



2025

ANNUAL SECURITY REPORT

For the 2024-2025 academic year,
containing crime statistics
for 2024, 2023, and 2022

Table of Contents

Contact Information	8
For Campus Emergencies	8
UC Merced Police Department	8
General Information	8
Resources for Survivor of Sexual Assault, Stalking and Dating/Domestic Violence	9
Off-Campus Safety Contact Information	9
Message from the Assistant Vice Chancellor and Chief of Police	10
Preparation of the Annual Security Report	11
Annual Fire Safety Report	12
UC Merced Police Department	12
Role, Authority, and Training	13
Police Officers	13
Public Service Ambassadors	14
Student Service Ambassador Program	14
911 Dispatch Center	14
Working Relationship with Outside Law Enforcement Agencies and Jurisdictions .	15
Noncampus Criminal Activity	15
Reporting Crime & Other Emergencies	15
Office for the Prevention of Harassment and Discrimination (OPHD)	16
EthicsPoint Hotline:	16
Student Rights and Responsibilities	16
Contacting Employee and Labor Relations	16
UC Merced Campus Security Authorities	17
How to Report a Crime	17
Reporting an Emergency	17
Reporting a Non-Emergency	18
Response to Reports of Crime	18
Confidential Reporting Process	18
Employee Assistance Program – INSIGHT EAP	19
Daily Crime and Fire Log	19

Timely Warning Notices	20
Issuing Timely Warnings	22
Confirmation of a Significant Emergency or Dangerous Situation.....	22
Content and Initiation of the System	22
Emergency Notification	23
Disseminating Emergency Information to Members of the Larger Community	24
Enrolling in UCM Alert.....	24
Opting Out of UCM Alert	25
Emergency Response & Evacuation Procedures.....	25
Emergency Management at UC Merced	25
Emergency Operations Plan	25
Drills, Exercises, and Training.....	26
Evacuation Procedures for UC Merced.....	27
General Evacuation Procedures	27
Campus-wide Evacuations	28
Evacuation of Disabled Persons and/or Access and Functional Needs.....	28
When Not to Evacuate (Shelter-in-Place)	29
How will you know when to “Shelter-in-Place?”	29
How to “Shelter-in-Place”	29
Safety Location or Space.....	30
Campus Closure: Emergency Declaration.....	30
Access & Security of Campus Facilities	31
Security Considerations Used in the Maintenance of Campus Facilities	31
Blue Light Phones.....	31
Safety Escorts.....	31
Safety Services.....	32
UCMPD Bike/Scooter Registration	32
Bobcat Safety App	32
Security and Safety Awareness Education.....	33
Security and Safety Awareness Programs Available Include:.....	33
Crime Prevention Safety Presentations	33
Violent Intruder Response Training	33

Police Insight Program.....	34
Fire Safety.....	34
Tips for Prevention of Campus/Personal Property Theft.....	34
Secure Your Computer	34
Reduce the Opportunity for Theft.....	35
Vehicle Safety.....	35
Bicycle, Scooter and Skateboard.....	35
Walking Safety.....	36
What To Do if Your Wallet or Purse Has Been Stolen or Lost	37
Apartment/Home.....	37
Personal Safety	38
Personal Safety on Public Transportation.....	38
Hazing Prevention Plan.....	38
Hazing Definitions	38
Federal Hazing definition	38
UC Merced Hazing definition	39
Reporting Incidents of Hazing	40
Investigating Incidents of Hazing	40
Disciplinary Action.....	41
B. Organizational Sanctions	41
a. Loss of university recognition.....	41
b. Restrictions on events or recruitment.....	41
c. Required training or educational programming	41
C. Restorative Measures	41
a. Apology letters	41
b. Community impact statements.....	41
c. Educational workshops for the organization or group	41
Prevention and Education	41
Sexual Violence and Sexual Harassment	42
University of California Policy on Sexual Violence and Sexual Harassment.....	43
Definitions	44
University of California – Sexual Violence and Sexual Harassment Policy Definitions	45

Sexual Harassment	45
Sexual Violence	45
Relationship Violence	46
Stalking	48
Sexual Exploitation	48
Consent	49
Other Prohibited Behavior	50
Prohibited Conduct in the Context of Patient Care.....	50
A. Application.....	51
B. Definitions.....	52
Sexual Violence – Prevention, Reporting and Resolution.....	54
Medical Attention and Evidence Preservation.....	54
Supportive Measures	55
Reporting Rights and Options	56
Timelines for Making Reports	56
Non-Reporting Options	56
Confidential CARE Advocate	56
Office of the Ombuds.....	57
Counseling & Psychological Services.....	57
INSIGHT Employee Assistance Program	57
On-Campus Reporting Options.....	57
UC Merced Administration.....	57
Office for the Prevention of Harassment and Discrimination	57
UC Merced Police Department	58
Off-Campus Reporting Options.....	58
Reporting to Local Law Enforcement.....	58
Civil Restraining Orders.....	58
Anonymous Reporting	59
Confidentiality	59
Responsible Employee Reporting Obligations.....	60
UC Merced Procedures for Responding to Reports of Sexual Violence	60
Additional Support for Complainants of Sexual Violence	61

Housing Services.....	61
Academic/Workplace Accommodation	61
Assistance for Complainants: Rights and Options	61
Restraining Orders	62
Types of Restraining Orders	63
Campus Advocacy, Resources and Education (CARE) Services	63
Sexual Violence Prevention Programs and Resources.....	64
Primary Prevention and Awareness Programs	64
Educational Programs	65
Bystander Intervention and Risk Reduction.....	68
Mandatory Trainings-Vector LMS Higher Education Corporation-Online Programs.....	70
Immediate Assistance for Survivors of Gender-based Violence	70
Affirmative Consent.....	71
University Disciplinary Procedures for Sexual Violence & Sexual Harassment.....	72
Sexual Violence/Sexual Harassment Investigation Procedure.....	72
Initial Assessment.....	72
Alternative Resolution	73
Protecting the Confidentiality of the Complainant	75
Supportive and Remedial Measures	75
Formal Investigation of DOE Grievance Procedures in Cases of Sexual Assault, Relationship Violence, Stalking, Sexual Harassment, and Invasions of Sexual Privacy	77
Other Inquiry	78
Notifications and Documentation	78
The Investigation Report and Outcome	78
Remedy	78
Discipline	78
Department of Education (DOE) – Covered Conduct	79
Process.....	79
Conduct Process for Student Respondents	82
Appendix E Process	82
Formal Investigation of Report of Prohibited Conduct.....	83
Appendix F Process.....	86

Conduct Process for Senate and Non-Senate Faculty.....	91
Investigating and Resolving Reports of Prohibited Conduct (Stage 1)	91
Assessment and Consultation (Stage 2).....	94
Decision on Sanctions for Senate Faculty (Stage 3).....	95
Decision on Sanctions for Non-senate Faculty (Stage 3)	96
DOE Addendum to Investigation and Adjudication Framework for Senate and Non- senate Faculty.....	98
Reporting and Resources (Stage 0)	98
Initial Assessment (Stage 1)	98
Investigating and Resolving Reports of Prohibited Conduct (Stage 1)	98
Assessment and Consultation (Stage 2).....	98
Opportunity to Accept the Preliminary Determination (Stage 2.A)	99
Prehearing and Hearing (Stage 2.B).....	99
Pre-Hearing Procedures	100
Hearing Procedures.....	101
Appeal of Determination (Stage 2.C)	102
Additional Assessment and Consultation (Stage 2.D)	104
Conduct Process for Staff and Non-Faculty Academic Personnel	104
Investigating and Resolving Reports of Prohibited Conduct (Stage 1)	105
Assessment and Consultation (Stage 2).....	108
Corrective or Other Actions (Stage 3).....	109
DOE Addendum to Investigation and Adjudication Framework for Staff and Nonfaculty Academic Personnel	112
Reporting and Resources (Stage 0)	112
Initial Assessment (Stage 1)	112
Investigating and Resolving Reports of Prohibited Conduct (Stage 1)	112
Assessment and Consultation (Stage 2).....	113
Opportunity to Accept the Preliminary Determination (Stage 2.A)	113
Prehearing and Hearing (Stage 2.B).....	114
Appeal of Determination (Stage 2.C)	121
Additional Assessment and Consultation (Stage 2.D)	123
Corrective Action (Stage 3).....	124
Non-Sex-Based Stalking	125

University of California – Anti-Discrimination Policy (A-D Policy) - Harassment ...	125
Results of Disciplinary Proceedings	125
Sex Offender Notice (Megan’s Law)	126
Workplace Violence & Intimidation	126
Nondiscrimination Policy Statement.....	126
Missing Persons	127
Notification of Missing Students	127
UC Merced Housing Notification Process	127
Missing Person Contact – UC Merced Housing	127
Alcohol & Substance Abuse Policies.....	128
California Alcohol and Drug Laws and Sanctions	128
Drugs and Alcohol Abuse Education Programs	129
Programs for UC Merced Employees	129
Programs for UC Merced Students	130
Alcohol and Drug Abuse Prevention and Treatment	131
Resources for Alcohol and Drug Help.....	132
Collection of Statistics for UC Merced Annual Security Report	133
Clery Geography Definitions	134
Clery Definitions of Reportable Crimes	134
Categories of Prejudice	137
Appendix	138
Violence Against Women Act State of California Definitions.....	138
Consent	138
Sexual Assault.....	138
Sexual Battery	149
Incest.....	151
Domestic Violence	151
Dating Violence.....	152
Stalking.....	153

Contact Information

For Campus Emergencies

From cell phone	9-1-1
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	@ucmercedpolice
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 (CAPS)	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
Office for the Prevention of Harassment and Discrimination (OPHD)	209-285-9510 https://ophd.ucmerced.edu/
Valley Crisis Center of Merced	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
UC Merced Police Department	209-228-2677 https://police.ucmerced.edu/
Office for the Prevention of Harassment & Discrimination	209-413-4652 https://ophd.ucmerced.edu/
INSIGHT Employee Assistance Program (EAP)	800-422-5322 https://hr.ucmerced.edu/hr-units/benefits/other-benefits/insight-eap

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 are 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' student-centered approach towards success. They are 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 and off university grounds.

Preparation of the Annual Security Report

This report is issued in accordance with the Jeanne Clery Campus Safety Act formerly known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1989 (Clery Act). The Higher Education Opportunity Act (HEOA) requires institutions to disclose statistics for the previous three calendar years (2022, 2023, and 2024) 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 drug, and the Stop Campus Hazing Act.

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 crime data provided by other law enforcement agencies surrounding the campus. Each of these UCM offices also provides updated policy information.

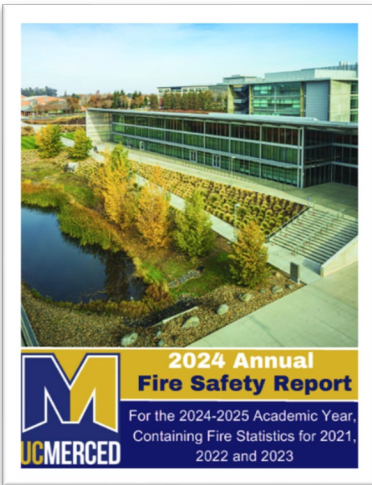
UCMPD distributes an individual notice about the availability of the ASR to students and employees by October 1st of each year with a link to the report. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting UCMPD at 209-228-8273 or at the UCMPD front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

Note: The University of California Clery Act Policy is available at:
<https://policy.ucop.edu/doc/1100669/Clery>



UCMPD located at the back of campus.

Annual Fire Safety Report



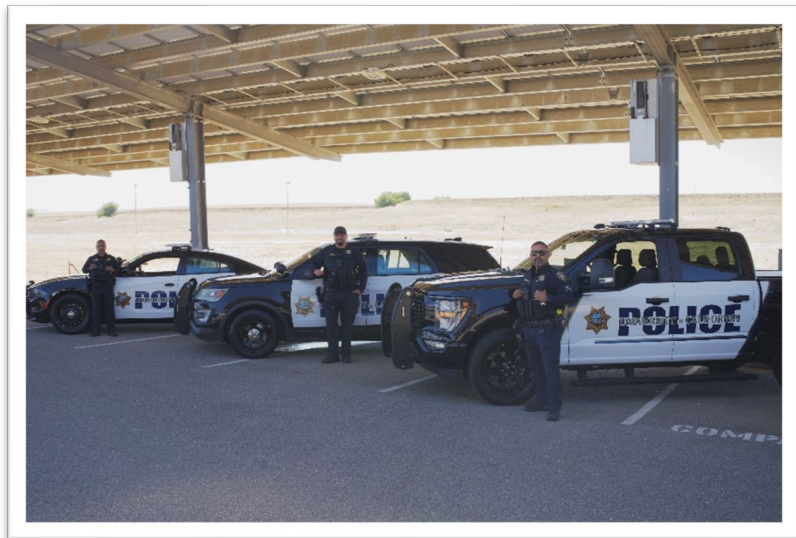
In addition to publishing this Annual Security Report, the University of California, Merced is required to publish an Annual Fire Safety Report that contains information regarding fire safety including topics such as fire safety policies for campus student housing facilities, fire safety systems, and 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, the Fire and Building Safety building at 5200 N Lake Rd Merced, CA 95343, or you can request that a copy be mailed to you by calling 209-228-8273.

UC Merced Police Department

The University of California, Merced Police Department (UCMPD) serves the University community by helping to protect it against crime. In accordance with the highest professional standards in proactive, community-focused services, UCMPD promotes and maintains a safe and secure environment for our richly diverse community. The department's customer service on-site location is located at 5200 N. Lake Road, Merced, CA 95343. It is located at the back of campus.



The **emergency** UCMPD number is 9-1-1. The **non-emergency** number is (209) 228-2677 (CAT-COPS).

For more information on UCMPD, visit <https://police.ucmerced.edu/>.

Vision Statement

UCMPD strives to be innovative and proactive in an approach to enhance safety and to serve constituencies with excellence. UCMPD seeks to maintain an organization and culture that is diverse, well trained, well equipped, and capable of responding to today's ever-changing environment.

Mission Statement

In partnership with the community, through the highest standards of police services, violence prevention, emergency management, and community outreach, UCMPD enhances the quality of life so UC Merced can reach and maintain its fundamental missions of learning, research, teaching and public service.

UCMPD accomplishes this mission through community trust and support, with well-equipped, well-trained, department members who deliver traditional and innovative services designed with sensitivity for the broad, unique UC Merced Community.

Role, Authority, and Training

The UC Merced Police Department consists of authorized sworn police officers dedicated to crime suppression and prevention. The Police Department provides 24-hour service every day to UC Merced campus and sites. The Department closely coordinates mutual-aid resources with neighboring police jurisdictions and other UC campuses. The department's security personnel includes roles such as Public Service Ambassadors who are stationed at various UC Merced locations, including the main campus.

Police Officers

UCMPD is vested with the authority and responsibility to enforce all applicable local, state, and federal laws. Police officers have the authority and duty to conduct criminal investigations, arrest violators, and suppress campus crime. UCMPD officers are duly sworn peace officers under California Penal Code Section 830.2(b), authorized to carry firearms, and have the same authority as municipal police officers to use police powers of arrest. UCMPD has primary jurisdiction on all UCM owned and operated properties and concurrent jurisdiction with local agencies in adjacent areas. UCMPD provides law enforcement services 24 hours a day, 365 days a year.

UCMPD officers are graduates of California Peace Officers Standards and Training (POST) certified training academies and continually undergo training to maintain their state certification and professional skills. UCMPD officers have received training in Incident Command System (ICS), National Incident Management System (NIMS), and Standardized Emergency Management System (SEMS).

Public Service Ambassadors

Public Service Ambassadors (PSAs) are assigned to UCM campus and off-campus facilities. PSAs are non-sworn security personnel required to undergo specific training as outlined by the Bureau of Security and Investigative Services (BSIS). PSAs provides a wide range of services, including campus patrol responding to non-emergency situations, safety escorts, and support for special events. 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 do not have the power to arrest, except for a “Private Citizen’s Arrest” pursuant to section 837 of the California Penal Code.

Public Service Ambassador jurisdiction is limited to UCM property.

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 safety escorts for students, faculty, staff, and visitors when requested on weekdays between the hours of 7 PM and 12 AM during the academic school year, excluding the summer quarter. To request an escort, call 209-228-2677.

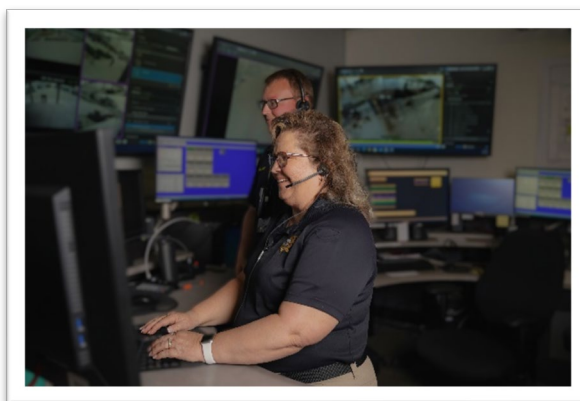
SSAs also provide support to the Emergency Management Program.

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.

SSAs do not have the power to arrest, and their jurisdiction is limited to UCM property.

911 Dispatch Center

The UC Merced Police Department operates a 911 Dispatch Center that operates 24/7 to answer calls for assistance and dispatch public safety personnel. The Dispatch Center ensures communication between emergency responders from multiple jurisdictions.



Working Relationship with Outside Law Enforcement Agencies and Jurisdictions

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

Noncampus Criminal Activity

UCMPD is not aware of any practice where local law enforcement (i.e., Merced Police Department) monitors, records, or documents criminal activity by UCM students at noncampus locations controlled by student organizations recognized by UCM. Any such activity by local law enforcement is not otherwise reported to UCM, except for annual requests related to the annual disclosure of Clery Act crime statistics.

Reporting Crime & Other Emergencies

Anyone who witnesses a crime, has the responsibility to report it immediately to the police. UCM community members are encouraged to accurately and promptly report all crimes or suspicious activity to the UC Merced Police Department whether the victim of a crime elects to, or is unable to, make such a report. Victims may also choose to report to the police. Students and employees who report crimes to UCMPD may aid in averting crimes and in the apprehension of suspects, as well as allowing UCMPD to initiate a Timely Warning (Campus Crime Alert) notice and to include the information in the annual statistics disclosure. Most importantly, prompt reporting will assist the Police Department to maintain a safe and secure campus environment for all. Crimes reported to UCMPD and Campus Security Authorities, as defined in the "Clery Definitions of Reportable Crimes", will be reported in the annual statistical disclosure. UC policy and the Clery Act prohibit retaliation against a person who makes a Clery Act crime report.

Office for the Prevention of Harassment and Discrimination (OPHD)

OPHD receives and investigates reports of sexual assault, relationship violence, stalking, sexual harassment, and invasion of sexual privacy. Within OPHD, the Title IX Officer is available to explain and discuss a survivor's right to file a criminal complaint, the University's complaint process, how confidentiality is handled, and available

resources (both on and off campus). The OPHD team works with the UC Merced Police Department on cases reported to both entities.

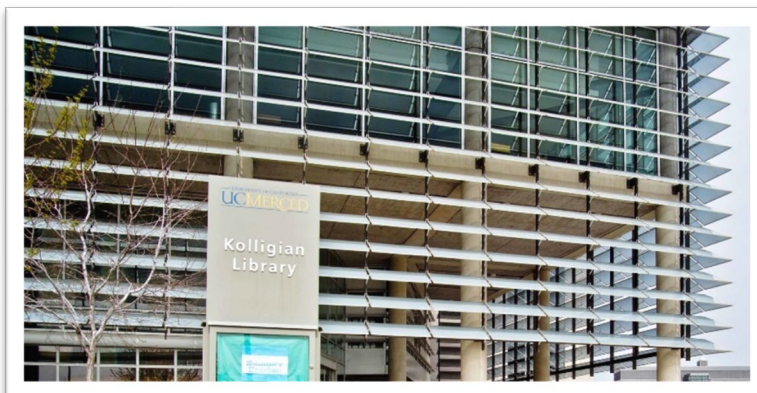
Individuals may report to OPHD and the Title IX Officer by email, phone, voicemail, and the online OPHD Web Form.

5200 Lake Road, Kolligian Library 3rd floor

ophd@ucmerced.edu

<https://ophd.ucmerced.edu/report>

209-413-4652



OPHD located inside KL, 3rd floor.

EthicsPoint Hotline: 800-403-4744

To file an anonymous on-line complaint, go to the following link:

<https://secure.ethicspoint.com/domain/media/en/gui/23531/index.html> and choose UC Merced as the institution where this occurred. EthicsPoint is run by a neutral third-party vendor. Your anonymous complaint will be routed to OPHD for their review and necessary attention.

Student Rights and Responsibilities

If you have questions regarding student's rights and responsibilities, or if you would like to report an incident of misconduct, please contact the Office of Student Rights and Responsibilities at (209) 228-0069 or osrr@ucmerced.edu

Contacting Employee and Labor Relations

Contact Labor and Employee Relations if you need assistance with labor/management interactions, policies/collective bargaining agreements, or resolution of workplace problems. laborrelations@ucmerced.edu

UC Merced Campus Security Authorities

Designated Campus Security Authorities (CSAs) are responsible for forwarding 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 criminal charges. Information submitted is usually confidential unless the victim provides permission to document identifying information or permission for the police to investigate the incident.

CSAs are broadly defined as individuals who fall under the following four categories:

1. Campus police and security.
2. Any non-police or security staff providing security or access monitoring.
3. Any individual or organization specified in the UC Merced Annual Security Report or University policies on security as an individual or organization to which students and employees should report criminal offenses.
4. A University official who has significant responsibility for student and campus activities where an “official” is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the University.

More information about CSAs, including CSA training, reporting forms, Clery Act crime definitions, and Clery Act geographical reporting boundaries for UCM, can be found at clery.ucmerced.edu.

How to Report a Crime

To contact UCMPD in an **emergency** dial 9-1-1 from a cellphone. Dial 9-1-1 from a campus landline. In a **non-emergency** dial (209) 228-2677 (CAT-COPS). Whenever possible, the actual victim or witness should contact UCMPD directly. First-hand information is helpful.

Online reports may also be made to the police department through the UCMPD website: <https://police.ucmerced.edu/form/make-report-online>.

UCMPD can also be contacted using any blue light kiosk on campus or by pushing the help buttons in elevators.

Mobile blue lights are now available using the Bobcat Safety App. Refer to page 32.

Reporting an Emergency

For reporting all emergencies related to police, fire, chemical spills or medical assistance, dial 9-1-1 from a cell phone. When 9-1-1 is dialed using a desk phone, the public safety dispatcher receives information on a computer screen identifying the location where the call originated. When dialing from a cell phone, you will have to provide the dispatcher with the location.

To file a police report in person, you may go to the UCMPD building at 5200 N Lake Rd. Located near the Facilities building.

Reporting a Non-Emergency

For non-emergency assistance or for general inquiries to UCMPD, please dial (209) 228-2677 (CAT-COPS) from a cell phone or 2677 if dialing from a campus landline. Non-emergency assistance can also be requested by contacting any of the phone numbers mentioned above in the How to Report a Crime and Reporting an Emergency sections above.

What to Say...

When calling to report a crime or incident, please be ready to give information such as:

- ☐ Your name, your location, the phone number you are calling from
- ☐ A brief description of what occurred
- ☐ Where and when did the incident occur?
- ☐ How many suspects are involved?
- ☐ Did the suspect(s) have a weapon? If so, what type of weapon?
- ☐ Where and when was the suspect(s) last seen?
- ☐ What did the suspect(s) look like (gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos, scars)?
- ☐ Where the police should meet you or to respond to this incident?
- ☐ Be sure to include any other relevant information (i.e., description of getaway car, distinct body odor, etc.)
- ☐ Speech issues (accent, dialect)
- ☐ Background noises

Response to Reports of Crime

In response to a call, UCMPD will take the required action by dispatching an officer to the location and/or routing the caller to the appropriate resource for help. 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. UCMPD will investigate a report when it is deemed appropriate. If assistance is required from the local police department or the local fire department, UCMPD will contact the corresponding jurisdiction. If a rape or other sexual assault should occur, staff on the scene, including UCMPD, will offer the victim a wide variety of services.

