting).
- Arrest and Referrals for Disciplinary Action – Includes weapons violations such as carrying or possessing, drug abuse violations and liquor law violations.

Definitions of Reportable Crimes

- **Murder and Non-negligent Manslaughter** is defined as the willful killing of one human being by another.
- **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.
- **Sex Offenses** are any sexual acts directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental incapacity.

- **Incest** is sexual intercourse between persons who are related to each other within the degrees where marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person under the statutory age of consent.
- **Robbery** is defined as taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear (including attempts).
- **Aggravated Assault** is defined as an unlawful attack by one person upon another for the purpose of conflicting severe or aggravated bodily injury. This type of assault is usually accompanied by using a weapon or by means likely to produce death or great bodily harm (regardless of the victim's extent of injuries or whether not they accept assistance).
- **Burglary** is defined as the unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft** is defined as the theft or attempted theft of a motor vehicle.
- **Arson** is defined as any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft or personal property of another, etc. (includes attempts).
- **Hate Crimes** are all the crimes listed above and the additional four (4) listed below that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.
    - **Larceny-theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Includes pocket picking, purse snatching, shoplifting, theft from a building or theft from motor vehicles.
    - **Simple assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving broken bones, loss of teeth, internal injury, severe lacerations and/or loss of consciousness.
    - **Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
    - **Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage or deface or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

Categories of Prejudice

- **Race:** A performed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity, distinguishing them as a distinct division of humankind (e.g., Black, White, Hispanic not Latino, Asian or Pacific Islander, etc.).

- **Religion:** A performed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual Orientation:** A performed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Gender:** A performed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A performed negative opinion or attitude towards a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-confirming individuals). Gender non-confirming describes a person who does not conform to the gender-based expectations of society (e.g., a woman dressed in traditionally male clothing or a man wearing makeup). A gender non-confirming person may or may not be a lesbian, gay, bisexual, or transgender person may be perceived as such.
- **Ethnicity:** A performed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural origin.
- **National Origin:** A performed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group or because they are married to or associate with people of a certain national origin.
- **Disability:** A performed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age or illness.

Violence Against Women Act (VAWA)

- **Domestic Violence** is defined as a felony or misdemeanor crime of violence committed:
    - By a current or former spouse or intimate partner of the victim.
    - By a person with whom the victim shares a child in common.
    - By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

    - By a person similarly situated to the spouse of the victim under the domestic or family violence laws of jurisdiction in which the crime of violence occurred.
    - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction where the crime of violence occurred.
- **Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of
    - the length of the relationship,
    - the type of relationship and
    - the frequency of interaction between the persons involved in the relationship.
    - Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic violence.
- **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - Fear for the person's safety or the safety of others; or
    - Suffer substantial emotional distress.

Violation of Weapons, Drug Abuse and Liquor Laws

- **Drug/Narcotic Abuse Violations** are defined as the unlawful possession, sale, use, transportation, growing, cultivation, manufacturing, making, distribution, purchase and/or importation of any controlled drug or narcotic substance. Violations of laws prohibit the use of the equipment or devices utilized in their preparation and/or use.
- **Liquor Law Violations** is defined as the unlawful possession, sale, transportation, manufacturing, purchase and/or use of alcoholic beverages as well as furnishing alcohol to minor (under 21 years old), maintaining unlawful drinking places, bootlegging, and operating a still, using a vehicle for illegal transportation of liquor and attempts to commit any of the above. This does not include driving under the influence or drunkenness.
- **Weapon Law Violations** is the unlawful possession or control of any firearm, deadly weapon, illegal knife or explosive device while on the property of the University of California, except as required in the lawful course of business or as authorized by the UC Merced Chief of Police. Additionally, the unlawful manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

UC Merced Clery Criminal Offense 2023 Statistics						
Offenses	**Year**	**On-Campus Property**	**On-Campus Student Housing Facilities**	**Non-Campus Buildings or Property**	**Public Property**	**Total**
Murder/ Non-negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	9	6	0	0	9
	2022	3	2	0	1	4
	2021	4	4	1	0	5
Fondling	2023	0	0	0	0	0
	2022	6	5	0	1	7
	2021	2	2	0	0	2
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	2	2	0	0	2
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	0	0
	2022	0	0	0	3	3
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0
	2022	2	1	0	2	4
	2021	3	3	0	0	3
Burglary	2023	2	1	1	0	3
	2022	10	3	0	0	10
	2021	2	1	1	0	3
Motor Vehicle Theft	2023	8	0	0	0	8
	2022	2	0	0	0	2
	2021	1	0	0	0	1
Arson	2023	13	13	0	0	13
	2022	1	1	0	0	1
	2021	0	0	0	0	0

VAWA Offenses						
Offenses	**Year**	**On-Campus Property**	**On-Campus Student Housing Facilities**	**Non-Campus Buildings or Property**	**Public Property**	**Total**
Domestic Violence*	2023	10	10	0	0	10
	2022	0	0	0	1	1
	2021	0	0	0	0	0
Dating Violence*	2023	2	2	0	0	2
	2022	1	1	0	0	1
	2021	0	0	0	0	0
Stalking	2023	1	0	0	0	1
	2022	11	7	0	0	11
	2021	2	1	0	0	2
UC Merced Clery Arrest and Disciplinary Referral Statistics						
Offenses	**Year**	**On-Campus Property**	**On-Campus Student Housing Facilities**	**Non-Campus Buildings or Property**	**Public Property**	**Total**
Arrests: Liquor Law Violations	2023	1	0	0	0	1
	2022	3	1	0	1	4
	2021	1	0	0	0	1
Disciplinary Referrals: Liquor Law Violations*	2023	2	0	0	0	2
	2022	100	100	0	0	100
	2021	83	83	0	0	83
Arrests: Drug Law Violations	2023	2	1	0	3	5
	2022	0	0	0	0	0
	2021	1	1	1	0	2
Disciplinary Referrals: Drug Law Violations	2023	65	29	0	0	65
	2022	65	65	0	0	65
	2021	30	30	0	0	30
Arrests: Weapons Law Violations	2023	1	1	0	0	1
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Disciplinary Referrals: Weapons Law Violations	2023	1	1	0	0	1
	2022	0	0	0	0	0
	2021	0	0	0	0	0
UC Merced Unfounded Crime Statistics						
Unfounded	2023	1 unfounded crime				
	2022	0 unfounded crimes				

	2021	0 unfounded crimes
UC Merced Clery Hate Crime Statistics		
Hate Crimes	2023	There were no hate crimes reported.
	2022	There were no hate crimes reported.
	2021	There were no hate crimes reported.

* The crime statistics reported for 2023 have been updated and revised following a review of institutional records. The review of records found information that required updates to reflect incidents being reported. The revisions are as follows:

The Domestic Violence count was 0 in 2023 and has been changed to 10

The Dating Violence count was 3 in 2023 and has been changed to 2

The Disciplinary Referrals: Liquor Law Violations count was 149 in 2023 and has been changed to 2

The Disciplinary Referrals: Drug Law Violations count was 108 in 2023 and has been changed to 65