Confidential Reporting Process

All incidents reported to UCMPD are considered confidential except for information that is required by law to be released. For cases involving sexual assault, UCMPD can keep the complainant's personal information confidential in accordance with applicable law, at

the complainant's request. The purpose of a confidential report is to comply with the complainant's wish to keep their personal information confidential, while still allowing UCMPD to investigate the crime and prosecution.

Non-Police Reporting: If a victim of a crime does not want to pursue action within the University system or the criminal justice system, they may still want to consider reporting to a Campus Security Authority – as defined on page 17 – who would submit an anonymous report to the Clery Act Coordinator. To allow for a statistical counting of the incident, other options are to report to other resources listed on pages 8-9 depending on the nature of the complaint/incident. At a minimum, crime victims may receive valuable counseling and referral information.

Confidential vs. Anonymous Reporting: Reports made to Campus Security Authorities (CSAs) are not confidential, as CSAs are required to report to the Clery Program the date, time, location, and all relevant information needed to classify the offense for statistical purposes. CSAs are instructed to never release personally identifiable information of the victim, so all reporting individuals remain anonymous unless permission is given explicitly by the victim. For confidential reporting, individuals may contact the entities mentioned below.

Under the Clery Act, pastoral and professional counselors are exempt from CSA reporting requirements and reports made to these individuals are confidential¹. At this time, Pastoral Counselor services are not offered at UC Merced.

Employee Assistance Program – INSIGHT EAP

INSIGHT EAP provides a free and confidential service to faculty, staff, and members of the employee's household, assisting them as necessary regardless of whether a police report has been made. INSIGHT EAP also has a critical response team. In the event of a crisis or critical incident, this team responds by providing crisis intervention to the individuals involved and/or affected by the traumatic event. Students may obtain similar services at Counseling & Psychological Services (CAPS).

More information about these services can be found on page 129-130 of this report.

Daily Crime and Fire Log

The UCMPD Daily Crime and Fire Safety Log contains 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 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

¹ UC Merced does not have policies that encourage counselors to inform those they counsel of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics

(clery.ucmerced.edu) or the police department website (police.ucmerced.edu). The log is available via QR Code and can also be printed during normal business hours at the police department, which is located at 5200 N Lake Rd. Merced, CA 95343.

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.

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.

Daily Crime & Fire Log

UC MERCED POLICE DEPARTMENT							
DAILY CRIME LOG AND FIRE LOG FOR 12/02/2022 - 01/30/2023							
Nature	Case/Incident	Reported	Occurred	Location	Disposition	On Campus?	Area
Drive W/License Suspended Out Violation	23-3	01/09/2023 11:53	01/09/2023 11:53	Mercy Medical Center, 333 Mercy Av, Merced	Cleared by Arrest 01/09/2023	No	UCM
Expired Registration							
Bench warrant/failure to appear on misdemeanor charge (M)							
Petty theft - All other larceny (M)	23-8	01/17/2023 14:28	12/15/2022 - 01/13/2023	Madara Hall, 5217 Scholars Lane, Merced	Information Only 01/17/2023	No	UCM
Petty theft - All other larceny (M)	23-11	01/18/2023 17:11	01/18/2023 17:11	EI Portal, 5200 N Lake Rd, Merced	Cleared by Description 01/22/2023	No	UCM
Petty theft - From building	23-13	01/23/2023 13:40	09/30/2022 -	Unmpd, 238 Services Ln, Merced	Information Only 01/23/2023	No	UCM
Petty theft - From building (M)	23-14	01/23/2023 14:56	01/23/2023 10:20 - 01/23/2023 12:20	Classroom And Office Building 2, 5232 Scholars Lane, Merced	Information Only 01/23/2023	No	UCM
Hij & Run Prop Omg Locate Owner	23-20	01/06/2023 14:33	01/26/2023 14:33	Bellevue Lot, 5201 N Lake Rd, Merced	Pending in Department	Yes	UCM
Vandalism/deface property (M)	23-23	01/27/2023 13:36	01/27/2023 13:36	EI Portal, 5200 N Lake Rd, Merced	Information Only	No	UCM
Battery w/serious bodily injury (P)	23-26	01/27/2023 18:09	01/27/2023 18:09	Student Activities & Athletics Center, 5235 Mar Park, Merced	Pending in Department	Yes	UCM
Petty theft - All other larceny (M)	23-27	01/28/2023 13:56	01/26/2023 22:30 - 01/26/2023 22:30	Sentinel Rock, 5200 N Lake Rd, Merced	01/28/2023	No	UCM PO

DCFL is available through the Clery website.

Timely Warning Notices

The Clery Act requires UC Merced to alert the campus community regarding any Clery Act crime 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 Campus Communications as appropriate, to determine the context for the outgoing message.

Timely Warnings ensure the campus community is informed about safety and security issues on an ongoing basis in a manner that is timely so that they may take precautions to 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."

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.

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.

UCMPD provides External Relations with Timely Warnings and External Relations electronically mails it to the campus community.

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

Timely Warnings are usually issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- 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
- Hazing
- 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.

See pages 134-137 for definitions.

Issuing Timely Warnings

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.²

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 set criteria.

Confirmation of a Significant Emergency or Dangerous Situation

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.

Content and Initiation of the System

UCMPD and External Relations Crisis Communications Team 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 know the steps to take to safeguard their personal and community safety.

During incidents in which the university’s emergency alert notification system, known as UCM Alert, 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 the university Crisis Communications Team sends via email and posts on the emergency website and university’s official social media accounts. Additionally, the university will send the “All Clear” message via the emergency alert notification system or another platform, which may be followed up with additional information from the university’s Crisis Communications Team.

² A Timely Warning is generally considered timely if the crime is reported within two weeks of occurrence of the incident.

UCMPD will without delay and taking into account the safety of the community, determine the content of the notification and initiate the emergency notification system. Notification will not be sent if, in the professional judgment of responsible authorities, the notification would compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Content is likely to be sent using the UCM Alert Emergency Notification System but may also be sent using the email listserv for all students and employees.

Follow-up information pertaining to a significant emergency or dangerous situation on campus will be sent using some or all the systems listed below, as deemed appropriate.

Anyone with information warranting an Emergency Notification should report the circumstances to UCMPD Dispatch Center by phone, (209) 228-2677 (CAT-COPS).

Emergency Notification

The UCM Alert Notification System is used to communicate official information during an emergency or crisis situation that disrupts normal University operations or threatens the immediate health or safety of the campus community.

UCM Alert uses a layered approach to ensure critical messages reach students, staff, faculty, parents, and visitors quickly and reliably. This layered system includes multiple communications channels such as text messages and emails to reduce the likelihood of missed information.

If the system experiences failure, or if the University determines that a more direct method is appropriate, in-person communication through law enforcement, or emergency personnel, may also be used to provide timely instructions and ensure the community remains informed.



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	Crisis Communications Team	Chief of Police and/or the Officer on scene	UCMPD	Crisis Communications Team
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

Disseminating Emergency Information to Members of the Larger Community

The university will provide information to the larger campus community, parents, and stakeholders through the UC Merced Emergency Management website (<https://emergency.ucmerced.edu/>), Emergency Status Line, and local media outlets. If the situation warrants, the University will establish a call center to communicate with the larger community. When circumstances require, External Relations (Crisis Communications Team) 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. 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>. Students, faculty, and staff will need their UCM Net ID to register.

As many as two parents or family members can opt in to receive UCM Alert emergency notifications. Visit <http://idm.ucmerced.edu> and select UCM Alert Notification for Parents, enter your student's first/last name, date of birth and student ID number, and then enter the methods that you would like to receive notifications.

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, emergency messages will not be received, so it is highly discouraged.

Emergency Response & Evacuation Procedures

Emergency Management at UC Merced

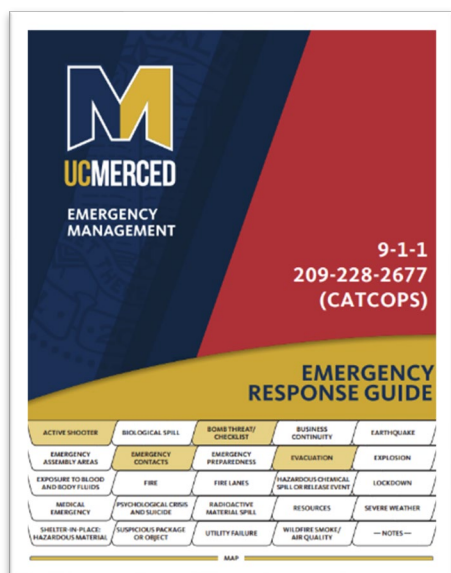
The UC Merced Police Department – Office of Emergency Management, is responsible for the implementation and maintenance of the all-hazards Emergency Operations Plan (EOP) and preparedness programs and projects in emergency planning, training, response, and recovery.

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 reference 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.

Drills, Exercises, and Training

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 Incident Command System (ICS), National Incident Management System (NIMS), and California’s Standardized Emergency Management System (SEMS). When a catastrophic incident causes an immediate threat to the campus, the first responders to the scene are usually the UCMPD, City of Merced Fire Department, Riggs Ambulance, and general service units at UC Merced. These entities work together to manage incidents, coordinate response, and recovery efforts.

Depending on the nature of the incident, the 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 exits 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 and allows for hands on training on the use of fire extinguishers and evacuation chairs.

General information about emergency response and evacuation procedures are publicized each year as part of the University’s Clery Act compliance efforts and are available on the UC Merced Emergency Management webpage under the “Plans & Procedure” section.

Evacuation Procedures for UC Merced

General Evacuation Procedures

In the event an evacuation is needed due to a fire or other emergency:

- Remain calm, do not rush or panic
- NEVER treat a Fire Alarm as a “False Alarm” or “Just a Drill.”
- Evacuate the building to the designated emergency assembly area and perform a head count to ensure all building occupants are accounted for.
- Pull the fire alarm and warn others nearby as you are leaving. Encourage others to evacuate with you and assist persons with disabilities or access and functional needs.
- Close doors and windows if time permits.
- Take your personal items (bag, wallet, keys, etc.) as long as these items do not hinder your ability to exit the building quickly.
- Move away from the fire and smoke whenever possible.
- Touch closed doors with the back of your hand to test for heat; do not open them if they are hot.
- Use stairs only; do not use elevators.
- Persons knowledgeable about the incident should relay incident details and location to first responders.
- Call the UC Merced Police Department at (209) 228-2677 (CAT-COPS) or dial 9-1-1 from a safe location.
- Inform Building Safety Coordinators and first responders of anyone trapped, injured or are in need of assistance.
- Do not re-enter the building until you have been instructed to do so by first responders.



Campus-wide Evacuations

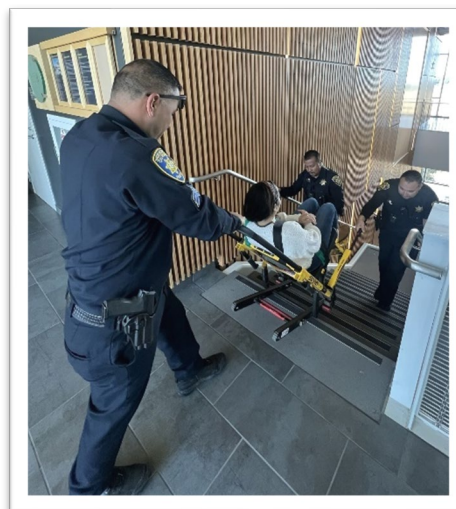
In a major emergency, the decision to implement evacuation procedures generally rests with the UC Merced Police Department in consultation with the Executive Policy Group. In situations requiring immediate action, first responders (i.e. Police and Fire) can also order an evacuation. When evaluating possible evacuation options, consideration will be given to the specific threat that exists (i.e. bomb, fire, severe weather, explosion, hazardous materials incident), context (time of day, likelihood, etc.) and the recommendation of first responders.

The procedures for a campus-wide evacuation will vary depending on the nature of the event. The UC Merced Police Department will take the lead in coordinating and conducting the evacuation. In all cases when the decision has been made to evacuate, the campus will likely be evacuated in phases, beginning with the areas in the immediate vicinity of the threat. Other areas may then be evacuated, depending on the nature of the threat. This phased evacuation is preferable to a total, as it minimizes the likelihood of gridlock and congestion, and provides for ingress of emergency vehicles and personnel. In all cases, evacuees would be directed away from the vicinity of the threat.

Evacuation of Disabled Persons and/or Access and Functional Needs

It is recommended that individuals with mobility, visual or deaf/hearing impairments (both permanent and temporary) prepare for an emergency ahead of time by informing their supervisor, colleagues, Building Safety Coordinators, and classmates to determine evacuation routes and methods, areas of refuge, and other emergency planning needs before an emergency occurs. Individuals with disabilities or access and functional needs may also request an Individualized Emergency Evacuation Plan (IEEP) to address their specific needs. To request an IEEP, students should reach out to [Student Accessibility Services](https://access.ucmerced.edu/) (<https://access.ucmerced.edu/>), while employees are encouraged to contact [Disability Management Services](https://hr.ucmerced.edu/hr-units/benefits/accommodations) (<https://hr.ucmerced.edu/hr-units/benefits/accommodations>).

Emergency Evacuation Chairs³ are located in several buildings on campus and may be an option with appropriate training and assistance. If an evacuation chair is not available, or trained evacuation chair operators are not available, the person with disabilities should move to an Area of



³ Directions for use can be found on page 28 of the Fred & Mitzie Ruiz Administration Building Emergency Action Plan
https://emergency.ucmerced.edu/sites/emergency.ucmerced.edu/files/documents/admin_beap_2024.pdf.

Refuge, typically located next to the elevator or their nearest stairwell, and Building Safety Coordinators or building occupants are to notify first responders of the person's name and location for rescue operations. State law requires occupants to evacuate a building when the fire alarm sounds. Title 19, Section 3.10.

For more information: Emergency Preparedness website
<https://emergency.ucmerced.edu/evacuation-guidelines/people-disabilities>.

When Not to Evacuate (Shelter-in-Place)

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 UC Merced Police Department so they know where you are sheltering. If only students are present, one of the students should provide 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.

Campus Closure: Emergency Declaration

The Chancellor or the Chancellor's designee may formally close the campus or portions of the campus should it be necessary in a declared emergency or other event. UC Merced will make every effort to remain open at all scheduled times. However, to ensure health and safety, there are unusual occurrences that may necessitate modified operating schedules or cancellation of academic, research, administrative, or service programs. The Chancellor or designee may declare a Campus State of Emergency when an unusual occurrence requires curtailment of operating schedules.

Summary

- **Know your department staff.** Encourage individuals with disabilities to self-identify with the EAP Building Safety Coordinator for emergency planning procedures.
- **Refer to the Emergency Response Guide** (blue and red flip chart) as a University-wide guideline. See https://emergency.ucmerced.edu/sites/emergency.ucmerced.edu/files/documents/51654_univ_of_ca_merced_wallchart.pdf.
- **Prepare an evacuation Plan** for all staff, students, and visitors. Plan what you would do, who may need assistance, use of evacuation chairs if indicated, and where you should go to wait for assistance.

Access & Security of Campus Facilities

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. UC Merced police officers regularly patrol the campus and report malfunctioning lights or other unsafe physical conditions to Facilities Management for correction.

Residential facilities are only accessible to building residents and their authorized guests. All UC Merced Housing residents are issued appropriate badge and key access to assigned Housing locations. Like other academic and administrative buildings, UC Merced Housing facilities are secured by proprietary security systems, including electronic card readers and key locks. Residents should avoid permitting unknown individuals access to residential buildings and are encouraged to report suspicious activity. Residential facilities are monitored by UCMPD and housing staff. UCMPD does not assign staff to fixed post security.

Security Considerations Used in the Maintenance of Campus Facilities

Buildings, facilities and landscaping are maintained in a manner that minimizes hazardous conditions. UCMPD works with Facilities Services to promptly address burned out lights, malfunctioning door locks, or other physical conditions that may hinder security by submitting work orders.

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

To report any issues related to the maintenance of campus facilities, please contact Facilities Services at 209-228-2989 or fmhelp@ucmerced.edu.

To submit a work order visit, <https://jcifmaz.swgasp.com/QFMliveJCIMerced> and select "Guest Login."

Blue Light Phones

The university has placed blue light phones throughout the campus. These lights can be used to call the dispatch center for assistance. Police officers are immediately dispatched to the incident location.

Safety Escorts

Safety escorts for staff, faculty, students and visitors are available by calling 209-228-2677 (CAT-COPS).



Safety Services

SSAs provide safety shuttle services for students, faculty, staff and visitors on weekdays between the hours of 7 p.m. – midnight during the academic year, excluding summer. Hours for the shuttle service may change during each semester finals week. For finals week hours, call 209-228-2677.

UCMPD Bike/Scooter Registration

Registering your electronics and bicycle/scooter with the Police Department is a simple and effective way

to protect your property. For \$2 per electronic item and \$3 per bicycle/scooter, each registered item is affixed with a unique label linked to its serial number or manufacturer-issued ID. This information is securely stored in a police database, significantly increasing the chances of recovering stolen items and returning them to their rightful owners. The visibility of the registration label also acts as a deterrent to theft, making labeled items less attractive to potential thieves. In addition to the label, UCMPD also provides free bike locks upon registration.

Bobcat Safety App

The app enables students, faculty and staff to utilize the following in an emergency situation:

- **Emergency Contacts:** Users can utilize the emergency contacts feature to call 911, Campus Safety, and local police departments in the event of an emergency on and off campus.
- **Mobile Blue Light:** Users can call Campus Safety and share their location in real time in the event of an emergency. Dispatch can quickly react and send help while using the app's location share capabilities and the in-tandem call with the person at risk.
 - One-time registration is needed once the app has been downloaded.
 - Note: Please use the phone number of the device in which the app was downloaded to allow all features to work appropriately.
- **Friend Walk:** Although not inherently used for emergency purposes, Friend Walk enables a user to share their location in real time with a family member or friend when they're walking through an



Available for download through the Play Store and Apple App Store.

area, they feel unsafe. In the event something does happen during their walk, Friend Walk has a built-in panic button the user can press to alert the person watching their location with an approximate address, while also calling 911 to ask for assistance.

- **Emergency Plans:** The safety app holds all the campus safety guides for students, faculty and staff to refer to in an emergency situation. These plans include active shooter (Run, Hide, Fight), bomb threats, shelter in place, suspicious person/package, etc.
- **Inbound Notifications from RAVE:** The safety app also has the capability of receiving inbound notifications from our RAVE Alert platform by redistributing the information in the form of a push notification. We can send all alerts as a CAP (Common Alert Protocol) XML message, so users are aware of what is happening on or near campus.

The Bobcat Safety App is available in both the Play Store and the Apple App Store. Users must sign in using their UC Merced credentials.

Security and Safety Awareness Education

Security and safety awareness on personal safety and crime prevention are sponsored by various departments at UC Merced throughout the year. UCMPD facilitates programs for students, faculty, staff, orientation organizations and residential housing. UC Merced offers more than two dozen crime prevention and security awareness programs. These programs address topics such as personal safety, alcohol and drug awareness, and sexual assault prevention. As part of the security awareness programs, students and employees are encouraged to be responsible for their own safety and the security of others.

Security and Safety Awareness Programs Available Include:

Crime Prevention Safety Presentations

Presentations covering university security services, basic crime prevention, personal safety (both on and off campus) as well as workplace safety are available by request. To schedule a custom in-person class, you may contact Sergeant Chavez by email at rchavez46@ucmerced.edu or you can also call UCMPD at 209-228-2677. The department collaborates with Residence Education to provide safety training for students.

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 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. V.I.R.T. is held on different days/times of the week to accommodate those with limited availability.

Police Insight Program

The Police Insight Program is offered several times throughout the year and is usually set up on Scholars Lane as a mobile platform to address multiple safety topics. The program allows for engagement and learning opportunities for all. Covering categories of personal safety and awareness, importance of eyewitness to dangers of drinking and driving. Hands on activities are incorporated to enhance the training.

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

Fire Safety

The UC Merced Fire Safety Program is essential in protecting the campus community from injuries, death, business interruption and property damage resulting from fires and related perils. Fire Safety Prevention is intended to ensure reasonable and consistent protection for persons and property in or on UC Merced administered properties, including all housing units.

For more information on fire safety, fire logs and statistics: 2024 Annual Fire Safety Report

https://fabs.ucmerced.edu/sites/fabs.ucmerced.edu/files/documents/annual_fire_report_with_cover.pdf ⁴

Tips for Prevention of Campus/Personal Property Theft

Laptops, cellphones, wallets and purses are the most targeted items for theft. What measures can you take to protect your property?

Secure Your Computer

- Use a security device such as a cable lock whenever possible or store your laptop in a secure area.
- Regularly update your virus protection software and download security updates and patches.
- Use a firewall program and use a secure browser.

⁴ The Annual Fire Safety Report can also be found at <https://clery.ucmerced.edu/annual-security-reports/annual-housing-fire-safety-reports>.

- Delete all suspicious emails and their attachments. Report such emails to UC Merced OIT.
- Don't share your password; make your password difficult to guess. If possible, do not let the computer remember passwords for you.

Reduce the Opportunity for Theft

- Do not leave your wallet/purse/cellphone or other valuables unattended in an unlocked desk or cabinet.
- Lock your door or your desk when you leave, even if you are gone for a short time.
- Be alert for suspicious activity and promptly report to UCMPD.
- Maintain strict key/security code control.
- Keep updated inventory of all office, lab or home equipment.

Vehicle Safety

- Be vigilant about your surroundings and anticipate other driver's 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.
- 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.
- 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.
- 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 at 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 return 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

- 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.

- 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.
- Never leave a bicycle or scooter unattended if not secured.
- 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 to lock your bike, even if you expect to be gone for a few minutes.
- 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

- 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.



- 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.
- 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 populated areas like main streets or campus buildings that are open late.
- 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.
- 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.

What To Do if Your Wallet or Purse Has Been Stolen or Lost

- Have the toll-free numbers and your credit card numbers handy, so you know who to call in case of theft. **Do not keep this info in your wallet or purse.**
- Cancel credit cards immediately.
- Contact the bank if your checkbook or ATM card was also stolen.
- File a police report immediately.

Apartment/Home

- Report individuals acting suspiciously and suspicious activities immediately.
- Do not hold secure building entry doors open for strangers.
- Do not enter an elevator if you are uncertain of any occupant.
- Try to stand near the elevator control panel. If accosted, press all the buttons.
- Have your keys ready to enter your residence quickly.
- Secure doors and windows at all times especially if windows are easily accessible from the outside.
- Change locks or re-key immediately if door keys have been misplaced or stolen.
- If you suspect a prowler is inside your home, avoid confrontation, get out immediately and call the police.
- Keep money and valuables in secure places, preferably in a safe.
- Keep your curtains and blinds closed at night.

Personal Safety

- Travel with a friend or in a group.
- Be alert and aware of your surroundings.
- Be assertive.
- Do not carry excess amounts of cash or more credit cards than you need.
- Use well-lit and frequently traveled routes.
- Dress in clothes and shoes which do not hamper movement.

Personal Safety on Public Transportation

- Wait for buses or shuttles in well-lit areas if possible.
- When you disembark, be aware of who else is getting off and if they are following you. If you feel you are being followed, go to the nearest store or occupied building to request assistance.
- Use well-lit streets to reach your destination.
- Share location with friends or family.

Hazing Prevention Plan

UC Merced complies with the guidelines and requirements set forth by the Federal Stop Campus Hazing Act (SCHA) and the California Stop Hazing Act (AB 2193), aiming to eradicate hazing on campus, ensure the safety of students and foster an environment of respect, dignity and inclusion.

Hazing Definitions

Federal Hazing definition

Under Federal law (20 U.S.C. 1092(f)(6)(A)(vi)) hazing is defined as “any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- 1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- 2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:



- a. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- b. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- c. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- d. causing, coercing, or otherwise inducing another person to perform sexual acts;
- e. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- f. any activity against another person that includes a criminal violation of local, state, tribal, or federal law; and
- g. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

The term "student organization," means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

UC Merced Hazing definition

The hazing definition in PACAOS 102.12⁵ was updated and adopted by UC Merced.

Participation in hazing or any intentional, knowing, or reckless act, activity, or method committed by a person (whether individually or in concert with other persons) against another person or persons, including current, former, or prospective students, regardless of the willingness of such other person or persons to participate, that is committed in the course of a preinitiation, an initiation into, an affiliation with, or the maintenance of membership in, an official or unofficial student organization or other student group that

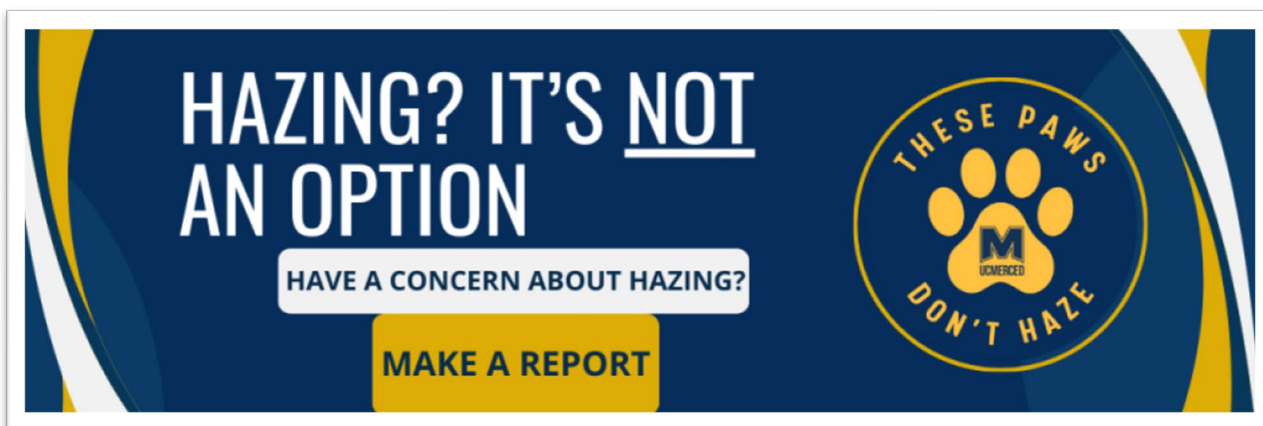
- 1. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury, including personal degradation or disgrace, and/or
- 2. the person knew or should have known was likely to cause serious bodily injury.

⁵ <https://policy.ucop.edu/doc/2710530/PACAOS-100>

Reporting Incidents of Hazing

The university depends on community members to identify and report behaviors of concern so the university can provide distressed students and employees with appropriate support services and resources. If there's any concerning or suspicious behavior that may constitute hazing under the PACAOS policy, state and local law or federal law, it is required to report the behavior. The university is committed to reviewing all reports of hazing. Anonymous reports are accepted; however, the ability to obtain additional information may be compromised and the ability to investigate anonymous reports may be limited.

Anyone can file a report on hazing regardless of whether they are students, faculty, staff, or non-affiliates of the university. Hazing can be reported several different ways. The preferred method for reporting hazing incidents is by filling out a report directly on the Hazing Prevention website (<https://hazing.ucmerced.edu/>), the Office of Student Rights and Responsibilities website (<https://osrr.ucmerced.edu/>), or via email at hazing@ucmerced.edu. Reports can also be made in person with representatives from the Office of Student Rights and Responsibilities (OSRR) located in the Kolligian Library Suite 113 or the Office of Student Involvement (OSI) located in Granite Pass 163 and 166.



Investigating Incidents of Hazing

The Office of Student Rights and Responsibilities (OSRR) will investigate allegations of hazing. Depending on the allegations, Campus Police, the Office for the Prevention of Harassment and Discrimination (OPHD) and/or the organization's Inter/National Representatives (Headquarters) may also investigate the matter as outlined in their process. Matters that don't involve a violation of the Code of Student Conduct may be referred to the Office of Student Involvement (OSI), other campus offices, or Inter/National Representatives (Headquarters) for mediation, support or to address matters.

Disciplinary Action

Possible outcomes include

- A. Individual Sanctions
 - a. Educational sanctions
 - b. Disciplinary probation
 - c. Suspension or dismissal
- B. Organizational Sanctions
 - a. Loss of university recognition
 - b. Restrictions on events or recruitment
 - c. Required training or educational programming
- C. Restorative Measures
 - a. Apology letters
 - b. Community impact statements
 - c. Educational workshops for the organization or group

Prevention and Education

All new incoming students (including graduate students), will receive mandatory training on university policies related to hazing, how to report hazing, how hazing is investigated, ways to prevent hazing, bystander intervention strategies, and available resources. Training also must occur annually for all athletic teams and affiliated fraternities/sororities. This will occur on several different levels:

- **Student Orientation** - Students will be informed of mandatory training that they will need to complete as part of their orientation.
- **Registered Clubs and Organizations** - Hazing prevention workshops will be given to all Registered Clubs and Organizations' leaders during the required training. These leaders will then be responsible for training their club members on hazing prevention.
- **Fraternity and Sorority Life New Member Conference** - All newly initiated Fraternity and Sorority Life members must attend a conference in which they receive presentations and workshops about hazing prevention.
- **Fraternity and Sorority Life Hazing Prevention Presentations** - Each chapter of a fraternity or sorority are required to receive a hazing prevention presentation annually within the academic year.
- **Student Athletes and Staff** - An annual mandatory meeting is held for student athletes where the topic of hazing is discussed. Additionally, a meeting is held for staff. In these meetings, it is emphasized that hazing is not tolerated.

Additionally, examples of hazing are provided, along with penalties for hazing. Lastly, the impact of hazing on the community and victims of hazing is discussed.

- **Staff and Faculty** - Staff and faculty will be provided hazing prevention training through the Abusive Conduct in the Workplace policy training provided by Employee and Labor Relations.

Sexual Violence and Sexual Harassment

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 — are prohibited at UC Merced and violate both California law and University Policy⁶. UC Merced encourages students, employees and visitors who experience any of these offenses, whether on campus or off campus, to access on and off campus resources. Survivors are strongly urged to consider taking action through the university's institutional conduct process and through the criminal justice system.



⁶ Dating violence and domestic violence are covered under University of California policy as “relationship violence.”

The university's policy governing sexual violence and harassment, including sexual misconduct, is listed below. UC Merced will take whatever action may be needed to prevent, correct and, as necessary, discipline behavior that violates this policy.

University of California Policy on Sexual Violence and Sexual Harassment

The University of California Interim Policy on *Sexual Violence and Sexual Harassment* (SVSH Policy) (<https://policy.ucop.edu/doc/4000385/SVSH>) covers acts of prohibited conduct committed by University students⁷, staff, faculty and third parties (such as Regents, contractors, vendors, visitors, guests and volunteers), and acts of prohibited conduct committed against students, employees and third parties, when the conduct occurs:

1. on University property;
2. in connection with University employment or in the context of a University program or activity (including, for example, University-sponsored study abroad, research, on-line courses, health services, or internship programs); or
3. off University property and outside the context of a University program or activity but has continuing adverse effects on – or creates a hostile environment for students, employees or third parties while on – University property or in any University program or activity.

The SVSH Policy prohibits sexual violence, sexual harassment, retaliation and other prohibited conduct as defined by SVSH Policy. Incidents that violate the SVSH Policy may occur between:

- any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, doctors, residents, interns and third parties;
- people in hierarchical relationships and peers;
- people of any gender, gender identity, or sexual orientation; and
- strangers and non-strangers.

People may not? engage in Prohibited Conduct, as defined by the SVSH Policy, in person or through other means. This includes electronic media, such as the internet, social networks, cell phones, texts, and other devices or forms of contact.

UC Merced's goal is to create a supportive climate that encourages each victim/survivor of sexual violence to report the incident(s) and to provide support and information to assist the person in dealing with these traumatic events.

⁷ As defined in Section 14.00 of the Policies Applying to Campus Activities, Organizations, and Students, and including applicants who become students and former students, as described in Section 101.00 of the Policy on Student Conduct and Discipline.

The SVSH Policy also intends to promote campus safety through facilitating the collection of accurate data on incidents of sexual violence and prompt reporting of sexual violence incidents to appropriate University officials.

University policy and California law prohibit retaliation against any individual who opposes sexual harassment, invasion of sexual privacy, sexual assault, relationship violence and stalking, and files a complaint, or assists or participates in any manner in an investigation or proceeding conducted by the University or an external agency.

To report sexual misconduct or to ask a question about UC Merced's policy or procedures, please contact:

Office for the Prevention of Harassment and Discrimination (OPHD)

ophd@ucmerced.edu

5200 Lake Road, Kolligian Library, 3rd Floor

Merced, CA 95343

209-413-4652

To make a complaint online, visit <https://ophd.ucmerced.edu/report> to find the UC Merced Report/Complaint Form.

Definitions

The terms 'consent,' 'sexual violence,' 'sexual assault,' 'domestic violence,' 'dating violence' and 'stalking' have multiple definitions under University policy, the Clery Act, and State of California statutes.

To better identify these distinctions, the University policy definitions are provided below. The Clery definitions are stated in the Collection of Statistics for UC Merced Annual Security Report section on pages 134-137. The State of California statutory definitions are given in full in the Appendix at the end of this publication.



University of California – Sexual Violence and Sexual Harassment Policy Definitions

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

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

Sexual Harassment

Sexual harassment is when:

1. **Quid Pro Quo:** a person's submission to unwelcome sexual conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program, or activity; or
2. **Hostile Environment:** unwelcome sexual or other sex-based conduct is sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs, or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.

Sexual conduct includes sexual or romantic advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Other sex-based conduct includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, gender identity, gender expression, sex- or gender stereotyping, or sexual orientation.

Consideration is given to the totality of the circumstances in which the conduct occurred.

Sexual Violence

1. **Sexual Assault – Penetration:** Without the consent of the complainant, penetration, no matter how slight, of:
 - the complainant's mouth by a penis or other genitalia; or
 - the complainant's vagina or anus by any body part or object.
2. **Sexual Assault – Contact:** Without the consent of the complainant, intentionally:
 - touching complainant's intimate body part (genitals, anus, groin, breast, or buttocks);
 - making the complainant touch another or themselves on any intimate body part; or

- touching the complainant with one's intimate body part, whether the intimate body part is clothed or unclothed.

Note: This definition encompasses a broad spectrum of conduct, not all of which is sexual violence. So, the Title IX Officer must sometimes determine whether an allegation should be charged as sexual violence or sexual harassment.

Conduct that meets the definition of both Sexual Assault -Contact and Sexual Assault-Penetration will be charged as Sexual Assault-Penetration.

Note: *Sexual Assault-Penetration* and *Sexual Assault-Contact* are aggravated when they include any of the following:

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

Relationship Violence

Relationship violence is:

- Physical violence toward the complainant or a person who has a close relationship with the complainant (such as a current or former spouse or intimate partner, a child or other relative), or
- intentional or reckless physical or non-physical conduct toward the complainant or someone who has a close relationship with the complainant (such as a current or former spouse or intimate partner, a child or other relative) that would make a reasonable person in the complainant's position fear physical violence toward themselves or toward the person with whom they have the close relationship,

- that is by a person who is or has been in a spousal, romantic, or intimate relationship with the complainant, or who shares a child with the complainant, and that is part of a pattern of abusive behavior by the person toward the complainant.

Physical violence is

- Physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.

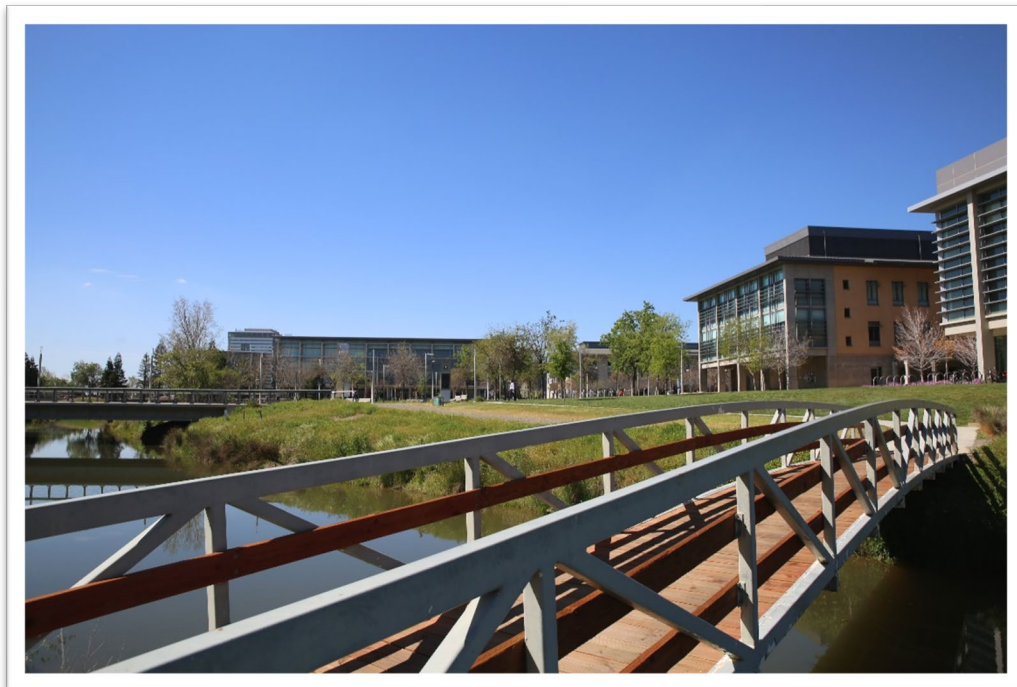
Patterns of abusive behavior may consist of or include non-physical tactics, such as:

- Threats
- Isolation
- Property destruction
- Abuse of pets
- Economic control
- Displaying weapons
- Degradation, or
- Exploitation of a power imbalance

The nature of the relationship between the complainant and respondent is determined by the length and type of relationship, and the frequency of interaction between them.

Relationship violence includes both “dating violence” and “domestic violence.”

Conduct by a party in defense of self or another is not Relationship Violence under this Policy. If either party asserts that they acted in defense of self or another, the Title IX



Officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.

Stalking

Stalking is

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 (policy.ucop.edu/doc/2710530/PACAOS-100).

Sexual Exploitation

Sexual Exploitation is

taking sexual advantage of another, where the conduct is not otherwise addressed in this 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 material false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing the Complainant to participate in a specific sexual act or encounter;
- 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 an intentional deception that would reasonably overcome the will of another.

Consent

Consent is

affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires 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 fact finder will consider all of the facts and circumstances the respondent knew, or reasonably should have known, at the time. In particular, the respondent's belief is not a valid defense where:

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

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

Other Prohibited Behavior

Invasions of Sexual Privacy

- Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
- Without a person's consent, making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
- Using depictions of nudity or sexual activity to extort something of value from a person;
- Threatening to post or share depictions of nudity or sexual activity unless a person takes a particular action;
- Sexual intercourse with a person under the age of 18;
- Exposing one's genitals in a public place for the purpose of sexual gratification; or
- Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under this Policy.

Engaging in Retaliation. **Retaliation** is an adverse action against a person based on their report or other disclosure of alleged Prohibited Conduct to a University employee, or their participation in, refusal to participate in, or assistance with the investigation, reporting, remedial, or disciplinary processes provided for in this Policy.

An adverse action is conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for in this Policy, such as threats, intimidation, harassment, discrimination and coercion. Good faith actions lawfully pursued in response to a report of Prohibited Conduct (such as gathering evidence) are not, without more, retaliation.

Prohibited Conduct in the Context of Patient Care

There are many circumstances in which a health care provider or health care worker may touch or penetrate a patient's body as a legitimate part of the patient's health care. On the other hand, conduct that a health care provider or health care worker engages in with a sexual purpose is never a legitimate part of a patient's health care. Therefore, when Prohibited Conduct is alleged to occur in the context of patient care, the Title IX Officer will refer to Appendix V of the SVSH Policy and, when indicated, apply its definitions.

A. Application

The Title IX Officer will apply the definitions below to allegations of Prohibited Conduct if:

- a. the alleged conduct occurred during or in connection with a clinical encounter in which the complainant was a patient and the respondent was a health care provider or health care worker; and
- b. the allegation is that the respondent, for a sexual purpose:
 - penetrated the complainant's vagina or anus with either (a) any part of the respondent's hand or (b) a medical device (Sexual Assault – Penetration);
 - touched the complainant's intimate body part (Sexual Assault – Contact);
 - made the complainant touch themselves on an intimate body part (Sexual Assault – Contact);
 - engaged in Sexual Harassment (Quid Pro Quo or Hostile Environment);
 - watched or enabled others to watch complainant's nudity or sexual acts (Invasions of Sexual Privacy); or
 - made or attempted to make photographs (including videos) or audio recordings, or posted, transmitted or distributed such recorded material, depicting the complainant's nudity or sexual acts (Invasions of Sexual Privacy).

For all other allegations (such as that respondent penetrated complainant's mouth with respondent's genitalia, used depictions of complainant's sexual activity to extort complainant, or exposed their genitals), the Title IX Officer will apply the definitions in Section II of the SVSH Policy.



B. Definitions

1. Prohibited Conduct

- a. **Sexual Assault – Penetration.** Penetration, no matter how slight, of the complainant's vagina or anus by any part of the respondent's hand or by a medical device, if the respondent engaged in the conduct for a sexual purpose.
- b. **Sexual Assault – Contract.** Intentionally, and for a sexual purpose:
 - touching complainant's intimate body part (genitals, anus, groin, breast, or buttocks), or
 - making the complainant touch themselves on an intimate body part, whether the intimate body part is clothed or unclothed.
- c. **Invasions of Sexual Privacy.** For a sexual purpose:
 - watching or enabling others to watch the complainant's nudity or sexual acts; or
 - making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting the complainant's nudity or sexual acts.
- d. **Sexual Harassment.** Conduct that meets the definition of Pro Quo Sexual Harassment or Hostile Environment Sexual Harassment as defined in Section II of the SVSH Policy, if respondent engaged in the conduct for sexual purpose.

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

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

3. Clinically Indicated: Health care services are clinically indicated in either of the following circumstances.

a. Clinical Care:

- a health care provider, exercising prudent clinical judgment, would provide them to a patient for the purpose of preventing, evaluating, diagnosing, or treating an illness, injury, disease, condition, or its symptoms;
- as performed, they meet the applicable Standard of Care (as defined below);

- as performed, they are appropriate, in terms of type, frequency, extent, site, and duration; and
- as performed, they are considered effective for the patient's illness, injury, disease, condition, or symptoms.

b. Research and Clinical Trial: They are required for the performance of a clinical trial approved by an Institutional Review Board (IRB) with jurisdiction and are provided consistent with the IRB-approved protocol and with the IRB-approved consent process.

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

3. **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).



Sexual Violence – Prevention, Reporting and Resolution

GET HELP: Procedures Survivors are Encouraged to Follow

Call 911 if you or someone you know is in danger or needs immediate help.

If you have experienced sexual assault, relationship violence, or stalking, you are encouraged to seek immediate assistance. If you prefer not to notify UC Merced Police or the local police department, you are strongly encouraged to seek assistance from the other resources listed in this publication.

You have the right to decide who and when to talk about an incident of sexual assault, relationship violence, or stalking. However, it is important to get medical attention after a sexual assault or physical assault.

How to Seek Medical Attention after Being Sexually Assaulted

To obtain the free exam, a survivor can call the UC Merced Police Department or local law enforcement by dialing 911 or by calling the CARE Campus Advocate at 209- 386-2051 or Valley Crisis Center after hours at 209-725-4357.

Exams should be conducted as soon as possible. Exams performed within 72 hours can include HIV prevention medication and emergency contraception.

Call the CARE Campus Advocate for more details or questions at 209-386-2051.

Medical Attention and Evidence Preservation

If you have been assaulted, you are encouraged to seek medical attention for your injuries. Injuries resulting from an assault may not at first be obvious. In particular, assaults involving strangulation may cause internal injuries. Seek medical attention. Even if physical injuries are not visible after a sexual assault, a forensic exam is strongly recommended to collect forensic evidence and maintain all legal options. The preservation of physical evidence, including clothing and bedding, is important. Ideally, do not wash to avoid loss of evidence, but evidence (such as saliva on the skin or semen) may still be collected after showering. Evidence of stalking, including any communication, such as written notes, voicemail, or other electronic communications, should be saved and not altered in any way.

Preserved evidence may be helpful and necessary in obtaining a protection order and may be used as proof in a criminal or university disciplinary proceeding.

In California, evidence may be collected even if you choose not to report to law enforcement. The hospital may be required to contact law enforcement (consistent with California Penal Code Section 11160

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=11160⁸. but a victim can choose whether or not to file a formal complaint at that time.

Supportive Measures

Designated university representatives, including the Title IX Officer, are obligated to provide survivors of sexual assault, relationship violence, stalking, sexual harassment, and invasions of sexual privacy with important assistance and Supportive Measures, where reasonably available. These may include the following interim and mitigating actions:

- Assistance with reporting the incident(s) to law enforcement;
- Initiating institutional conduct proceedings;
- Issuing “No Contact Orders” to eliminate contact with the accused(s);
- Obtaining a restraining order issued by a criminal or civil court;
- Providing academic support (e.g., extensions on assignment due dates);
- Changing living arrangements(e.g., relocating residence);
- Changing transportation arrangements (e.g., providing parking in a different location) and
- Changing work arrangements(e.g., relocation to a more private or secure location).

Supportive Measures may be provided upon request, if reasonably available, regardless of whether a survivor chooses to report an incident to the UC Merced Police Department, local law enforcement, or the Title IX Officer. The Confidential CARE Advocate can assist survivors in accessing these Supportive Measures, even if they choose not to report.

Supportive Measures may remain in place until the final outcome of a disciplinary or appeals process, be modified or discontinued based on evolving needs, or become permanent as part of a resolution. Such measures are intended to offer support, restore or preserve access to university programs or activities, and deter Prohibited Conduct.

Factors considered during this process may include, but are not limited to: the specific needs expressed by the complainant; the age of the individuals involved; the severity or

⁸ Per California Penal Code Section 11160: A health practitioner employed by a health facility, clinic, physician's office, local or state public health department, local government agency, or a clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom the health practitioner knows or reasonably suspects is a person described as follows, shall immediately make a report in accordance with subdivision (b): (1) A person suffering from a wound or other physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a firearm. (2) A person suffering from a wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct.

pervasiveness of the allegations; any ongoing effects on the complainant; whether the complainant and alleged respondent share a residence, class, transportation, or work location; and whether other legal protective measures (e.g., civil protection orders) are in place. Supportive Measures should minimize the burden on the survivor.

Reporting Rights and Options

Survivors have several reporting options, and they may pursue one or all of the options at any time. Survivors have the right to have a Confidential CARE Advocate, friend, family member, or other representative present with them while reporting an incident. They also have the right to have a Confidential CARE Advocate and a support person (of their choice) present during any sexual assault forensic examination. UC Merced representatives, including the Title IX Officer and the Confidential CARE Advocate, can also support survivors in notifying the UC Merced Police Department or local police department, if a survivor chooses to report the incident.

Timelines for Making Reports

There is no time limit for reporting, and people should report incidents even if significant time has passed. However, the sooner the university receives a report, the better able it is to respond, investigate, remedy and impose discipline if appropriate.

Contact information for the reporting and non-reporting options mentioned below is listed on pages 8-9.

Non-Reporting Options

The resources listed below are available to provide support or counseling to survivors on a fully confidential basis. These resources can provide critically important assistance, but reporting to them will not lead to action being taken by UC Merced. Confidential resources will inform a person who discloses experiencing possible prohibited conduct under the SVSH Policy of the discloser's right to report directly to the Title IX Officer and how to do so.

Confidential CARE Advocate

The Confidential CARE Advocate – Campus Advocacy, Resources and Education (CARE) Services — provides confidential information about sexual assault, relationship violence, stalking, sexual harassment and invasions of sexual privacy. The Confidential CARE Advocate can explain a survivor's options, accompany a survivor throughout any reporting process (should a survivor choose to report an incident), and assist a survivor with academic, housing and employment concerns and accommodations. The Confidential CARE Advocate is also available to explain and discuss a survivor's right to file a criminal complaint, the university's relevant complaint processes, available resources (both on and off campus) and other related matters.

Office of the Ombuds

The Ombuds provides a confidential, neutral, informal and independent problem-solving resource that includes individual consultation, mediation and group facilitation services to members of the UC Merced community.

Counseling & Psychological Services

CAPS provides student survivors with confidential counseling services.

INSIGHT Employee Assistance Program

EAP provides faculty and staff survivors with confidential counseling and other services.

On-Campus Reporting Options

The resources below provide assistance, including initiating formal administrative and criminal investigations. Reporting to these resources may lead to action being taken by UC Merced. UC Merced strongly encourages survivors to report sexual assault, dating violence, domestic violence, stalking, sexual harassment and invasions of sexual privacy so the university and the police may protect the survivor and the campus community. However, non-reporting is also an option. Accommodation may still be available to individuals who choose not to report.

UC Merced Administration

When a report is made that provides sufficient facts to allege a violation of the SVSH Policy, to a School, Department, Human Resources, Academic Personnel Office, Student Affairs, Office of the Provost, etc., the Title IX Officer may conduct a Formal Investigation to determine if there was a policy violation. A Formal Investigation is separate from a legal proceeding. The investigative report will be shared with only those members of the University community with a need to know. The respondent and Complaint receive a redacted version of the investigative report. Survivors have the right to be accompanied by a support person when they report to campus administration or they are interviewed as part of a Formal Investigation, and the Confidential CARE Advocate can support them with these processes. UC Merced officials will assist any individual in notifying law enforcement if she/he chooses to do so.

Office for the Prevention of Harassment and Discrimination

OPHD receives and may investigate reports of sexual assault, relationship violence, stalking, sexual exploitation, sexual harassment and other prohibited behavior including an invasion of sexual privacy and retaliation. OPHD is available to explain and discuss a survivor's right to file a complaint, the University's complaint process, how confidentiality is handled, and available resources (both on and off campus). OPHD works with the UC Merced Police Department on cases that are reported to both entities.

UC Merced Police Department

Although the University strongly encourages members of the community to report violations to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police.

If an individual has been the victim of an incident of sexual violence, they may report to UCMPD by dialing (209-228-2677). The individual may also walk in and report in person to UCMPD 5200 N. Lake Road, Merced, CA 95343, Monday through Friday, 8 a.m. to 5 p.m. (Police officers will respond to your location on campus 24/7 for reports.)

If an individual chooses to report an incident of sexual assault, relationship violence, or stalking to UCMPD, the Department will report to OPHD for investigation regardless of whether the complainant chooses to pursue criminal charges. (UCMPD will only provide the victim's name with their consent.)

University police can initiate a criminal investigation and may be able to request emergency protective orders on a survivor's behalf.

If a survivor chooses not to report a crime immediately, the report can still be made at a later time. Survivors may contact the Confidential CARE Advocate for confidential assistance with this process.

UC Merced officials will inform any individual of the right to make a police report if she/he chooses to do so.

Off-Campus Reporting Options

Reporting to Local Law Enforcement

A survivor may report an incident to the police department located within the jurisdiction where the incident occurred. If a survivor chooses not to report a crime immediately, a report can still be made at a later time. Law enforcement can initiate a criminal investigation and, depending on the circumstances, provide a survivor with assistance in obtaining emergency protective orders, which will be enforced both on and off campus.

Civil Restraining Orders

A survivor may also choose to request a civil restraining order. This is an order that protects persons who have experienced or are reasonably in fear of violence, sexual assault, stalking, or threats of violence. Survivors may contact the Confidential CARE Advocate for a referral to resources which provide free and confidential assistance with this process.

Anonymous Reporting

To file an anonymous online complaint, go to EthicsPoint at www.ucop.edu/ethics-compliance-audit-services and select “File A Report.” Click on the “Report a Concern Online” link, choose a location, select “Discrimination/ Harassment” as your subject matter, and enter the details of your complaint.

You can also file an anonymous phone complaint by calling the EthicsPoint Hotline at 800-403-4744. EthicsPoint is run by a neutral third-party vendor and will be routed to the appropriate party anonymously. Please note that anonymous complaints may limit how UC Merced can respond to a given situation.

UC Merced is committed to operating in an ethical, honest and lawful manner. UC Merced follows the University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy) and the University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy). In addition to the EthicsPoint Hotline, complaints may be filed to the UC Merced Locally Designated Official (LDO), the UC Confidential Hotline, the California State Auditor, the California Attorney General or directly to a supervisor.

Confidentiality

UC Merced recognizes the sensitive nature of sexual assault, relationship violence, stalking, sexual harassment, and invasions of sexual privacy. The university is committed to protecting the privacy of survivors who make reports or seek accommodation and protective measures. When a survivor reports an incident to UC Merced or seeks accommodation and protective measures, his/her/their privacy will be respected to the full extent possible. Reports and/or requests for accommodation and protective measures will be shared with only those members of the University community with a need to know.

A report to the police/law enforcement may create a public record.

The police are required to notify a survivor that his/her/their name will become a matter of public record unless confidentiality is requested. (Cal. Penal Code § 293; Cal. Gov. Code § 6254(f).) If a survivor requests that his or her identity be kept confidential, their name will not become a matter of public record and the police will not report his or her identity to anyone else at the university, including OPHD. UCMPPD, however, will report all the facts of the incident to OPHD, including the Respondent’s identity, without revealing the survivor’s identifying information.

UC Merced is required by the Clery Act to report certain types of crimes, including sexual assaults, in statistical reports. Pursuant to the Clery Act, UC Merced will report the type of incident that occurred in the Annual Security Report and Daily Crime Log & Fire Log, but no names or personally identifying information will be revealed.

Responsible Employee Reporting Obligations

You should be aware that the SVSH Policy requires some disclosures to UC Merced faculty or staff (including student employees) must promptly be reported to the Office of Prevention of Harassment and Discrimination.

Any university employee who is not a Confidential Resource and who learns, in the course of employment, that a student (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment or other prohibited conduct, must promptly notify OPHD. This includes resident assistants, graduate teaching assistants, all other student employees, when disclosures are made to them in their capacities as employees.

If any of the following people learn, in the course of employment, that any other person affiliated with the University may have experienced prohibited conduct, they must promptly notify OPHD: campus police, Human Resources administrators, Academic Personnel administrators, Title IX professionals, managers, supervisors including deans, department chairs, and of Organized Research Units and faculty members.

UC Merced Procedures for Responding to Reports of Sexual Violence

When responding to reports of sexual violence, the university will provide written notifications

- to students and employees regarding resources/services, on campus, off campus or both, to include medical services, legal assistance, victim advocacy, counseling and mental health, student financial aid, and visa and immigration assistance.
- about options for, and available assistance in, changing academic, living, transportation, and work situations. UC Merced is obliged to comply with an individual's reasonable request for such accommodations following an alleged sex offense. These accommodations will be made if requested and reasonably available, regardless of whether the crime is reported to UC Merced or local law enforcement.
- regarding protective measures and the person's rights and options.

Depending on the circumstances of the report, UC Merced may provide a reporting party access to medical care, referrals to on and off campus mental health providers, assess the need to implement interim or long-term protective measures, provide written instructions on how to apply for a Protective Order, provide a copy of the SVSH Policy, and give information regarding timeframes for inquiry, investigation and resolution.

Requests for any of these services or accommodation should be made to OPHD or the Confidential CARE Advocate.

For purposes of Clery Act reporting and disclosures, publicly available information will be made without the inclusion of identifying information about the individual, as defined in 42 U.S.C. 13925(a)(20). This includes information likely to disclose the location of a victim of sexual assault, relationship violence, stalking, sexual harassment, or invasions of sexual privacy, including first and last name, address, contact information, social security number, driver's license number, date of birth, racial or ethnic background, etc.

Additional Support for Complainants of Sexual Violence

Housing Services

Incidents of sexual violence occurring in or involving members of the university residential community shall be reported to Residence Education Staff (professional staff or resident assistant). UC Merced may change a complainant's living situation after an alleged sex offense by contacting the Residence Education Department, if those changes are requested by the complainant and are reasonably available. Depending upon the outcome of a formal university hearing, the housing agreement of the accused may be terminated. Outcomes of the formal university hearing process will supersede any previous arrangements made by Residence Education and/or Office of Student Rights and Responsibilities.

Academic/Workplace Accommodation

It may be necessary to make changes in the complainant's workplace or academic schedule. Thoughtful facilitation and accommodation are encouraged. Students should consult with their respective academic or school/program dean or the Dean of Student's Office. At a student's request, UC Merced may change the student's academic situation after an alleged sex offense by contacting their program dean, to the extent reasonably available and consistent with department policy. Employees should see their supervisor, director, Labor and Employee Relations, or OPHD.

Assistance for Complainants: Rights and Options

Regardless of whether a complainant elects to pursue a criminal complaint, the university will assist a complainant of sexual violence and will provide the complainant with a written explanation of their rights and options.

The university may issue an institutional no contact directive if deemed appropriate or at the request of the complainant or accused. To the extent of the complainant's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement.

Restraining Orders

The university complies with California law in recognizing orders of protection, called “restraining orders,” and requests that any person who obtains an order of protection from the State of California or any U.S. state provide a copy to UCMPD and the OPHD office.

What does a restraining order do?

A restraining order (also called a “protective order”) is a court order granted in an effort to protect someone from being physically abused, sexually abused, threatened, stalked, or harassed. The person obtaining the restraining order is called the “protected person.” The person the restraining order is against is the “restrained person.” Sometimes, restraining orders include other “protected persons” like family or household members of the protected person.

After a student or employee receives a restraining order, to mitigate any risk of harm, they may contact UCMPD to develop a safety plan designed to increase their awareness. The plan will include options the person can take to protect themselves.

In General, Restraining Orders Can Include

Emergency, Temporary, or Permanent Restraining Orders. These are orders to stop specific acts against everyone named in the restraining order as a “protected person.” Some of the things the restrained person can be ordered to stop are:

- Contacting, calling, or sending any messages (including email);
- Attacking, striking, or battering;
- Stalking;
- Threatening;
- Sexually assaulting;
- Harassing;
- Destroying personal property; or
- Disturbing the peace of the protected person(s).

Distance to Stay Away. The order will explain the distance the restrained must stay away. Most commonly, 100 yards (the length of a football field.) It will list locations to stay away from, such as:

- The protected person or persons;
- Where the protected person lives;
- The protected person’s place of work;
- The schools or places of child care of the protected person’s children;
- The protected person’s vehicle;
- Other important places where the protected person frequents

Types of Restraining Orders

- Domestic Violence Restraining Order
<https://selfhelp.courts.ca.gov/DV-restraining-order>
- Elder or Dependent Adult Abuse Restraining Order
<https://selfhelp.courts.ca.gov/EA-restraining-order>
- Civil Harassment Restraining Order
<https://selfhelp.courts.ca.gov/CH-restraining-order>
- Workplace Violence Restraining Order
<https://selfhelp.courts.ca.gov/WV-restraining-order>
- Gun Violence Restraining Order
<https://selfhelp.courts.ca.gov/GV-restraining-order>

Find more information: <https://selfhelp.courts.ca.gov/restraining-orders>

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



CARE Office. Outside KL, facing COB2.

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.

Sexual Violence Prevention Programs and Resources

Primary Prevention and Awareness Programs

All campus affiliates receive ongoing training related to preventing and responding to sexual violence and sexual harassment (SVSH). OPHD also conducts training on compliance with the SVSH Policy for campus partners, including students. 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.

All incoming first-year and transfer students were required to complete an online training program titled, *Sexual Assault Prevention for Undergraduates*, administered through Vector LMS, within their first six weeks of classes. Similarly, all incoming graduate and professional students were required to complete *Sexual Assault Prevention for Graduate Students* via Vector LMS. In addition to the online module, graduate students participating in the GROW orientation also received supplemental training through their CatCourses site. This included a video developed by CARE and OPHD, accompanied by a knowledge check, which covered CARE services, the reporting responsibilities of responsible employees, and guidance on providing trauma-informed responses to disclosures.

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 training for staff and faculty is provided through the UC Learning Center for all UC locations.

OPHD also conducts targeted training on the SVSH Policy, often in collaboration with CARE, for critical campus stakeholders.

CARE and OPHD provide annual training to Resident Assistants, Library Student Assistants, Dining Student Leaders, and 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 and OPHD also provide virtual and in-person training and workshops for campus constituents as requested.

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.

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 and Awareness
- Bystander Intervention and Consent
- Effective Communication in Healthy Relationships
- Party Awareness and Risk Reduction
- Stalking Prevention and Awareness
- Human Trafficking Prevention and Awareness
- CARE 101
- Sexual Assault Prevention and 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.
- **Residence Education Coordinator Training** – review of gender-based violence definitions, bystander intervention methods, trauma-informed response to disclosures and vicarious trauma.
- **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.
- **Healthy Halloween** – Participants are made aware of CARE resources and bystander intervention approaches while attending parties.
- **Home 4 the Holidays-** A social media campaign to promote safety planning for individuals whose home environments may not be safe. The posts provided information on how to access support both on campus and within local communities, as well as strategies for coping with and managing unhealthy family dynamics.
- **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** – The TRUST program is a 3-session, 6-hour certificate series that explores key aspects of healthy relationships, both intimate and platonic. Topics include recognizing abusive and unhealthy behaviors, setting and maintaining boundaries in personal and professional contexts, and creating effective safety plans. The training is hosted every October and February.
- **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.

- **SPARC Conference** – An 8-hour specialized training led by the national Stalking Prevention, Awareness, and Resource Center (SPARC), focused on stalking in college settings. Participants, including staff, faculty and community members — learn to recognize early signs of stalking, implement intervention strategies and provide supportive measures.
- **Take Back the Night (TBTN)** – During sexual assault awareness month, TBTN is CAREs annual community gathering and march on campus to create awareness of the issue of sexual assault and to provide a space of solidarity for survivors.
- **Clothesline Project** – In April, for sexual assault awareness month, we host a month-long campaign for survivors to share their stories anonymously, which are then displayed in a clothesline exhibit for multiple days. The exhibit displays stories on T-shirts for participants to read and learn more about the impacts sexual violence has on the community.
- **Denim Day**- The CARE Office invited the campus to wear all things denim on April 30 in honor of Denim Day, a globally recognized day of solidarity with survivors of sexual violence during Sexual Assault Awareness Month (SAAM). By wearing denim, we help raise awareness and challenge harmful myths surrounding sexual assault. Participants could wear denim, participate in our tabling events or join our workshops that day.
- **Class Announcements** – 5 to 60-minute presentations to various classes throughout the year that provide a brief overview of CARE services and bystander intervention techniques.



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, dating/domestic violence, stalking, and human trafficking. However, we understand that not everyone knows or feels comfortable intervening. It is okay to feel uncomfortable or unsure when we see something happening, but it is important 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 for 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 understands 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.

To learn more, visit <https://care.ucmerced.edu/education/how-intervene>.

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.

All incoming undergraduate students (first year and transfer) are required to complete the following mandatory online course.

- **“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 209-722-4357.
- A "Jane Doe" report can occur if a victim is not sure they want to report but still want a SART exam. Their name will not be obtained unless they decide to provide it.
- 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 law (Senate Bill 967) makes it illegal to engage in any sexual act without affirmative consent. **Affirmative consent** is defined as an affirmative, conscious, voluntary, and ongoing agreement to engage in sexual activity. Each person involved is responsible for ensuring they have the clear and mutual consent of the other person(s) before and during sexual activity.

Key principles include:

- "Yes means yes": Consent must be actively given—not assumed from silence, lack of resistance, lack of protest, or previous relationships.
- Consent must be ongoing and can be revoked at any time.

A dating relationship or prior sexual history does not automatically imply consent for future activity.

Sexual violence resources can be found on page 9.

University Disciplinary Procedures for Sexual Violence & Sexual Harassment

The University will apply appropriate disciplinary procedures to those who violate the University's Sexual Violence and Sexual Harassment policy. Sexual harassment and sexual violence are violations of state and federal law, University policy, the Faculty Code of Conduct, staff personnel policies, collective bargaining agreements, and student policies. Whether or not criminal charges are filed, the University⁹ or an individual may file a complaint under the *Sexual Violence and Sexual Harassment* policy (SVSH Policy) alleging a violation. Individuals should report complaints regarding sexual assault, relationship violence, stalking, sexual harassment, invasions of sexual privacy and any other violations of the SVSH Policy to the UC Merced Office for the Prevention of Harassment and Discrimination, (209) 413-4652, ophd@ucmerced.edu, Kolligian Library, 3rd floor.

The procedures set forth below are intended to afford a prompt response to charges of sexual misconduct, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy¹⁰.

Sexual Violence/Sexual Harassment Investigation Procedure

Upon receiving a report of alleged sexual violence and/or sexual misconduct (including sexual assault, relationship violence, stalking, and sexual harassment), the Title IX Officer will determine, consistent with the SVSH Policy, whether a formal investigation should be initiated or if Alternative Resolution is an option.

Initial Assessment

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 Department of Education (DOE)-Covered Conduct and, if so, whether to begin a DOE Grievance Process or Alternative Resolution.

If the alleged conduct is not DOE-Covered Conduct, the Title IX Officer will determine:

- whether the report alleges an act of Prohibited Conduct under the SVSH policy;

⁹ Title IX states that if an institution knows of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not, is not the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the University's sexual misconduct policy was violated, then the University may assume the role of the complainant.

¹⁰ Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

- if so, whether it is covered by the policy.

The Title IX Officer, in coordination with the relevant Case Management Team, and in consultation with the complainant, when possible, will:

- assess the health and safety of the complainant and the campus community,
- determine and oversee Supportive Measures, and
- outreach to the complainant per a template issued by the Systemwide Title IX Office that includes rights, reporting options, and available resources.

The Title IX Officer will inform the complainant of possible outcomes (supportive measures, remedial actions, or discipline), the relevant procedures, and the right to file a formal complaint. The Officer may consult with Academic Personnel, Student Affairs, Human Resources, or Labor Relations as necessary.

For complainants who do not want to participate in an investigation, or request that the University not move forward with an investigation, the University will strive to honor the stated wish of the complainant, but there may be circumstances in which the University may need to move forward against the complainant's wishes.

Should the Title IX Officer determine that an investigation will not be conducted, the complainant will be notified in writing, including the rationale and the right to file a new complaint if new information arises.

Not all reports can be resolved through a resolution process. This includes cases where:

- even if true, the alleged conduct is not prohibited conduct;
- the conduct is not covered by the SVSH Policy;
- there is not enough information to carry out a resolution process
- a complainant's request that no investigation occur can be honored; or
- the conduct lacks sufficient nexus to the University.

The Title IX Officer will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects, including offering resources, mitigation measures, and preventative education. Matters not covered by SVSH will be referred to another office if appropriate.

Alternative Resolution

Alternative Resolution¹¹ may be especially useful when both parties prefer an informal process; wish to resolve the matter cooperatively or when a formal investigation is unlikely to lead to a satisfactory outcome. The Title IX Officer has discretion to

¹¹ Alternative Resolution is not available when the complainant is a student, and the respondent is an employee.

determine if Alternative Resolution is appropriate, what type of resolution to pursue, and may move to a Formal Investigation or DOE Grievance Process if necessary.

Alternative Resolution may include, among other responses:

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

Participation in Alternative Resolution is voluntary, both parties must agree. Written notice will include::

- the allegations;
- the Title IX Officer has begun the process;
- the process is voluntary and will end upon either party's request;
- termination may result in a formal investigation or a DOE grievance process;
- right to an advisor
- notice of outcome, and
- recordkeeping/privacy details.



The Title IX Officer will oversee the process, complete it promptly, typically within 30–60 business days, extensions allowed for good cause, and communicate any extensions in writing.

Once parties agree to terms, no formal investigation will occur unless the respondent fails to satisfy terms or the process is unsuccessful in stopping conduct. The Title IX Officer will keep records of all Alternative Resolutions.

Protecting the Confidentiality of the Complainant

Personal identifiable information about the complainant will be treated as private and shared only with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant.

The University will maintain confidential any accommodations or protective measures provided to the complainant unless doing so would impair the University's ability to provide them. UC Merced may disclose only information that is necessary to implement measures and will carefully limit access to reduce risk to confidentiality.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged respondent, the University's ability to respond to the complaint may be limited.

The University does not publish the name of complainants nor list identifiable information¹² in the Daily Crime and Fire Log. Complainants may also request removal of directory information by contacting the Title IX Officer, Human Resources, or the Dean's office.

Supportive and Remedial Measures

The University may implement supportive and remedial measures following the report of sexual assault, relationship violence, stalking, sexual harassment, invasions of sexual privacy and/or other prohibited conduct. The Title IX Officer (or designee) will determine and implement measures as soon as possible, tailored to the case, minimizing burdens on the parties, and avoiding loss of educational or employment opportunities. For DOE-covered conduct, measures will be non-disciplinary, non-punitive, and not unreasonably burdensome.

¹² Personally identifiable information means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, stalking, sexual harassment, invasions of sexual privacy, and other prohibited conduct under the SVSH Policy regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including: (a) first and last name; (b) a home or other physical address; (c) contact information (including a postal, email, or Internet protocol address, or telephone facsimile number); (d) a social security number, driver license number, passport number, or student identification; and (e) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.

Examples of available measures include, but are not limited to:

- a. *Campus Services*: Academic, employment, and other support (tutoring, counseling, disability services, health/mental health, family planning, survivor advocacy, housing, legal assistance, referrals, law enforcement reporting information, written resources).
- b. *Employees*: Changes to work location, schedule, or position (if voluntary and equitable for complainants).
- c. *Respondent Training*: Sexual harassment prevention, anger management, refresher classes.
- d. *Campus Services Modified*: Waiving fees, additional medical/counseling/academic support, other accommodations upon request.
- e. *Students*: Change advisors, dissertation committee, class sections; adjust academic requirements; allow retakes/withdrawals without penalty; review disciplinary actions for causal links to the violation.
- f. *No Contact Options*:
 - Complainant & Respondent: Notification of no-contact options; changes in living, transportation, dining, work, academics; escort services.
 - Orders: May be interim or remedial; unilateral or mutual (mutual only when necessary to protect safety or process). The University will not prohibit the complainant from contacting the respondent unless specific circumstances require it.
 - Notice: Explains terms, conduct violations, consequences.
 - Respondent Restrictions: Alternate course sections, relocation, activity restrictions, no-contact compliance, suspension or transfer, exclusion from campus/workplace.



Protective measures may apply to one or both parties, be temporary pending investigation, or become permanent. Violations of protective measures may lead to additional disciplinary action. Interim measures are available regardless of whether a complainant pursues an investigation, formal resolution, or discipline.

Formal Investigation of DOE Grievance Procedures in Cases of Sexual Assault, Relationship Violence, Stalking, Sexual Harassment, and Invasions of Sexual Privacy

The University's disciplinary process requires a prompt, fair, and impartial investigation and resolution process, transparent to the complainant and the respondent.¹³ The Title IX Officer will begin a formal investigation when a report is not closed after initial assessment, is not DOE-Covered conduct, and Alternative Resolution is not appropriate or does not succeed.

In both formal investigations and DOE grievance process investigations:

- The Title IX Officer may coordinate with other offices depending on the parties' roles such as faculty, staff, or students.
- If the complainant does not want an investigation, the Title IX Officer will give serious consideration but may proceed if necessary to mitigate campus risk.
- If the Title IX Officer does not begin an investigation, they will inform the complainant that this limits possible remedies but mitigating measures may still be provided.

When an investigation begins, the parties receive a written summary of allegations, explanation of rights, procedures, and resources. Both parties may identify witnesses and evidence, but the University bears the burden of proof and gathering sufficient evidence. **Timeframe:** Investigations are typically completed within 60–90 business days, with extensions allowed for good cause. Parties will be updated on status and any extensions. If police are also investigating, the University will coordinate but will not delay its own process.

Standard of Proof – Preponderance of Evidence: The standard of evidence used during a Formal Investigation is the Preponderance of the Evidence. A standard of proof that requires that a fact be found when its occurrence, based on the evidence, is more likely than not.

¹³ "Prompt, fair, and impartial proceedings" are defined as: completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and accused of the delay and the reason for the delay; conducted in a manner that is consistent with the institution's policies and transparent to the accuser/accused; includes timely notice of meetings at which the accuser/accused – or both – may be present; and, provides timely and equal access to the accuser/accused and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings – and conducted by officials who do not have a conflict of interest or bias for/against the accuser/accused.

Administrative Closure: The Title IX Officer may close an investigation if circumstances prevent reasonably reliable conclusions, while still offering appropriate resources and steps to prevent recurrence.

Other Inquiry

When there is no identifiable respondent over whom the University has jurisdiction, the Title IX Officer may conduct an inquiry to determine what occurred and take steps to stop, prevent, and remedy effects. This may apply to reports involving organizations, unknown individuals, or third parties. Inquiries are typically completed within 60 days.

Notifications and Documentation

The Title IX Officer will provide written notices, keep records per systemwide guidelines, and document parties' rights, agreements to Alternative Resolution, and final outcomes.

The Investigation Report and Outcome

If a formal investigation or DOE grievance process occurs, the Title IX Officer will prepare a written report including allegations, statements, evidence, credibility determinations, findings of fact, and policy analysis. The report will conclude whether the SVSH Policy was violated, applying the preponderance standard.

The report and outcome will be shared simultaneously with both parties, with privacy redactions as needed. Parties will also be notified of rationale and appeal rights. In DOE grievance processes (and cases involving student respondents), parties may request a hearing to contest the preliminary determination.

Remedy

If prohibited conduct is found, the University will take prompt steps to stop, prevent recurrence, and remedy effects, which may include systemic remedies such as training or improved security.

Discipline

The investigation report will be forwarded to the appropriate administrator for possible disciplinary action. Disciplinary measures may include dismissal, per University procedures.

At the end of any disciplinary proceeding, both parties will be informed in writing of:

- final determination, discipline, and rationale;
- appeal rights; and
- any subsequent changes and when results become final.

The University aims to finalize and notify parties promptly, consistent with the severity and complexity of the matter.

Department of Education (DOE) – Covered Conduct

Summary: Per the federal Title IX regulations effective August 14, 2020 (DOE Regulations), the University cannot discipline a respondent for DOE-Covered Conduct unless it follows the DOE Grievance Process. The DOE Grievance Process is triggered only by a DOE Formal Complaint that alleges DOE-Covered Conduct. Only a qualified complainant or the Title IX Officer can make a DOE Formal Complaint. Instead of a DOE Grievance Process, the Title IX Officer could in some cases potentially open an Alternative Resolution in response to such a complaint.

When DOE-Covered allegations and other Prohibited Conduct arise from the same facts, the University will address all allegations together through the DOE Grievance Process or Alternative Resolution. If allegations do not include DOE-Covered Conduct, the Title IX Officer will determine whether to open a different Resolution Process per Initial Assessment. The Title IX Officer will follow the Initial Assessment steps and document decisions per systemwide guidelines.

Process

1. Initial Assessment

The Title IX Officer will assess the report to determine whether to open a DOE Grievance Process, Alternative Resolution, or other Resolution Process.

- *Formal Complaint from a Qualified complainant.* A DOE Formal Complaint must: (a) allege conduct on/after Aug. 14, 2020; (b) be in writing; (c) be made by the person who allegedly experienced the harassment; (d) be made by a person participating or attempting to participate in a University program or activity; (e) name an identified respondent; (f) request an investigation; and (g) allege DOE Sex-Based Misconduct.
 - If Yes: determine whether required dismissal applies (see C).
 - If No: determine whether the reported conduct is DOE-Covered; if so, the Title IX Officer may sign a DOE Formal Complaint.
- *Required Dismissal of Formal Complaint.* If a DOE Formal Complaint exists, it must be “dismissed” if, even if true, the conduct is not DOE-Covered Conduct. “Dismissal” removes DOE coverage but does not necessarily close the matter; the Officer decides whether/how to continue under another process.
 - No Dismissal: begin DOE Grievance or Alternative Resolution.
 - Yes Dismissal: proceed per C. Required Dismissal.
- *DOE-Covered Conduct (threshold).* If no DOE Formal Complaint from a qualified complainant exists, the Officer determines whether the report nonetheless alleges DOE-Covered Conduct.
 - No: end DOE track; continue assessment for other processes.
 - Yes: decide to close, open DOE Grievance, Alternative Resolution, or Other Inquiry.

- *Decision to Close or Open.* If allegations are DOE-Covered but there is no qualified complainant filing, the Officer may:
 - Close (e.g., complainant does not want investigation and one is not necessary);
 - Sign a DOE Formal Complaint and open DOE Grievance or Alternative Resolution; or
 - Open an Other Inquiry where discipline is not possible (e.g., non-affiliate respondent).
- *Complainant Rights:* If the Officer signs, the person who experienced the conduct (if known) has all complainant rights.

2. DOE-Covered Conduct

Conduct is DOE-Covered Conduct if all of the below are true:

1. *Date:* The alleged conduct occurred on or after August 14, 2020.
2. *Territoriality.* The complainant was in the United States when the conduct allegedly occurred.
3. *Program or Activity.* The conduct occurred in a University program or activity, meaning the location was either on-campus; or off-campus where the University exercised substantial control; or a building owned/controlled by a recognized student organization.
3. *DOE Sex-Based Misconduct:* includes quid pro quo by an employee; severe, pervasive, and objectively offensive conduct that denies equal access; Sexual Assault (penetration or contact as defined); intentional non-consensual intimate touching; Relationship Violence; Stalking; sexual intercourse with a person under 18; or Invasion of Sexual Privacy that meets the severe/pervasive/objectively offensive equal-access denial.

4. Required Dismissal of Allegations

The Title IX Officer must “dismiss” DOE allegations if, even if true, they are not DOE-Covered, or if the conduct did not occur in a University program/activity or the complainant was not in the U.S. at the time.

Significance. Dismissal removes DOE coverage; the Officer decides whether/how to continue under other processes.

- If no DOE-Covered allegations remain, any further investigation proceeds as Formal Investigation (non-DOE).
- If some DOE-Covered allegations remain with others dismissed, the University may process all allegations under DOE Grievance Process for clarity/consistency while notifying parties which were dismissed.
- If in Alternative Resolution, the Officer will identify which allegations were dismissed/continue.

Notice of Dismissal will inform parties of: (a) allegations dismissed and reasons; (b) next resolution path; (c) appeal rights; (d) cross-notice of any appeal; (e) equal rights to submit statements; (f) simultaneous written decision and rationale; (g) appeal officer contact; and (h) anti-retaliation.

Grounds for Appeal: procedural error affecting the dismissal; new evidence not reasonably available; conflict of interest/bias.

Commencing Appeal: submit within 5 business days with grounds/arguments; other party may respond within 3 business days.

Standards for Deliberation: appeal officer considers notice, party statements, and any information from the Title IX Officer.

Decision: uphold, overturn, or (for new-evidence appeals) remand for consideration.

Notice of Decision: within 10 business days, written decision and rationale to both parties and the Title IX Officer.

5. Case Consolidation

The following provisions apply when the University opens a DOE Grievance Process

- Multiple complaints/parties: may consolidate when arising from the same facts/circumstances.
- DOE and other policy violations: process together under DOE procedures; clearly document which are DOE-Covered.



Conduct Process for Student Respondents

The University's procedures for resolving complaints of sexual violence and sexual harassment where the respondent is a student, are described in the in PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework, <https://policy.ucop.edu/doc/2710641/PACAOS-Appendix-E> and Appendix F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct, <https://policy.ucop.edu/doc/2700689/PACAOS-Appendix-F>.

The application of Appendix E or Appendix F procedures in student respondent cases is determined by a specific set of factors outlined in Appendix F. If the factors are met, Appendix F procedures apply; if not, Appendix E procedures apply.

Appendix E Process

The process outlined below represents a summary of PACAOS - Appendix E, where the complainants are of non-DOE Covered conduct. Please reference PACAOS – Appendix E for full additional details and information on the process.

1. The University may consider any person who reportedly experienced Prohibited Conduct a “complainant,” whether or not they made a report or participated in the resolution process.
2. The University will strive to honor the complainant’s wishes on whether to move forward with an investigation; the Title IX Officer may proceed where needed to mitigate campus risk.
3. Support services for complainants through confidential CARE Advocate and respondents through Respondent Services Coordinator, who can explain the respondent’s rights and options under applicable policies.
4. Supportive/interim measures may be implemented to ensure safety and equal access; both parties may have an advisor/support person.
5. Participation in the Appendix E process is not required for either party.
6. The University’s role is neutral. It will conduct any fact-finding and sanctioning without taking the position of either the complainant or the respondent.
7. Officials involved are trained and trauma-informed.
8. Standard of proof: Preponderance of the Evidence. Fact-finding determining whether a policy violation occurred is the Preponderance of the Evidence (more likely than not).
9. Deadlines may be extended for good cause with written notice of reason and new timeline.
10. Disability and language accommodations considered.

Formal Investigation of Report of Prohibited Conduct

OPHD assigns an investigator to conduct a fair, thorough, impartial investigation using the preponderance standard for a preliminary determination of SVSH/Student Conduct violations.

Both parties may meet with the investigator, submit evidence, identify witnesses, propose questions, and review/respond to relevant evidence.

OPHD notifies both parties simultaneously of the preliminary determination, provides each a redacted report, and sends OSRR the preliminary notice and unredacted report. Where responsibility is preliminarily found, OSRR reviews the file and relevant factors (Appendix E) and determines a proposed sanction. Either party may meet with or submit a statement to the Student Conduct Officer on sanctions.

Opportunity to Contest the Preliminary Determination

Either party may contest within 20 business days of notice. To discuss options including the hearing implications, a party may contact OSRR within 3 business days to schedule a meeting.

Hearing to Determine Policy Violations

In cases where OSRR proposes suspension or dismissal, the respondent is presumed to contest the preliminary determination unless the respondent accepts in writing and waives the hearing.

If either party contests, or is presumed to contest, a fact-finding hearing is held before a single hearing officer; otherwise there will be no hearing.

The hearing officer and hearing coordinator will hold a separate meeting with each party, to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive, and fair hearing.

Any party contesting (or presumed to contest) must attend. If they do not attend to the pre-hearing, they have two business days to reschedule or the preliminary determination becomes final.

Within five business days after the last pre-hearing meeting, the hearing coordinator will notify parties of the scope of the hearing and witnesses.

Not less than 10 business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.

At least two business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence.

The hearing officer will decide whether a violation of the SVSH Policy (or related non-SVSH policy violation) occurred based on a preponderance of evidence standard. The hearing officer will take into account the investigative file and the 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 the evidence before them.

The hearing coordinator will send a copy of the hearing officer's determination to OSRR. Based on the hearing officer's findings and determinations, and other information relevant to sanctioning, OSRR will determine an appropriate sanction.

Within 15 business days of the hearing, the hearing coordinator will send written notice to the complainant and respondent the outcomes and any sanction determinations made by OSRR.

Appealing the Hearing Officer's Decision

The complainant and respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s).

An appeal must be submitted to the hearing coordinator within 10 business following the hearing officer's determination and, if imposed, the disciplinary sanction.

The appeal must identify the grounds for appeal and contain specific arguments supporting each ground for appeal. 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.

Sanctioning Options for Appendix E

University sanctions include, but are not limited to:

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

The definitions of sanctions are found in PACAOS Section 105.00 (Types of Student Disciplinary Action) of the Policy on Student Conduct and Discipline and local campus

regulations. The posting of sanctions on academic transcripts will follow University policy as defined in PACAOS, Section 106.00 of the Policy on Student Conduct and Discipline.

Factors Considered in Determining Sanctions

In all cases, when determining the appropriate and proportionate sanction, the following factors will be taken into account when applicable:

- Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; use of authority to abuse trust or confidence; presence of weapons; use of force or violence; physical injury; menace; duress; deliberately causing or taking advantage of a person's incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.
- Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; planned or predatory conduct; hate or bias based on the complainant's membership or perceived membership in a protected group as defined in PACAOS Section 104.90 of the Policy on Student Conduct and Discipline.
- Whether the conduct is aggravated, as defined in the UC policy on SVSH.
- 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: unrelated prior violations; related prior violations.
- Impact on others: input from the complainant; protection or safety of the complainant or the community.

Sanctions for Certain Conduct Sanctions will be assigned as follows:

- Sexual Assault – Penetration or Sexual Assault – Contact that is aggravated as defined in the UC policy on SVSH 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 UC policy on SVSH, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified above.

Assigned sanctions for each case will be documented and reported to the systemwide Title IX director on a regular basis.

Anticipated Timelines

- All days referred to in this timeline are workdays, defined as Monday – Friday, when the university is officially open.
- OPHD aims to complete investigations and preliminary determinations in 60–90 days with good-cause extensions and notice.

Appendix F Process

The process outlined below represents a summary of PACAOS Appendix F, the procedure for resolving DOE Formal Complaints of DOE-Covered Conduct, where the respondents are students. Please refer to PACAOS - Appendix E for full details and information on the process.

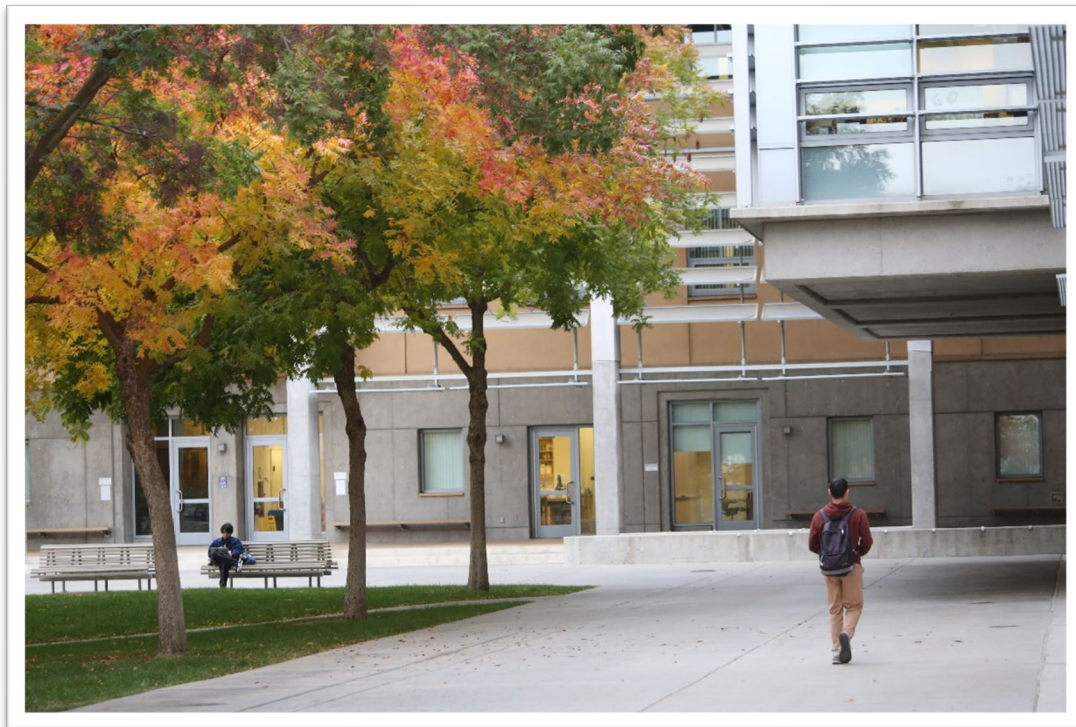
1. The University may consider any person who reportedly experienced Prohibited Conduct a “complainant,” whether or not they made a report or participated in the resolution process.
2. The University will strive to honor the complainant’s wishes on whether to move forward with an investigation. If the complainant does not want an investigation, the Title IX Officer will determine whether the allegations require an investigation to mitigate a potential risk to the campus community.
3. Throughout the process, the University will offer support services for complainant (through the Confidential CARE Advocate) and respondents (through the Respondent Services Coordinator, who can explain the respondent’s rights and options under applicable policies).
4. The University will consider and implement supportive measures, including interim measures throughout the process as appropriate to protect the safety of the complainant, the respondent, or the University community; to restore or preserve a party’s access to a University program or activity; or to deter Prohibited Conduct.
5. The University may place the respondent on an interim suspension.
6. Neither the complainant nor the respondent is required to participate in the resolution process outlined in Appendix F.
7. At all stages of the Appendix F process, the complainant and respondent have the right to an advisor and/or support person of their choosing.
8. The University’s role in the Appendix F process is neutral, and it will conduct any fact-finding and sanctioning without taking the position of either the complainant or the respondent.
9. All University officials involved in the Appendix F resolution process will be trained to carry out their roles in an impartial manner in keeping with trauma informed practices.
10. The standard of proof for fact finding determining whether a policy violation occurred is the Preponderance of the Evidence. A respondent will not be found responsible for a violation of the SVSH Policy and/or other student

- conduct policies unless the evidence establishes it is more likely than not that they violated the SVSH Policy and/or other student conduct policies.
11. The Title IX Officer may extend any deadlines contained in Appendix E consistent with the SVSH Policy, and for good cause shown and document. The complainant and respondent will be notified in writing of any extension, the reason for it, and the projected timeline.
 12. The Title IX Officer will consider requests from parties and witnesses for disability-related accommodations and for language interpretation.
 13. If at any time during the investigation the Title IX Officer determines that the alleged conduct did not occur in the University's program or activity or that the complainant was not in the United States at the time of the alleged conduct, the Title IX Officer must dismiss the DOE-Covered Conduct charges regarding that conduct from the DOE Grievance Process

Formal Investigation of Report of Prohibited Conduct

OPHD assigns an investigator; parties may meet, submit evidence, identify witnesses, propose questions, and review/respond to evidence deemed directly related to the scope.

OPHD notifies both parties of the preliminary determination, provides each a redacted report, and sends OSRR the preliminary notice and unredacted report. If responsibility is preliminarily found, OSRR reviews directly related evidence and relevant factors (Appendix F) and sets a proposed sanction; either party may give input.



Opportunity to Contest the Preliminary Determination

Either party may accept the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination.

If either party wishes to discuss the possibility of accepting and the implications of accepting or not accepting the preliminary determination, including the hearing that will result if either party does not accept the preliminary determination, they may discuss their options with OSRR (even if the investigator's preliminary determination was that no policy violation occurred). If either party wishes to meet with OSRR, they will contact OSRR within 3 business days of receiving the notice of preliminary determination to schedule the meeting.

Unless both parties accept the preliminary determination by the end of the 20 business days, OSRR will notify the parties that there will be a hearing.

Alternatively, if both parties accept the preliminary determination, OSRR will notify the parties that there will be no hearing. This notice will indicate that the preliminary determination as to policy violation(s) that the parties choose to accept is final, and that the OSRR is imposing the proposed sanction (if any); and that the parties have the right to appeal the sanction.

Hearing to Determine Policy Violations

The hearing officer and hearing coordinator will hold a separate meeting with each party, to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive, and fair hearing.

If a party does not participate (and does not timely reschedule), the hearing proceeds and the party is presumed to agree with the scope.

Within five business days after concluding pre-hearing meetings with both parties, the officer sets disputed issues and notices the parties of the scope and the expected witnesses.

Not less than 10 business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.

At least two business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence; copies of all the evidence that will be considered at the hearing that the hearing officer has received, the names of expected witnesses and a summary of their expected testimony.

The hearing officer will decide whether a violation of the UC policy on SVSH (or related non-SVSH policy violation) occurred based on a preponderance of evidence standard. The hearing officer will take into account the investigative file and the evidence

presented and accepted at the hearing. On any disputed and material issue, the hearing officer should make their own determination.

The hearing coordinator will send a copy of the hearing officer's determination to OSRR. Within 15 business days of the hearing, the hearing coordinator will send written notice to the complainant and respondent setting forth the hearing officer's determination on whether the UC policy on SVSH and/or other student conduct policies have been violated, and, if so, OSRR's determination of any sanctions to be imposed.

Appealing the Hearing Officer's Decision

The complainant and respondent have an equal opportunity to appeal the SVSH Policy violation determination(s) and any sanction(s). While the university administers the appeal process, it is not a party and does not advocate for or against any appeal.

If either party appeals the finding, the appeal officer will determine whether the appealing party met the grounds for appeal. The following grounds for appeal apply:

- There was a procedural error in the hearing process that materially affected the outcome;
- 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 a hearing; and
- The sanctions were disproportionate to the hearing officer's findings.

In cases where a ground of appeal is disproportionate sanction, the parties may meet separately with the appeal officer or provide a written statement for the limited purpose of providing input on their desired outcomes as to sanctions only.

The appeal officer may uphold the findings and sanctions; overturn the findings or sanctions; modify the findings or sanctions; or in appeals alleging material procedural error or new evidence, send the case back to the hearing officer for further fact finding if needed.

The appeals officer will send their written decision to the complainant and respondent within 10 business days.

Factors Considered in Determining Sanctions

In all cases, when determining the appropriate and proportionate sanction, the following factors will be taken into account when applicable:

- Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; use of authority to abuse trust or confidence;

presence of weapons; use of force or violence; physical injury; menace; duress; deliberately causing or taking advantage of a person's incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

- Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; planned or predatory conduct; hate or bias based on the complainant's membership or perceived membership in a protected group as defined in PACAOS Section 104.90 of the Policy on Student Conduct and Discipline.
- Whether the conduct is aggravated, as defined in the UC policy on SVSH.
- Response following violation: voluntarily acknowledge wrongdoing at early stage of the process; failure to follow no contact order; attempt to influence witnesses; obstructed or disrupted the process.
- Disciplinary history: unrelated prior violations; related prior violations.
- Impact on others: input from the Complainant; protection or safety of the Complainant or the community. Sanctioning Options for Appendix F University sanctions include, but are not limited to:
 - Dismissal from the University of California; Suspension from the University of California;
 - Exclusion from areas of the campus and/or from official University functions;
 - Loss of privileges and/or exclusion from activities; Restitution;
 - Probation;
 - Censure/Warning; and/or
 - Other actions as set forth in University policy and campus regulations.

Sanctions will be assigned as follows:

- Sexual Assault – Penetration or Sexual Assault – Contact that is aggravated as defined in the UC policy on SVSH will result in a minimum sanction of suspension for two calendar years.
- 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 UC policy on SVSH, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified above. As indicated in the policy, sanctions involving separations from the university will follow the time frames outlined, ranging from a one-year suspension to a dismissal from the university unless exceptional circumstances are identified, which is by definition, rare.

Anticipated Timelines

- All days referred to in this timeline are workdays, defined as Monday – Friday, when the university is officially open.

- OPHD investigates allegations and makes preliminary determinations as promptly as possible, optimally within 60 to 90 days. Extensions to this timeline can be made for good cause. If extensions are made, the parties will be notified.

Additional timeline information can be found in the process description and UCOP Appendix F.

Conduct Process for Senate and Non-Senate Faculty

Consistent with the SVSH Policy, the following describes the University's process for investigating and adjudicating alleged violations of the SVSH Policy in instances where the respondent is a University faculty member whose conduct is governed by Section 015 of the Academic Personnel Manual (APM-015), The Faculty Code of Conduct (Code of Conduct). <https://www.ucop.edu/title-ix/files/investigation-and-adjudication-framework-for-senate-and-non-senate-faculty.pdf>.

Investigating and Resolving Reports of Prohibited Conduct (Stage 1)

When the University has sufficient information, it may resolve reports through Alternative Resolution, Formal Investigation, or a DOE Grievance Process (for DOE-Covered Conduct). Throughout the process, both parties may have an advisor, and the University offers support services. The Title IX Office considers requests for language interpretation and, with the disability office, disability-related accommodations.

Alternative Resolution

With a preliminary inquiry and written agreement of both parties, the Title IX Officer may initiate Alternative Resolution consistent with SVSH Policy. It is not available when the complainant is a student or patient and the respondent is an employee.

Investigation

If Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may open an investigation under the Formal Investigation provisions or the DOE Grievance Process. When DOE-Covered Conduct and other Prohibited Conduct arise from the same facts, the University addresses all allegations together under DOE procedures. If both "No-Title IX Hearing" DOE-Covered Conduct and other DOE-Covered Conduct are alleged, the University uses the full DOE process, including preliminary determinations and a hearing right.

Notification to Chancellor

Upon commencing a Formal Investigation or DOE Grievance Process involving a faculty respondent, the Title IX Officer notifies the Chancellor and designee, communicates with sensitivity to protect neutrality and privacy, and provides regular status updates.

Notice of Investigation

The Title IX Office provides written notice at least three business days before any requested interview. The notice includes: a summary of allegations; the parties' identities; known dates, times, and locations; potentially violated SVSH provisions; the applicable standard (preponderance of evidence) and its link to probable cause under APM-015; opportunities to propose questions and review directly related evidence; the expectation that findings follow an investigation or hearing; when applicable, notice that non-DOE violations may still be determined if DOE criteria are not met; timelines; party rights (including the right to any advisor, including an attorney); resources; and an admonition against retaliation. The Title IX Officer may amend the notice to add charges and will include the same required information.

Investigative Process

The Title IX Officer assigns an investigator to conduct a fair, thorough, and impartial investigation. Both parties may meet with the investigator, submit information, identify witnesses, and propose questions. The investigator meets separately with parties and witnesses, gathers relevant information, follows up as needed, and relies on evidence that is relevant and reliable. Disclosure of facts during interviews is limited to what is necessary for a fair process, and participants may be counseled to keep information private. Parties may bring an advisor to interviews; other witnesses may bring a representative as permitted by policy or contract.



The investigator coordinates with police when there is a criminal investigation and may briefly delay the University investigation at law enforcement's request.

Specific Types of Evidence

Sexual history of complaint. A complainant's sexual history is generally not considered. Limited exceptions may apply (e.g., how the parties communicated consent in past consensual encounters or whether someone else was the source of physical evidence). Sexual-history evidence is never used to show character. The investigator allows it only if directly relevant, informs the parties, and explains the decision in writing if admitted.

Expert Evidence. Parties may request to present expert evidence by writing to the Title IX Officer and explaining the expert, topic, relevance, and any prior relationship. The Title IX Officer approves only relevant expert evidence and may allow the other party to present a counterpart expert or retain a neutral expert. Experts must provide qualifications, factual bases, and methodology; these inform weight and credibility. Generally, experts may not later testify at a hearing unless they provided evidence during the investigation.

Clinical Records

The investigator does not access or use medical/behavioral health records or privileged materials without the party's voluntary written consent.

Evidence Review

Before the investigation is concluded, each party may review and submit a written response to directly related evidence, including evidence not relied upon, and summaries of statements. The Title IX Officer ensures privacy during review and provides at least 10 business days for response, absent good cause. In "No-Title IX Hearing" DOE matters, parties may submit written questions for the investigator to pose to the other party and witnesses, receive responses, and propose limited follow-ups; the investigator declines irrelevant or unduly repetitive questions and explains any denials.

Investigation Report and Determination or Preliminary Determination

After the investigation, the investigator issues a written report summarizing allegations, statements, and evidence, with findings of fact and either a determination (Formal Investigation or "No-Title IX Hearing" DOE matters) or a preliminary determination (other DOE matters) applying the preponderance standard. The report explains any evidence offered but not relied upon and describes party review opportunities. In "No-Title IX Hearing" DOE matters, both parties may review and respond to the draft report; the report becomes final no sooner than 10 business days after sharing.

If conduct meets DOE criteria but was not charged as such, the investigator issues determinations (or preliminary determinations) accordingly and the Title IX Officer

proceeds under DOE procedures. If charged DOE conduct is not met, the report addresses any other Prohibited Conduct as noticed.

A determination that a respondent violated the SVSH Policy in a Formal Investigation or in a “No-Title IX Hearing” DOE process (after any appeal) establishes probable cause under APM-015.

Notice of Investigation Outcome

Once the report is finalized, the Title IX Officer (or designee) issues written notice to both parties (with a redacted report as appropriate) and to the Chancellor or designee. The notice includes: a summary of factual findings and the determination or preliminary determination; anti-retaliation language; any continuing supportive measures; each party’s opportunity to respond in writing or in person to the Chancellor or designee; anticipated timelines; and whether additional review may be needed for other Code of Conduct issues.

If the investigator found a violation in a Formal Investigation or a “No-Title IX Hearing” DOE matter, the notice states that the finding constitutes probable cause under APM-015 and outlines the Senate or non-Senate discipline path (Peer Review Committee engagement for Senate; Peer Review Committee or Academic Personnel Office consultation for non-Senate). In other DOE processes, the notice explains acceptance, hearing, and appeal steps per the DOE Addendum.

Timeframe for Completion of Investigation; Extension for Good Cause

The University aims to issue the notice of outcome and final report within 60–90 business days of opening the Formal Investigation or DOE process. The Title IX Officer may extend for good cause with written notice of reasons and a projected timeline, and will keep both parties regularly informed.

Assessment and Consultation (Stage 2)

After a Formal Investigation, the Chancellor or designee decides on next steps and may request further inquiry only to address other potential Code of Conduct violations (not to reinvestigate SVSH allegations). In a “No-Title IX Hearing” DOE matter, parties may appeal; after appeal is final or waived, the Chancellor or designee decides on action. In other DOE matters, parties may accept the preliminary determination; if the preliminary determination includes DOE-Covered Conduct, the Chancellor or designee proposes a resolution after engaging the Peer Review Committee (Senate) or consulting the Academic Personnel Office (non-Senate). The Chancellor or designee may consult Title IX, Academic Personnel, and other appropriate offices at any time.

Opportunity to Respond

Each party has five business days from transmittal of the investigation report to respond to the Chancellor or designee in writing, in person, or both. This response is to share perspectives and desired outcomes, not to relitigate facts or present new evidence.

Peer Review Committee for Senate Faculty

When a Senate respondent is determined or preliminarily determined to have violated SVSH Policy, the Chancellor or designee engages the Peer Review Committee for advice on resolution, including whether to pursue charges under APM-016 or an early resolution, and on appropriate discipline or corrective measures.

Peer Review Committee or Consultation with Academic Personnel for Non-Senate Faculty When a non-Senate respondent is determined or preliminarily determined to have violated SVSH Policy, the Chancellor or designee engages the Peer Review Committee or consults the Academic Personnel Office, as established by the campus.

Title IX Officer Consultation for Senate and Non-Senate Faculty

When a non-Senate respondent is determined or preliminarily determined to have violated SVSH Policy, the Chancellor or designee engages the Peer Review Committee or consults the Academic Personnel Office, as established by the campus.

Decision on Sanctions for Senate Faculty (Stage 3)

The steps outlined below apply when a Senate faculty respondent is found in violation of the SVSH Policy following a Formal Investigation, following an investigation and any appeal (per Section IV.C of the DOE Addendum) in a DOE Grievance Process addressing No-Title IX Hearing DOE-Covered Conduct, or following a hearing and any appeal (per Sections IV.B and IV.C of the DOE Addendum) in any other DOE Grievance Process.

Decision by Chancellor or Chancellor's Designee

Following consultation with the Peer Review Committee and Title IX, and consistent with APM-016, the Chancellor or designee decides how to resolve the matter. Under APM-015, the Chancellor must initiate related disciplinary action by issuing a notice of proposed action within three years after the Chancellor is deemed to know of the violation (knowledge is deemed when the allegation is first reported to a department chair or higher, or to the Title IX Officer).

No Formal Discipline

If the matter is resolved without formal discipline, the Chancellor or designee promptly informs both parties and explains the rationale.

Early Resolution

The Chancellor or designee may enter an early resolution with the respondent at any time before final discipline and will promptly inform the complainant of the terms including discipline or corrective measures and the rationale.

Charge Filed with Academic Senate Committee on Privilege & Tenure

The Chancellor or Chancellor's designee can take steps to propose discipline and file a charge with the Academic Senate's Committee on Privilege & Tenure without first pursuing early resolution, or if respondent does not agree to early resolution.

The Chancellor or Chancellor's designee will promptly inform complainant that the charge has been filed.

Timeframe for Decision; Extension for Good Cause

The Chancellor or Chancellor's designee should implement their decision promptly, typically within 40 business days of receipt of the notice of investigation outcome and accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, a charge will be filed with the Academic Senate's Committee on Privilege & Tenure. A charge will not be held in abeyance or suspended while an early resolution is being pursued or finalized.

Extensions to this timeline may be granted by the Chancellor or Chancellor's designee for good cause with written notice to the complainant and respondent stating the reason for the extension and the projected new timeline.

Process following the Filing of a Senate Charge

Procedures follow APM-015/016, Senate Bylaw 336, and applicable divisional bylaws. The investigation report and any hearing officer determination are accepted as evidence at P&T. The Chancellor or designee provides regular status updates to both parties. Within fourteen calendar days of receiving the P&T recommendation, the Chancellor makes a final decision unless the case involves dismissal of a tenured or security-of-employment faculty member, in which case dismissal authority rests with The Regents on recommendation of the President after consulting the Chancellor. Extensions may be granted for good cause with notice. Both parties are promptly informed of the final decision and rationale.

Decision on Sanctions for Non-senate Faculty (Stage 3)

The below provisions apply when a non-Senate faculty respondent is found in violation of the SVSH Policy following a Formal Investigation, following an investigation and any appeal (per Section IV.C of the DOE Addendum) in a DOE Grievance Process addressing No-Title IX Hearing DOE-Covered Conduct, or following a hearing and any appeal (per Sections IV.B and IV.C of the DOE Addendum) in any other DOE Grievance Process.

Decision by Chancellor or Chancellor's Designee

Following consultation with Title IX and the Peer Review Committee or Academic Personnel Office, and consistent with APM-150, the Chancellor or designee determines

the resolution. Under APM-015, the Chancellor must issue a notice of proposed action within three years after being deemed to know of the violation.

No Disciplinary Action

If the matter is resolved without disciplinary or corrective action, the Chancellor or designee promptly informs both parties and explains the rationale.

Informal Resolution

The Chancellor or designee may pursue informal resolution under APM-150, which may include discipline and/or corrective measures, at any time before final dismissal or corrective action. Once agreed, the complainant is promptly informed of the terms and rationale.

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.

Timeframe for Decision; Extension for Good Cause

The decision should be implemented within forty business days of receiving the investigation outcome and report. If unresolved by day forty, a Notice of Intent is issued. Extensions may be granted for good cause with written notice to both parties.

Process for Following the Provision of a Written Notice of Intent

Procedures follow APM-150. If the respondent files a grievance under APM-140 (or elects S.O. 103.9/Senate Bylaw 337 in lieu of APM-140, thereby waiving the other mechanism), the Chancellor's designee ensures both parties receive regular status updates. After a final decision, the Chancellor or designee promptly informs both parties of the outcome, any discipline, and the rationale.



DOE Addendum to Investigation and Adjudication Framework for Senate and Non-senate Faculty

Introduction

In general, the Senate and Non-Senate Faculty Framework (“Framework”) applies to both DOE Covered Conduct and other Prohibited Conduct. Special provisions that apply specifically to DOE-Covered Conduct are described below.

Reporting and Resources (Stage 0)

Reporting options and resources are as described in the corresponding numbered section in the Framework.

Initial Assessment (Stage 1)

Supportive measures and written rights and options follow the Framework. The additional DOE-specific rule below applies to dismissals.

Required Dismissal

The Title IX Officer must dismiss allegations in a DOE Formal Complaint if, even if true, the conduct is not DOE-Covered Conduct; if the conduct did not occur in a University program or activity; or if the complainant was not in the United States when the conduct occurred. Dismissal removes DOE coverage but does not require case closure; the Title IX Officer decides whether and how to continue under other processes consistent with the SVSH Policy.

Investigating and Resolving Reports of Prohibited Conduct (Stage 1)

The investigation and resolution of reports, including Alternative Resolution and Investigation, are as described in the corresponding numbered section of the Framework. If the Title IX Officer determines during the investigation that they must dismiss any allegations in a DOE Formal Complaint per Section II.C., above, they will proceed as described in the SVSH Policy Appendix IV, Section C.

Assessment and Consultation (Stage 2)

Assessment and consultation follow the Framework. In DOE cases, after Stage 2 the Chancellor or designee informs the Academic Personnel Office and the Title IX Officer of any proposed resolution and its rationale, and the designated office notifies both parties within fifteen business days of the notice of investigative findings and the determination or preliminary determination.

Sections IV.A (Opportunity to Accept the Preliminary Determination) and IV.B (Prehearing and Hearing) apply to all DOE Grievance Process cases except those alleging No-Title IX Hearing DOE-Covered Conduct. Section IV.C (Appeal of Determination) applies to all DOE cases, including No-Title IX Hearing matters

Opportunity to Accept the Preliminary Determination (Stage 2.A)

Timeline

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

Written Acceptance

A party may accept the preliminary determination and any proposed resolution by providing the Academic Personnel Office or Title IX Officer (whichever the campus designates) with a written acknowledgment stating that the party accepts the preliminary determination and any proposed resolution and wishes not to proceed with a hearing.

Final Decision Following Acceptance

If both parties provide the written acceptance during the twenty business days, then the preliminary determination regarding policy violation(s) becomes final and the Chancellor or Chancellor's designee will impose the proposed resolution, including any discipline or other corrective measures.

Notice of Hearing

Unless both parties accept the preliminary determination and any proposed resolution by the end of the twenty business days, the Academic Personnel Office or Title IX Officer (whichever the campus designates) will notify the parties that there will be a hearing. The notice of hearing will include a summary of the hearing procedures described in Section IV.C.

Notice of No Hearing

If both parties accept the preliminary determination and any proposed resolution, the Academic Personnel Office or Title IX Officer (whichever the campus designates) will notify the parties that there will be no hearing. This notice will indicate that the investigator's preliminary determination as to policy violation(s) is final, and that the Chancellor or Chancellor's designee is imposing the proposed resolution (if any).

Prehearing and Hearing (Stage 2.B)

Fact-finding Hearing

Unless both parties accept the investigator's preliminary determinations, there will be a fact-finding hearing before a single hearing officer. The hearing is to determine whether a violation of the SVSH Policy occurred. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence

presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

Hearing Officer

Overview

The hearing officer may be a University employee or outside contractor and may not be the same person as the Title IX Officer or the investigator. Regardless, they will be appropriately trained, with such training coordinated by the Title IX Officer.

Bias and Conflict of Interest

Within five business days of being told the officer's identity, either party may seek disqualification for bias or conflict. The Academic Personnel Office decides the request and, if granted, appoints a new officer. Employment by the University alone does not warrant disqualification, nor do demographic characteristics.

Hearing Coordinator

Each hearing will have a hearing coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

Pre-Hearing Procedures

Meeting with Parties

The officer and coordinator meet separately with each party (in person or remotely) to explain process, address questions, define scope, and discuss logistics and well-being measures. At least ten business days before the pre-hearing meeting, the coordinator sends written notice. No later than five business days before that meeting, each party submits disputed issues, intended evidence and documents, proposed witnesses, and brief witness summaries. Parties should be prepared to schedule hearing dates. If a party does not attend and does not timely reschedule, the hearing proceeds and that party is presumed to agree with the officer's scope definition.

Scope of Hearing

Within five business days after the pre-hearing meetings, the officer identifies disputed, relevant issues; decides which witnesses are within scope; and excludes irrelevant or unduly repetitive evidence. The officer may include issues or witnesses not proposed by the parties.

Submission of Additional Information

Within five business days after receiving the scope, each party may submit additional information regarding evidence and witnesses.

Notice of Hearing

Not less than ten business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.

Witness Participation

The coordinator ensures the Title IX investigator (or designee) is available to testify as needed to address authenticity or memorialization issues. The investigator is not questioned about credibility assessments, the investigative process generally, or their preliminary determination.

Confirmation of Scope, Evidence, and Witnesses

At least two business days before the hearing, the parties receive the officer's confirmation of scope and evidence; copies of all evidence to be considered (including the investigation file and directly related evidence); and the list of expected witnesses with brief summaries. The officer explains any exclusions and any procedural determinations.

Submission of Questions

Parties are encouraged to submit proposed questions in advance; they may also ask additional questions at the hearing through their advisors. If a party lacks an advisor, the University provides a person ("Reader") solely to ask the party's questions at no cost.

Hearing Procedures

Advisors and Support Persons

The parties may have their advisors present throughout the hearing. They may also have a support person present throughout the hearing.

Rules of Conduct

Parties may have an advisor and a support person present throughout. Hearings are conducted remotely unless otherwise arranged; the University will provide space or technology upon timely request. Courtroom rules do not apply. The officer relies on relevant and reliable evidence, rules on relevance before answers, requires rephrasing of improper questions, decides procedural issues, and may ask follow-up questions. Parties and witnesses address only the officer. Parties may keep a written log of objections for inclusion in the record.

Access to Witnesses

Parties can see and hear all questioning, with auxiliary aids if needed. Witnesses attend only for their testimony. The officer may implement well-being measures, including visual separation, while ensuring sufficient access to assess credibility.

Investigation File

The investigation file is entered into evidence. Generally, new evidence not identified during pre-hearing is disfavored, but the officer may admit or exclude it. The University audio-records the hearing and makes the recording available upon request.

Impact of Selective and Non-Participation

The officer draws no adverse inference from non-participation or silence, but may consider selective participation when assessing credibility.

Determination for Deliberation

The officer determines whether a violation occurred using the preponderance of the evidence standard, considering the investigation file and accepted hearing evidence and making independent findings on disputed, material issues.

Notice of Determination

Within fifteen business days of the hearing, the coordinator sends simultaneous written notice to both parties, with a copy to the Title IX Officer. The notice summarizes the allegations; states each determination; explains any additional remedies to be considered for the complainant; describes procedural history; sets out findings on disputed facts with evidentiary analysis; summarizes undisputed facts; provides the rationale for each charge; analyzes other charged conduct if DOE-Covered Conduct is not found; includes anti-retaliation language; explains appeal rights, grounds, timelines, and process; explains distribution of any appeal; describes the post-determination discipline process and party notifications; notes any further review for other policy violations; and states that a final determination of a violation (after any appeal) establishes probable cause under APM-015.

Documentation of Hearing

The coordinator documents compliance with procedures and timeframes and, after finalizing the notice, provides the documentation, hearing materials, and recording to the Title IX Officer.

Appeal of Determination (Stage 2.C)

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

Grounds for Appeal

A party may appeal only on the grounds described in this section.

1. In cases of No-Title IX Hearing DOE-Covered Conduct:

- a. There was procedural error in the investigation process that materially affected the outcome; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;
 - b. There is new evidence that was not reasonably available at the time of the investigation that could have materially affected the outcome; and/or
 - c. The investigator or Title IX Officer had a conflict of interest or bias that affected the outcome. The principles in Section IV.B.(B)(2) related to hearing officers apply here to investigators and Title IX Officers.
2. In all other cases:
 - a. There was procedural error in the hearing process that materially affected the outcome; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;
 - b. There is new evidence that was not reasonably available at the time of the hearing that could have materially affected the outcome; and/or
 - c. The hearing officer had a conflict of interest or bias that affected the outcome.

The appeal should identify the reason(s) why the party is challenging the outcome on one or more of the available grounds.

Commencing an Appeal

An appeal must be submitted to the hearing coordinator within twenty business days of the applicable notice. The non-appealing party has three business days to submit a written response.

Standards for Deliberation

The appeal officer decides whether the asserted ground is proven, considering only the existing record (investigation record in No-Title IX Hearing cases or hearing record in other cases) and party submissions. The appeal officer does not make new factual findings or credibility determinations.

Decision by Appeal Officer

The appeal officer, who will be an unbiased person without prior involvement in the case or personal relationship with the parties, may:

1. Uphold the findings;
2. Modify the findings; or
3. In appeals alleging material procedural error or new evidence, send the case back to the investigator (in No-Title IX Hearing cases) or hearing officer (in all other cases) for further fact-finding if needed, for example on the issue of whether the alleged error, new evidence, would have materially affected the outcome.

Written Report and Distribution of Written Decision

The appeal officer issues a written report stating the grounds, the information considered, the decision with rationale, and—if a violation is ultimately final—notice that the decision constitutes probable cause under APM-015. The written decision is sent to both parties and the Title IX Officer within ten business days of receiving the appeal. If remanded, the officer specifies the additional fact-finding required and issues a final decision within ten business days after receiving the supplemental record.

Additional Assessment and Consultation (Stage 2.D)

After any appeal is final or the appeal window lapses, the Title IX Officer sends the final findings and determination to the Chancellor or designee, including a brief explanation of any differences from the investigator's earlier determination. The Chancellor or designee decides what action to take, may request additional inquiry to address other Code of Conduct issues, and does not reconsider SVSH findings. If a violation is final, the Chancellor or designee consults the Title IX Officer and either engages the Peer Review Committee (Senate) or consults the Academic Personnel Office (non-Senate), consistent with the Framework, before deciding on resolution.

For Senate Faculty, the matter proceeds under Stage 3: Decision on Sanctions for Senate Faculty in the Framework. For Non-Senate Faculty, the matter proceeds under Stage 3: Decision on Sanctions for Non-Senate Faculty in the Framework. Under APM-016, available discipline includes, in increasing severity: written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal. The Chancellor may not impose a sanction more severe than that noticed, may impose more than one sanction for a single act, and may remove or terminate a sanction in individual cases. The type and severity of discipline must be appropriately related to the case's circumstances.

Conduct Process for Staff and Non-Faculty Academic Personnel

Consistent with the SVSH Policy, the following describes the University's process for investigating and adjudicating alleged violations of the SVSH Policy in instances where the respondent is either a University employee whose conduct is governed by Personnel Policies for Staff Members ("PPSMs"), and who is subject to disciplinary and termination procedures outlined in PPSM 62 (Corrective Action – Professional and Support Staff) and PPSM 64 (Termination and Job Abandonment) or a non-faculty academic appointee who is subject to disciplinary procedures under the Academic Personnel Manual ("APM"), APM-150 (Non-Senate Academic Appointees/Corrective Action and Dismissal).

https://www.ucop.edu/title-ix/_files/staff-nfap-framework-flowcharts-final-english.pdf.

Investigating and Resolving Reports of Prohibited Conduct (Stage 1)

With sufficient information and consistent with the SVSH Policy, reports may be resolved through Alternative Resolution, Formal Investigation, or a DOE Grievance Process. Both parties may have an advisor; the University offers support services, language interpretation, and disability accommodations (with the disability office as appropriate).

Alternative Resolution

After a preliminary inquiry and written consent of both parties, the Title IX Officer may initiate Alternative Resolution. It is not available when the complainant is a student or patient and the respondent is an employee.

Investigation

In cases where Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may conduct an investigation per the Formal Investigation or DOE Grievance Process provisions in the SVSH Policy. When the University opens an investigation of allegations of DOE-Covered Conduct and other Prohibited Conduct that arise out of the same facts or circumstances, it will address all allegations together through the DOE Grievance Process procedures. When the investigation includes allegations of both No-Title IX Hearing DOE Covered Conduct and other DOE-Covered Conduct that arise out of the same facts or circumstances, the University will address all allegations together through the full DOE Grievance Process, including reaching preliminary determinations and providing parties the right to a hearing.



Notification

The Title IX Officer will notify the Chancellor's designee and the respondent's supervisor or other appropriate administrative appointee when a Formal Investigation or DOE Grievance Process is commenced against a respondent. The Title IX Officer will be sensitive in their communication to protect the neutrality of the Chancellor's designee and the neutrality of the supervisor or other appropriate administrative appointee, as well as the privacy of the complainant and respondent. Thereafter, the Title IX Officer will ensure that the Chancellor's designee and/or supervisor or other appropriate administrative appointee are regularly updated regarding the status of the Formal Investigation or DOE Grievance Process.

Notice of Investigation

At least three business days before a requested interview, the Title IX Office provides written notice including: (a) a summary of allegations and potential SVSH violations; (b) party identities; (c) known dates/times/locations; (d) potentially violated SVSH provisions; (e) that the report will make factual findings and either a determination (Formal Investigation or No-Title IX Hearing DOE matters) or a preliminary determination (other DOE matters); (f) each party's chance to propose questions; (g) each party's chance to review directly related evidence before completion; (h) the preponderance of the evidence standard; (i) that no responsibility finding will be made before an investigation or hearing; (j) if applicable, that non-DOE violations may still be determined; (k) a brief process/timeline overview; (l) party rights (including the right to any advisor, including an attorney); (m) available resources; and (n) an anti-retaliation admonition. The notice may be amended to add charges with the same required information.

Investigative Process

The Title IX Officer assigns an investigator to conduct a fair, thorough, impartial investigation. Both parties may meet with the investigator, submit information, identify witnesses, and propose questions. The investigator meets separately with parties/witnesses, follows up as needed, and relies on relevant and reliable evidence; they may exclude irrelevant or immaterial evidence. Disclosure during interviews is limited to what is necessary; participants may be counseled to keep information private. Parties may bring an advisor; other witnesses may bring a representative as policy/agreements allow.

Coordination with Law Enforcement

When a law enforcement agency is conducting its own investigation into the alleged conduct, the Title IX investigator will make every effort to coordinate their fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed temporarily to meet specific needs of the criminal investigation.

Specific Types of Evidence

Sexual history of complainant. A complainant's sexual history is generally not considered, with limited, directly relevant exceptions (e.g., past communication of consent or alternative source of physical evidence). Character/reputation evidence is never relevant. Any allowance is explained in writing.

Expert witnesses. Parties may request expert evidence by writing to the Title IX Officer with the expert, topic, relevance, and any prior relationship. Only relevant expert evidence is allowed; counterpart or neutral experts may be permitted. Experts provide qualifications, factual bases, and methodology, which inform weight/credibility. Generally, experts cannot later testify at a hearing unless they participated during the investigation.

Clinical and Privileged Records

Medical, behavioral health or privileged records are not accessed or used without voluntary written consent.

Evidence Review

Before conclusion, both parties may review directly related evidence (including evidence not relied upon) and submit a written response; the Title IX Officer provides at least ten business days for this review, absent good cause. In No-Title IX Hearing DOE matters, parties may submit written questions for the investigator to pose, receive responses, and propose limited follow-ups; irrelevant/repetitive questions are declined with an explanation.

Investigation Report and Determination or Preliminary Determination

After the investigation, the investigator issues a written report with allegations/issues, party/witness statements, evidence summary, findings of fact, and either a determination (Formal Investigation or No-Title IX Hearing DOE matters) or a preliminary determination (other DOE matters) under the preponderance standard. The report explains any evidence offered but not relied upon and how parties reviewed/responded. In No-Title IX Hearing DOE matters, parties may review and respond to the draft; the report becomes final no sooner than 10 business days after sharing.

If facts show DOE-Covered Conduct that was not charged, the investigator issues the appropriate determination(s) and the Title IX Officer proceeds under DOE procedures. If charged DOE conduct is not met, the report addresses any other Prohibited Conduct as noticed.

Notice of Investigation Outcome

When the report is finalized, the Title IX Officer (or designee) issues a written notice to both parties (with a redacted report as appropriate) and to the Chancellor's designee

and supervisor/administrator. The notice includes: a summary of factual findings and the determination or preliminary determination; anti-retaliation language; any continuing supportive measures; each party's opportunity to respond in writing or in person to the Chancellor's designee and supervisor/administrator; and whether additional review may be needed for other policy issues.

If a violation is found in a Formal Investigation or No-Title IX Hearing DOE matter, the notice explains the discipline path:

- PPSM-covered staff: the supervisor proposes a resolution (e.g., corrective action under PPSM-62 or termination under PPSM-64), subject to Chancellor's designee approval.
- Non-faculty academics: the supervisor/administrator proposes a resolution (e.g., corrective action or dismissal under APM-150), subject to Chancellor's designee approval.

The notice states that both parties will be informed of the final resolution and anticipated timelines.

DOE processes. In No-Title IX Hearing DOE matters, both parties have a right to appeal the investigator's determination. In other DOE matters, if the preliminary determination is that a violation occurred, the supervisor/administrator will propose a resolution for Chancellor's designee review; unless both parties accept the preliminary determination and proposed resolution, a fact-finding hearing will determine whether a violation occurred.

Timeframe for Completion of Investigation; Extension for Good Cause

The notice of outcome and report are typically issued within 60–90 business days of opening the Formal Investigation or DOE process. Extensions for good cause may be made with written reasons and a projected timeline. The Title IX Officer keeps both parties regularly informed.

Assessment and Consultation (Stage 2)

After a Formal Investigation, the supervisor/administrator proposes actions in response to the report; the Chancellor's designee reviews/approves. They may request further inquiry to address other policy issues but do not reinvestigate SVSH allegations.

After a No-Title IX Hearing DOE investigation, parties may appeal; once final, the supervisor/administrator proposes and implements action (see DOE Addendum Stages 2.C/2.D). For other DOE investigations, parties may accept or not accept the preliminary determination; if DOE-Covered Conduct is found, the supervisor/administrator proposes a resolution for Chancellor's designee review, and parties may review it before deciding whether to accept.

The Chancellor's designee and supervisor/administrator may consult Title IX, Staff HR, Academic Personnel, and other offices at any time.

Opportunity to Respond

The complainant and the respondent will have an opportunity to respond to the notice of investigation outcome and accompanying investigation report through a written statement and/or in-person meeting that will be submitted to the respondent's supervisor or other appropriate administrative authority and the Chancellor's designee. The parties will have five business days after the Title IX Officer sends the investigation report to respond.

The purpose of this response is not to challenge the factual findings in the Title IX investigation report or present new evidence, but to provide the complainant and the respondent with an opportunity to express their perspectives and address what outcome they wish to see.

Decision Proposal and Submission for Approval

If a violation is determined or preliminarily determined, the supervisor/administrator proposes a decision for Chancellor's designee approval. If not approved, it is returned for reconsideration. If approved, the supervisor/administrator implements the decision (Formal Investigation) or informs Title IX and HR/APO for DOE matters. Staff HR or Academic Personnel are consulted throughout, and the Chancellor's designee consults the Title IX Officer before approval.

Corrective or Other Actions (Stage 3)

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

PPSM Covered Staff: Decision Approval and Implementation

Following approval by the Chancellor's designee, the respondent's supervisor will implement the approved decision in accordance with applicable PPSMs, including PPSM-62 and PPSM-64. Per PPSM-62 corrective action includes written warning, corrective salary decrease, suspension, and demotion. PPSM-64 outlines termination procedures.

1. *No Further Action* The supervisor may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated to both the complainant and the respondent.
2. *Action Not Requiring Notice of Intent* The supervisor may propose corrective or remedial actions that do not amount to corrective action as defined by PPSM 62 or termination under PPSM 64. The proposed actions will be reviewed by the Chancellor's designee for approval. In the event it is approved, the decision will

be implemented by the supervisor and the decision, and its terms and rationale will be promptly communicated to both the complainant and the respondent.

3. *Notice of Intent* The supervisor may propose to issue a notice of intent to institute corrective action in accordance with PPSM-62 or notice of intent to terminate in accordance with PPSM-64. The proposed terms of the notice of intent will be reviewed by the Chancellor's designee for approval. In the event it is approved, the decision will be implemented by the supervisor and the notice of intent will be issued. Following the provision of a notice of intent, corrective action will be taken in accordance with PPSM-62 and/or actions to terminate will be taken in accordance with PPSM-64. The terms of the implemented action and its rationale will be promptly communicated to both the complainant and the respondent.

Non-Faculty Academic Personnel: Decision Approval and Implementation

Following approval by the Chancellor's designee, the respondent's supervisor or other appropriate administrative authority will implement the approved action in accordance with APM-150.

1. *No Further Action* The supervisor or appropriate administrative authority may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated to both the complainant and the respondent.
2. *Informal Resolution* The supervisor or appropriate administrative authority may propose an informal resolution in accordance with APM-150, which may include discipline and/ or other corrective or remedial measures. The proposed informal resolution and its terms will be reviewed by the Chancellor's designee for approval. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action. In the event the informal resolution is approved and agreed to by the respondent, the complainant will be promptly informed of its terms and the rationale.
3. *Notice of Intent* The supervisor or other appropriate administrative authority may propose to issue a notice of intent instituting dismissal or other corrective action in accordance with APM-150. The proposed terms of the notice of intent shall be reviewed by the Chancellor's designee for approval. Following the provision of a notice of intent, corrective action or termination will be implemented in accordance with APM-150. The terms of the implemented action and its rationale will be promptly communicated to both the complainant and the respondent.

Timeframe for Implementation of Decision: Extension for Good Cause

The supervisor or other appropriate administrative authority should implement their approved decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying investigation report. If the matter has

not been otherwise resolved within forty (40) business days, a notice of intent will be issued.

Extensions to this timeline may be granted by the Chancellor's designee for good cause with written notice to the complainant and the respondent stating the reason for the extension and the projected new timeline.

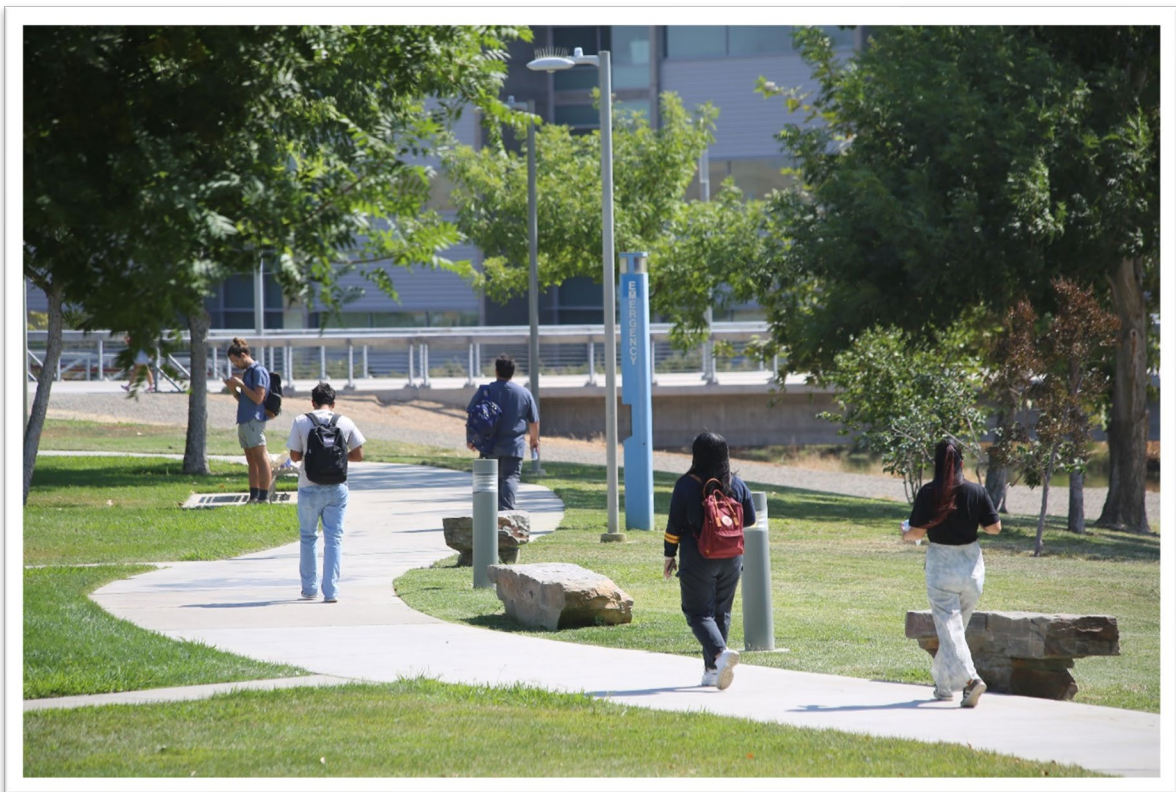
Process Following Action Taken

The below provisions apply when a respondent is found in violation of the SVSH Policy following a Formal Investigation or following a hearing and/or any appeal (per Section IV.B and Section IV.C of the DOE Addendum) in a DOE Grievance Process.

In the event that a PPSM-covered respondent submits a complaint under PPSM-70, or a non-faculty academic appointee respondent submits a grievance under APM-140, the Chancellor's designee will ensure that both the complainant and the respondent receive regular updates regarding the status of the complaint or grievance.

The complainant may follow processes appropriate to their own personnel or student policies.

Subsequent to any final decision, the Chancellor's designee will promptly inform the complainant and the respondent of the decision, including any final decision on discipline, and its rationale.



DOE Addendum to Investigation and Adjudication Framework for Staff and Nonfaculty Academic Personnel

Introduction

In general, the Staff and Non-Faculty Academic Personnel Framework (“Framework”) applies to both DOE-Covered Conduct and other Prohibited Conduct. Special provisions that apply specifically to DOE-Covered Conduct are described below.

Reporting and Resources (Stage 0)

Reporting options and resources are as described in the corresponding numbered section in the Framework.

Initial Assessment (Stage 1)

The initial assessment, including Supportive Measures and written rights and options, are as described in the corresponding numbered section of the Framework. The additional provision below on Dismissal of Formal Complaints is specific to DOE-Covered Conduct.

Supportive Measures

Supportive measures are as described in the corresponding numbered section of the Framework. B. Written Rights and Options Written rights and options are as described in the corresponding numbered section of the Framework.

Required Dismissal

The Title IX Officer must “dismiss” allegations in a DOE Formal Complaint if:

- they determine during the Initial Assessment that the alleged conduct, even if true, is not DOE-Covered Conduct, as defined in the SVSH Policy, or
- they determine during the investigation that the alleged conduct, even if true, did not occur in a University program or activity or that the Complainant was not in the United States at the time.

The Title IX Officer will then proceed as described in the SVSH Policy. Dismissal means the Title IX Officer will no longer consider the allegations DOE-Covered Conduct; it does not necessarily mean the Title IX Officer will close the matter. Rather, the Title IX Officer will decide whether and how to continue resolution of the dismissed allegations.

Investigating and Resolving Reports of Prohibited Conduct (Stage 1)

The investigation and resolution of reports, including Alternative Resolution and Investigation, are described in the corresponding numbered section of the Framework. If the Title IX Officer determines during the investigation that they must dismiss any allegations in a DOE Formal Complaint, they will proceed as described in the SVSH Policy.

Assessment and Consultation (Stage 2)

The assessment and consultation are described in the corresponding numbered section of the Framework.

In DOE-Covered Conduct cases, after the assessment and consultation described in Stage 2 of the Framework, the Chancellor or Chancellor's designee will inform Staff Human Resources or the Academic Personnel Office, and Title IX Officer, of the proposed decision and its rationale, and the Staff Human Resources or Academic Personnel Office or Title IX Officer (whichever the campus designates) will notify the parties. The parties will receive this notice within 15 business days of the notice of investigative findings and determination or preliminary determination.

Sections IV.A. (Opportunity to Accept the Preliminary Determination) and IV.B (Prehearing and Hearing), below, apply to all DOE Grievance Process cases except those alleging No-Title IX Hearing DOE-Covered Conduct.

Section IV.C (Appeal of Determination) applies to all DOE Grievance Process cases, including those alleging No Title IX Hearing DOE-Covered Conduct.

Opportunity to Accept the Preliminary Determination (Stage 2.A)

Unless both parties accept the preliminary determination and proposed resolution, there will be a fact-finding hearing to determine whether the SVSH Policy was violated.

Accepting the Preliminary Determination

Time

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.

Written Acceptance

A party may accept the preliminary determination by providing Staff Human Resources or the Academic Personnel Office, or the Title IX Officer (whichever the campus designates) with a written acknowledgment stating that the party accepts the preliminary determination and any proposed resolution and wishes not to proceed with a hearing.

Final Decision Following Acceptance

If both parties provide the written acknowledgment during the twenty business days, then the preliminary determination regarding policy violation(s) becomes final, and the respondent's supervisor or appropriate administrative authority will impose the proposed resolution, including any discipline or corrective measures. The parties do not have the opportunity to appeal the final decision following their acceptance of the preliminary

determination, nor complain under PPSM-70 (for a PPSM-covered respondent), submit a grievance under APM-140 (for a nonfaculty academic appointee respondent), or submit a grievance under a collective bargaining agreement (for represented employee respondents).

Notice of Hearing or No Hearing

Notice of Hearing

Unless both parties accept the preliminary determination by the end of the twenty business days, Staff Human Resources or the Academic Personnel Office, or the Title IX Officer (whichever the campus selects), will notify the parties that there will be a hearing. The notice of hearing will include a summary of the hearing procedures.

Notice of No Hearing

If both parties accept the preliminary determination, Staff Human Resources or the Academic Personnel Office, or the Title IX Officer (whichever the campus selects), will notify the parties that there will be no hearing. This notice will indicate that the Title IX investigator's preliminary determination as to policy violation(s) is final, and that the respondent's supervisor or other appropriate administrator is imposing the proposed resolution (if any). If the resolution includes corrective action, the University will issue any applicable Notice of Intent.

Prehearing and Hearing (Stage 2.B)

Fact-finding Hearing

Unless both parties accept the investigator's preliminary determinations, there will be a fact-finding hearing before a single hearing officer. The hearing is to determine whether a violation of the SVSH Policy occurred. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

Hearing Officer

Overview

The hearing officer may be a University employee or outside contractor and may not be the same person as the Title IX Officer or the investigator. Regardless, they will be appropriately trained, with such training coordinated by the Title IX Officer.

Bias and Conflict of Interest

The hearing coordinator will inform the parties of the hearing officer's identity. Within five business days after the notification, the parties may request the hearing officer's disqualification on the basis of bias or conflict of interest.

- a. For example, involvement in the case or knowledge of the allegations at issue prior to being selected as the hearing officer, or a close personal relationship with a party or expected witness in the proceeding could, depending on the circumstances, warrant disqualification of the hearing officer.
- b. Employment by the University, or prior work for the University as a contractor, on its own, does not warrant disqualification.
- c. The hearing officer's gender, gender identity, race, ethnicity, religion, sexual orientation or similar identifying characteristics, or the fact that they differ from those of any party, do not, on their own, warrant disqualification.

Disqualification Decision

Staff Human Resources or the Academic Personnel Office will decide any request for disqualification of the hearing officer and inform both parties of their decision and, if they determine to change hearing officers, the name of the new hearing officer.

Hearing Coordinator

Each hearing will have a hearing coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

Meeting with Parties

The hearing officer and hearing coordinator will hold a separate meeting (in person or remotely) with each party, to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive and fair hearing.

- a. The hearing coordinator will give written notice of the pre-hearing meeting time, location or remote instructions, and purpose at least ten business days in advance.
- b. No later than five business days before the pre-hearing meeting, each party will submit a preliminary statement identifying disputed, relevant issues and the evidence they intend to present such as documents, requested witnesses, and brief witness summaries. Parties may later submit additional proposed evidence.
- c. At the pre-hearing meeting, the hearing officer will discuss the party's submissions to refine the issues and inform the scope of the hearing.
- d. Each party should come prepared to schedule hearing dates.
- e. The officer or coordinator will explain what to expect at the hearing.
- f. The officer or coordinator will review well-being measures (e.g., use of lived names/pronouns, a support person available throughout, and breaks except when a question is pending).
- g. The parties will be informed the hearing will be conducted remotely. Parties needing University-provided space, technology, or assistance (e.g., for safety, privacy, or disability) may request it at the pre-hearing meeting; the coordinator will respond in writing within five business days.

- h. Parties and their advisors, if any must participate in the pre-hearing meeting.
- i. If a party does not participate and does not timely reschedule, the coordinator will allow two business days to reschedule. Absent extenuating circumstances, if the party does not reschedule, the hearing will proceed and the non-participating party will be presumed to agree with the hearing officer's scope.

Scope of Hearing

Within five business days after concluding meetings with both parties (or determining that a party has decided not to participate in the pre-hearing process), the hearing officer will determine what issues are disputed and relevant to the determination of whether a policy violation(s) occurred, and will notify the parties of the scope of the issues to be addressed at the hearing and the expected witnesses. The hearing officer has discretion to grant or deny, in whole or part, the parties' requests for witnesses on the basis of relevance. The hearing officer's determination of scope may include issues, evidence, and witnesses that the parties themselves have not provided.

Throughout the pre-hearing process, including in the notice of scope of hearing, the hearing officer will:

- a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive, and implement the evidentiary principles and procedural requirements;
- b. Decide any procedural issues for the hearing; and/or
- c. Make any other determinations necessary to promote an orderly, productive, and fair hearing that complies with the rules of conduct.

Submission of Additional Information

Within five business days after receiving the hearing officer's definition of scope, the parties may then submit additional information about the evidence, including witness testimony, that they would like to present.

Notice of Hearing

Not less than ten business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.

Witness Participation

The hearing coordinator will ensure the Title IX investigator (or if not available, a representative from that office) will be available to testify during the hearing. Testimony by the Title IX investigator may be appropriate to help resolve disputes about the authenticity of evidence summarized in the investigation report and at issue at the hearing, or whether the investigator accurately memorialized a party's or witness's statement in the investigation. The Title IX investigator should not be questioned about

their assessment of party or witness credibility, nor the investigative process generally, nor their preliminary determination of whether policy violations occurred, because the hearing officer will make their own credibility determinations and determination of policy violation(s) so this information would not be relevant. Based on the hearing officer's determination, the hearing coordinator will request the attendance of all witnesses whose testimony is determined to be within the scope of the hearing.

Confirmation of Scope, Evidence, and Witnesses

At least two business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence; copies of all the evidence that will be considered at the hearing that the hearing officer has received, including the investigation file (consisting of the investigation report and any evidence deemed directly related by the investigator, as documented in the investigation report) and any other documents that will be considered; the names of expected witnesses and a summary of their expected testimony. If the hearing officer has excluded evidence (including witness testimony) that a party has requested to present, they will explain why that evidence was not relevant. The hearing officer will also notify the parties of any procedural determinations they have made regarding the hearing. This material will also be provided to the Title IX Officer.

Submission of Questions

The parties are encouraged to submit any questions for the other party and any expected witnesses to the hearing coordinator before the hearing but will not be limited to those questions at the hearing. These questions will not be shared with the other party or witnesses.

Advisor Participation and Provision by University

At any point before the hearing, if a party anticipates they will not have an advisor available at the hearing to ask their questions for them, they should let the hearing coordinator know, to allow the University to plan for assigning the party a person ask the party's questions at the hearing ("Reader"). Even without notice or during a hearing in progress, however, the University will provide such a resource if a party does not have one. If any party does not have an advisor available at the hearing for the purpose of asking their questions for them, the hearing coordinator will assign a person to fulfill the sole and specific function of asking the party's questions (and not of serving as their advisor more generally), without cost to the party.

Hearing Procedure

Advisors and Support Persons

The parties may have their advisors present throughout the hearing. They may also have a support person present throughout the hearing.

Rules of Conduct

The hearing will be conducted in a respectful manner that promotes fairness and accurate fact-finding and that complies with the rules of conduct. The parties and witnesses will address only the hearing officer, not each other. Only the hearing officer and the parties' advisors may question witnesses and parties.

Virtual Hearing

The hearing will be conducted remotely with any modification the hearing coordinator has made in response to a party's request for assistance.

Hearing Evidence and Procedures

Courtroom rules of evidence and procedure will not apply. The hearing officer will generally consider, that is rely on, all evidence they determine to be relevant and reliable. The hearing officer may determine and weigh the relevance and weigh the value of any witness testimony or other evidence to the findings. The hearing officer will also follow the evidentiary principles and procedural requirements in the Framework. Throughout the hearing, the hearing officer will:

- a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive, and require rephrasing of questions that violate the rules of conduct,
- b. Decide any procedural issues for the hearing, and/or
- c. Make any other determinations necessary to promote an orderly, productive, and fair hearing

Access to Witnesses

Parties will be able to see and hear (or, if deaf or hard of hearing, to access through auxiliary aids and services) all questioning and testimony at the hearing, if they choose to. Witnesses (other than the parties) will attend the hearing only for their own testimony

Questioning at the Hearing

The hearing officer may question all parties and witnesses on any relevant matter, including credibility.

Each party's advisor may question the other party and witnesses on relevant matters, including credibility; if a party lacks an advisor, the University will assign a Reader to ask that party's prepared questions.

The hearing officer sets the order of questioning and asks first for each party or witness.

Each party must prepare their questions (including follow-ups) for the other party and witnesses and provide them to their advisor; advisors may not add questions that the party did not supply.

If a party does not attend, the hearing proceeds; the party's advisor—or a University-assigned Reader—may still ask the party's prepared questions.

Before any answer, the hearing officer rules on relevance of each advisor question, excludes irrelevant or unduly repetitive questions, requires rephrasing of questions that violate conduct rules, and explains any exclusion; the officer may ask follow-up questions at any time.

Parties may make written objections only by keeping a running list during the hearing and submitting it at the end for the record.

Expert witnesses identified during the investigation are subject to these same questioning procedures.

Investigation File

The investigation file will be entered as evidence at the hearing. The hearing officer generally will rely on any finding in the report that is not disputed.

Impact of Selective and Non-Participation

The Hearing Officer will not draw adverse inferences from a party's decision to not participate in the hearing, or to remain silent during the hearing. However, they may consider a party's selective participation – such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation – when assessing credibility.

Well-Being Measures

The hearing officer will implement measures they deem appropriate to protect the well-being of parties and witnesses. For example, the hearing officer will allow separation of the parties, breaks, and the attendance of support persons in accordance with these procedures.

Visual Separation

The hearing officer will allow the parties and/or witnesses to be visually separated during the hearing except as noted in Access to Witnesses above (see page 118). This may include, but is not limited to, videoconference and/or any other appropriate technology. To assess credibility, the hearing officer must have sufficient access to the Complainant, Respondent, and any witnesses presenting information; if the hearing officer is sighted, then the hearing officer must be able to see them.

Presentation of Evidence

The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the hearing officer. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the hearing officer has discretion to accept or

exclude additional evidence presented at the hearing. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

Recording

The University will audio record the hearing and make the recording available for the parties' review at their request.

Determination of Policy Violation

Standards for Deliberation

The hearing officer will decide whether a violation of the SVSH Policy occurred based on a Preponderance of Evidence standard.

Information Considered

The hearing officer will consider the investigative file, and the evidence presented and accepted at the hearing. The evidentiary principles in Specific Types of Evidence (see page 107) also apply. On any disputed and material issue, the hearing officer should make their own findings and credibility determinations based on all of the evidence before them.

Notice of Determination

Within 15 business days of the hearing, the hearing coordinator will send written notice to the complainant and respondent (with a copy to the Title IX Officer) setting forth the hearing officer's determination on whether the SVSH Policy has been violated. The written notice will include the following:

1. A summary of the allegations that would constitute a violation of the SVSH Policy;
2. The determinations of whether the SVSH Policy has been violated;
3. A statement that the Title IX Officer will determine whether complainant will be provided additional remedies, and will inform the complainant of that determination;
4. A description of the procedural history of the complaint
5. The findings on each disputed, material fact and an analysis of the evidence supporting the findings;
6. A summary of the facts found by the investigator that the parties did not dispute;
7. The rationale for the determination of each charge;
8. If the hearing officer determines that DOE-Covered Conduct did not occur, an analysis of whether other charged conduct, including other SVSH Policy violations, occurred;
9. An admonition against retaliation;
10. A statement of the right to appeal, grounds and timeframe for the appeal, the office to which the appeal must be submitted, and the procedure that the University will follow in deciding the appeal;

11. An explanation that both the parties will receive a copy of any appeal submitted in accordance with these procedures;
12. A description of the process for deciding whether and what discipline to impose if the final determination (following any appeal) is that the respondent violated the SVSH Policy, and a statement that both parties will be informed of the final resolution of the matter; and
13. A statement indicating the supervisor or other appropriate administrative authority will determine whether further investigation by another body is necessary to determine whether violations of other policies occurred, separate from any allegations of Prohibited Conduct that were investigated under the SVSH Policy.

Documentation of Hearing

Throughout the pre-hearing and hearing process, the hearing coordinator will document the process's compliance with the procedures (including timeframes) in this section. After the notice of policy violation determination has been finalized, the hearing coordinator will provide this documentation, along with all documents relating to the hearing, and the recording of the hearing, to the Title IX Officer.

Appeal of Determination (Stage 2.C)

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

Grounds of Appeal

A party may only appeal on the grounds described in this section. In cases of No-Title IX Hearing DOE-Covered Conduct:

- a. There was procedural error in the investigation process that materially affected the outcome; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;
- b. There is new evidence that was not reasonably available at the time of the investigation that could have materially affected the outcome; and/or
- c. The investigator or Title IX Officer had a conflict of interest or bias that affected the outcome. The principles of bias and conflict of interest related to hearing officers apply here to investigators and Title IX Officers.

In other cases:

- a. There was procedural error in the hearing process that materially affected the outcome; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;
- b. There is new evidence that was not reasonably available at the time of the hearing that could affect the outcome; and/ or

- c. The hearing officer had a conflict of interest or bias that affected the outcome.

The appeal should identify the reason(s) why the party is challenging the outcome on one or more of the available grounds.

Commencing an Appeal

An appeal must be submitted to the hearing coordinator within twenty business days following the issuance of the investigation outcome (in cases of No-Title IX Hearing DOE-Covered Conduct) or of the notice of the hearing officer's determination (in all other cases). The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. The Title IX Officer will notify the other party of the basis for the appeal and that the other party can submit a written statement in response to the appeal within three business days and supporting documentation from the other party as appropriate.

Standards for Deliberation

The appeal officer will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented during the investigation (in No-Title IX Hearing DOE-Covered Conduct cases) or at the hearing (in all other cases), the investigation file, and the appeal statements of the parties. They will not make their own factual findings, nor any witness credibility determinations.

Decision by Appeal Officer

The appeal officer, who will be an unbiased person without prior involvement in the case or personal relationship with the parties, may:

1. Uphold the findings;
2. Overturn the findings;
3. Modify the findings; or
4. In appeals alleging material procedural error or new evidence, send the case back to the investigator (in No-Title IX Hearing DOE-Covered Conduct cases) or hearing officer (in all other cases) for further fact-finding if needed, for example on the issue of whether the alleged error, new evidence, would have materially affected the outcome.

Written Report

The appeal officer will summarize their decision in a written report that includes the following:

1. A statement of the grounds identified on appeal;
2. A summary of the information considered by the appeal officer; and
3. The decision of the appeal officer and the rationale for the decision including, where the findings are overturned or modified, an explanation of how the procedural error materially affected the outcome.

Distribution of Written Decision

Within ten business days of receiving the appeal, the appeal officer will send their written decision to the complainant and respondent, with a copy to the Title IX Officer.

1. Unless the appeal officer remands the matter, they will inform the respondent and the complainant that the matter is closed with no further right to appeal.
2. If the appeal officer remands the matter, they will specify what further fact-finding should occur or what additional information should be considered and request the investigator or hearing officer report back to the appeal officer on their additional fact-finding. After receiving the investigator or hearing officer's (whichever applies) additional factual findings, the appeal officer will issue their decision within ten business days. This decision will be final.

Additional Assessment and Consultation (Stage 2.D)

Once any appeal is final or the appeal window closes, the Title IX Officer sends the final finding and determination to the respondent's supervisor or appropriate administrative authority, including a brief explanation of any differences from the investigator's (preliminary) determination.

The supervisor/administrative authority is responsible for proposing and implementing responsive action. They may request additional investigation only to assess possible violations of other policies and may not revisit SVSH findings or determinations made through the hearing and any appeal.



If the final finding is that the respondent violated the SVSH Policy, the supervisor/administrative authority will consult the Title IX Officer (if not already done) and propose a resolution. The proposal must be submitted to the Chancellor's designee for review and approval. If consultation already occurred earlier, they may, but need not, repeat it, particularly if the final outcome differs from the investigator's determination.

If the Chancellor's designee does not approve, they return the proposal for reconsideration and resubmission. If the designee approves, they inform the supervisor/administrative authority, who then implements the approved decision.

This proposal-and-approval process applies whenever the final outcome is a policy violation. Staff Human Resources or the Academic Personnel Office are consulted throughout, and the Chancellor's designee consults the Title IX Officer on the proposal's appropriateness before approving or disapproving it.

Corrective Action (Stage 3)

PPSM Covered Staff Following final adjudication in the hearing and appeal processes described above, the Respondent's supervisor will implement the approved decision in accordance with applicable PPSMs, including PPSM-62 and PPSM-64. The options for resolving the matter and implementation processes are described in Section VI.A ("PPSM-Covered Staff: Decision Approval and Implementation") of the Framework. Per PPSM-62 corrective action includes written warning, corrective salary decrease, suspension, and demotion. PPSM-64 outlines termination procedures.

Non-Faculty Academic Personnel: Decision Approval and Implementation

Following final adjudication in the hearing and appeal processes described above, the Respondent's supervisor or other appropriate administrative authority will implement the approved decision in accordance with APM-150. The options for resolving the matter and implementation processes are described in the Framework.

Timeframe for Implementation of Decision; Extension for Good Cause

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

Process Following Action Taken

In the event that a PPSM-covered respondent submits a complaint under PPSM-70, or a non-faculty academic appointee respondent submits a grievance under APM-140, the Chancellor's designee will ensure that both the complainant and the respondent receive regular updates regarding the status of the complaint or grievance.

The complainant may follow processes appropriate to their own personnel or student policies. Subsequent to any final decision, the Chancellor's designee will promptly inform the complainant and the respondent of the decision, including any final decision on discipline, and its rationale.

Such complaints and grievances are not available in cases in which the parties accept the investigator's preliminary determination.

Non-Sex-Based Stalking

Non-sex-based stalking incidents are not covered by the [SVSH Policy](#). Some University policies contain definitions of behavior that may meet the threshold for non-sex-based stalking.

University of California – Anti-Discrimination Policy (A-D Policy) - Harassment

<https://policy.ucop.edu/doc/1001004/Anti-Discrimination>

Policy Summary

Unwelcome conduct based on an individual's actual or perceived Protected Category that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or adversely limits an individual's participation in or benefit from the education, employment, or other programs or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.

OPHD has purview over all harassment complaints filed under the A-D Policy.

Results of Disciplinary Proceedings

2008 Higher Education Opportunity Act ("HEOA") Requirements

The University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18 of the United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by UC Merced against a person who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a 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. The result of a disciplinary proceeding means only the institution's final determination with respect to the alleged offense and any sanction that is imposed against the respondent.

According to Section 16 of title 18 of the United States Code, the term "crime of violence" means — a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or b) any other offense that is a felony and that, by its nature, involves a substantial risk that

physical force against the person or property of another may be used in the course of committing the offense.

Sex Offender Notice (Megan's Law)

The federal Campus Sex Crimes Prevention Act of 2002 and the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) require institutions of higher education to advise their campus communities where to obtain law enforcement information concerning registered sex offenders.

Registered sex offenders are already required to register with the state where the person is employed, carries on a vocation, volunteers services, or is a student; the Act also obliges them to provide notice to each institution of higher education in that respective state.

The State of California requires sex offenders to register with the police in the jurisdiction in which they reside. California makes this registration information available to law enforcement agencies and members of the community. For more information, please contact the police department where you live or visit the website of the Office of the Attorney General – State of California at: <https://www.meganslaw.ca.gov/>.

Workplace Violence & Intimidation

To fulfill the mission of the University of California, Merced, it is essential that UC Merced employees are able to work in an environment that is safe and free from acts of intimidation, threats of violence or actual violence. Security and safety in the workplace require the cooperation of every staff, faculty and student employee.

When responding to an emergency, perceived emergency, or suspected criminal conduct, call 911. If you encounter a disruptive employee whose behavior may include threats to self or others, you should call a member of UC Merced Behavioral Intervention Team (BIT). BIT is comprised of a group of UC Merced administrators responsible for the University employee threat assessment and management process.

If you are a supervisor, manager, or other person in authority who receives a report of threat to self or others by a UC Merced employee, you should immediately contact a BIT member or email bit@ucmerced.edu

Nondiscrimination Policy Statement

The University of California, Merced, in accordance with applicable federal and state laws and University policy, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. The University also prohibits sexual harassment. This nondiscrimination policy covers admission, access,

and treatment in University programs and activities. University policy also prohibits retaliation for bringing a complaint of discrimination or participating a complaint process or investigation pursuant to this policy.

Missing Persons

Notification of Missing Students

Suspected missing students should be reported immediately to UC Merced Police Department by calling 209-228-2677. A student is determined to be missing when UCMPD has verified that reported information is credible and the circumstances warrant declaring the person missing.

UC Merced Housing Notification Process

Following determination by UCMPD that a residential student is a missing person, notification will be made to the missing person contact, if contact information has been provided, within 24 hours. If UCMPD is unsuccessful in contacting the missing person and the emergency contact, the attempts must be documented.

The official determination the student is missing can be made at any time by UCMPD or by local law enforcement. If the student is under the age of 18 and is not an emancipated individual, UCMPD will notify the student's parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, UCMPD will inform Merced PD (or the local law enforcement with jurisdiction) that the student is missing within 24 hours of confirmation.

Missing Person Contact – UC Merced Housing

UC Merced Housing residents, as part of the application/renewal process, have the option to identify a confidential missing person contact. The missing person contact will be notified by UC Merced no later than 24 hours after the time the resident is determined to be missing by UCMPD. The confidential contact may be a person designated by the resident in addition to the declared emergency contact¹⁴. Should the resident not formally declare a separate missing person contact, the emergency contact on record will be notified. UC Merced Housing residents are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement. The information may not be disclosed outside of a missing person investigation.

Notification of this policy will be made directly to all residents residing in campus housing annually. It is made available in conjunction with UC Merced's Annual Security Report, in compliance with the Clery Act. All students attempting to register for campus

¹⁴ The missing person contact does not have to be associated with UC Merced.

housing will also be notified of this policy at the time of online completion of housing related documents. During the online housing application and renewal process, (<https://ucmerced.starrezhousing.com/StarRezPortalx/Login>) specific campus housing emergency related contact information will be captured, and the resident will have the opportunity to provide a separate missing person contact online. All information submitted online during the housing application and renewal process will remain on file and be considered accurate until the resident voluntarily provides different information.

Alcohol & Substance Abuse Policies

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:

All UC-sponsored medical plans offer tobacco cessation resources. Co-pays and program fees may apply.

- **The INSIGHT Employee Assistance Program** is a free and confidential service that provides services to UC Merced faculty and staff. EAP has various resources (articles, assessments, videos, webinar, and more) surrounding drugs, alcohol, and substance abuse information.
- All UC-sponsored medical plans include behavioral health benefits for mental health services and substance abuse treatment, including alcohol or drug abuse treatment. Coverage is provided by:
 - **Anthem:** Anthem Blue Cross provides behavioral health and substance abuse coverage for employees, dependents, and retirees enrolled in the UC PPO plans (CORE, UC Care, UC Health Savings). Benefits are included in the medical plan premium. Charges for routine or telehealth visits may vary by plan and provider type, and some services require preauthorization. For information about benefits and help finding an in-network provider, call Anthem at 844-437-0486.
 - **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.
 - **UC Blue and Gold HMO:** Behavioral health substance abuse coverage are provided by Health Net Behavioral Health (formerly known as MHN).

Members may access care from Health Net Behavioral Health in-network providers. For information about benefits, preauthorization for certain services, and help finding a provider, call Health Net Behavioral Health at 800-663-9355.

- **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 (CAPS): 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:

- **Safer Party 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 = 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. Students can also opt to include the training required to receive a free Overdose Prevention Kit, which includes Narcan and Fentanyl Test Strips, 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 through 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.
- **Balancing Your Well-being** – 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** - 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** - 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

Both the H. Rajender Reddy Health Center and Counseling and Psychological Services (CAPS) can assess, treat, and/or refer students who need outpatient and/or inpatient alcohol or drug treatment.

Resources for Alcohol and Drug Help

UC Merced

- Counseling and Psychological Services (CAPS): 209-228-4266
- Student Health Services: 209-228-2273 (CAT-CARE)
- Insight Employee Assistance Program (EAP): 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: 209-383-6662
- 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/>

Collection of Statistics for UC Merced Annual Security Report

UCMPD has responsibility for gathering statistics, identifying reportable crimes, and reporting/ publishing statistics to the Department of Education, and to the public in compliance with the Clery Act.

Crime statistics are reported in different formats and categories depending upon legal requirements. The Clery Act requires statistics to be reported from a wider geographic area than just University owned property (e.g., adjacent public property and off-campus properties). The Clery Act also requires reports of student disciplinary referrals in addition to arrests for drug, alcohol, and weapons offenses.

Information and statistics compiled for the UC Merced Annual Security Report is for the previous three calendar years, and is based upon crime reports received by UCMPD, other law enforcement agencies, and from incident reports received from Campus Security Authorities¹⁵.

Unfounded Crimes: According to FBI Uniform Crime Reporting (UCR) guidelines, a reported offense can be cleared as unfounded if the investigation shows that no offense occurred nor was attempted.



¹⁵ Note that all agencies from which statistics are requested may not respond in any given year. Further, agency responses may not be made in a format where Clery Act statistics can be properly identified.

Clery Geography Definitions

On-Campus – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Consistent with the above definition, UC Merced only has one on-campus location: The main UC Merced Campus.

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

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

Clery Definitions of Reportable Crimes

Murder/Manslaughter – The willful killing (non-negligent) of one human being by another.

Manslaughter by Negligence – The killing of another person through gross negligence.

Forcible Sex Offenses – Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. Including: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling.

Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling – The touching of the private parts of another person for the purpose 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.

Non-Forcible Sex Offense – Any unlawful, non-forcible sexual intercourse, including incest, and statutory rape.

Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault – Defined as an offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as categorized above. Per the National Incident-Based Reporting System 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.”

Robbery – Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary – The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft¹⁶ – Theft or attempted theft of a motor vehicle.

Arson – Willful or malicious burning or attempt to burn, with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Arrest and Referrals for Disciplinary Action – Under the Clery Act institutions must also report arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

Domestic Violence – A felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person 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 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.

¹⁶ Starting with the 2022 calendar year, UC Merced Clery Act statistics classify electronic bicycles as motor vehicles under the crime of motor vehicle theft.

Dating Violence – Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined by the reporting party's statement and based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

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

Hate Crimes – Includes all of the crimes listed above that manifest evidence that the victim was intentionally selected because the perpetrator's bias against the victim based on one of the Categories of Prejudice listed below, plus the following crimes.

- **Larceny/Theft** – Includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.
- **Simple Assault** – Unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Intimidation** – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism to Property (except Arson)** – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person 16 having custody or control of it.

Categories of Prejudice

- **Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.
- **Religion** – A preformed 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.
- **Gender** – A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Gender Identity** – A preformed negative opinion or attitude toward a group of persons because the perceived gender of those persons may be different from the gender traditionally associated with their gender at birth. This bias may be based on their actual or perceived gender-related characteristics.
- **Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.
- **Ethnicity/National Origin** – A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions.
- **Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.



Appendix

Violence Against Women Act State of California Definitions

The definitions of consent, sexual assault, sexual battery, dating violence, domestic violence, and stalking under the relevant California laws are listed below. Note that under California law, dating violence is considered a form of domestic violence.

Consent is defined under California law, Penal Code Section 261.6, as positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution.

Sexual Assault in the state of California is defined under the following Penal Code Sections:

261. (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- (1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.
- (2) If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (3) If a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- (4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
 - A. Was unconscious or asleep.
 - B. Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - C. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

- D. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that sexual penetration served a professional purpose when it served no professional purpose.

(5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) 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 his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

261.5. (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years of age and an "adult" is a person who is at least 18 years of age or older.

261.6. In prosecutions under Section 261, 286, 287, or 289, or former section 262 or 288a, in which consent is at issue, "consent" means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

261.7. In prosecutions under 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.

263. 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.

286. (a) 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.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he, or she shall be punished by imprisonment in the state prison for three, six, or eight years.

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

(B) Any person who commits an act of sodomy with another person who is under 14 years of age when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the

act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(4) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

1. Was unconscious or asleep.
2. Was not aware, knowing, perceiving, or cognizant that the act occurred.
3. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
4. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that sexual penetration served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), 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 pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of 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, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.

(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) Any person who commits an act of sodomy, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court, however, shall take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

287. (a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

(b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. (2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.

(c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

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

(B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(3) Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(4) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

1. Was unconscious or asleep.

2. Was not aware, knowing, perceiving, or cognizant that the act occurred.
3. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
4. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(j) Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(k) Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

289. (a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

1. Was unconscious or asleep.
2. Was not aware, knowing, perceiving, or cognizant that the act occurred.
3. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
4. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that sexual penetration served a professional purpose when it served no professional purpose.

(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused,

shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he, or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in this section:

1. "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.
2. "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ.
3. "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), “threatening to retaliate” means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.

(m) As used in this section, “victim” includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

Sexual Battery in the state of California is defined under the following Penal Code Sections:

243.4. (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person’s will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

1. “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
2. “Sexual battery” does not include the crimes defined in Section 261 or 289.
3. “Seriously disabled” means a person with severe physical or sensory disabilities.
4. “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
5. “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
6. “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

Incest in the state of California is defined under the following Penal Code Sections:

285. 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.

Domestic Violence in the state of California is defined under the following Penal Code Sections:

243. (e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship²², the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

273.5. (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

1. The offender's spouse or former spouse.
2. The offender's cohabitant or former cohabitant.
3. The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.

4. The mother or father of the offender's child.

(c) Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.

(d) As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

(e) For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

Dating Violence is defined under the California Penal Code as the following:

Per California Penal Code Section 243(e)(1), as shown above, Domestic Violence includes a battery against someone with whom the defendant has currently or previously had a dating or engagement relationship.

Specifically, under section (f)(10), "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

13700. As used in this title:

(a) "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.

(b) "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 husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

(c) "Officer" means any officer or employee of a local police department or sheriff's office, and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles,

as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32.

(d) “Victim” means a person who is a victim of domestic violence.

Stalking is defined under the California Penal Code as the following:

646.9. (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

(e) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the

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

(h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers.

“Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

UC Merced Clery Criminal Offense 2024 Statistics						
Offenses	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Buildings or Property	Public Property	Total
Murder/ Non-negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	6	6	0	0	6
	2023	9	6	0	0	9
	2022	3	2	0	1	4
Fondling	2024	3	3	0	0	3
	2023	0	0	0	0	0
	2022	6	5	0	1	7
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	2	2	0	0	2
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	3	3
Aggravated Assault	2024	4	2	0	0	4
	2023	0	0	0	0	0
	2022	2	1	0	2	4
Burglary	2024	5	3	1	0	6
	2023	2	1	1	0	3
	2022	10	3	0	0	10
Motor Vehicle Theft	2024	30	0	0	0	30
	2023	8	0	0	0	8
	2022	2	0	0	0	2
Arson	2024	0	0	0	0	0
	2023	13	13	0	0	13
	2022	1	1	0	0	1

VAWA Offenses						
Offenses	Year	On-Campus Property	On- Campus Student Housing Facilities	Non-Campus Buildings or Property	Public Property	Total
Domestic Violence	2024	7	7	0	0	7
	2023	0	0	0	0	0
	2022	0	0	0	1	1
Dating Violence	2024	0	0	0	0	0
	2023	3	3	0	0	3
	2022	1	1	0	0	1
Stalking	2024	8	4	0	0	8
	2023	1	0	0	0	1
	2022	11	7	0	0	11
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	2024	0	0	0	0	0
	2023	1	0	0	0	1
	2022	3	1	0	1	4
Disciplinary Referrals: Liquor Law Violations	2024	1	0	0	0	1
	2023	149	148	0	0	149
	2022	100	100	0	0	100
Arrests: Drug Law Violations	2024	1	0	0	0	1
	2023	2	1	0	3	5
	2022	0	0	0	0	0
Disciplinary Referrals: Drug Law Violations	2024	52	45	0	0	52
	2023	108	108	0	0	108
	2022	65	65	0	0	65
Arrests: Weapons Law Violations	2024	0	0	0	0	0
	2023	1	1	0	0	1
	2022	0	0	0	0	0
Disciplinary Referrals: Weapons Law Violations	2024	0	0	0	0	0
	2023	1	1	0	0	1
	2022	0	0	0	0	0
UC Merced Unfounded Crime Statistics						
Unfounded	2024	0 unfounded crime				
	2023	1 unfounded crime				

	2022	0 unfounded crimes
UC Merced Clery Hate Crime Statistics		
Hate Crimes	2024	There were no hate crimes reported.
	2023	There were no hate crimes reported.
	2022	There were no hate crimes reported.