



2026

ANNUAL SECURITY REPORT

For the 2025-2026 academic year,
containing crime statistics
for 2025, 2024, and 2023

I. 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.



Assistant Vice Chancellor and Chief of Police Chou Her

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.

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UC Merced Campus Entrance

III. Introduction

A. Overview of the Clery Act

The Jeanne Clery Campus Safety Act (formerly the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act), signed in 1990, commonly referred to as the “Clery Act,” is a federal law that requires each university receiving federal financial aid to annually compile and report specific crime and fire statistics for the university campus and to provide other safety and crime information to members of the campus community. The Clery Act also requires universities to:

- Have emergency response programs, including evacuation procedures for students.
- Notify the community of emergencies and issue warnings of threats.
- Maintain a daily crime log and a fire log.
- Have policies and procedures relating to sexual assault, dating and domestic violence, and stalking.

A notice of availability must be distributed to all current students and employees as well as all prospective students and employees.

The Federal Stop Campus Hazing Act was enacted on December 23, 2024, and amended the Clery Act to include hazing as a Clery reportable crime. It formally amended the name to Jeanne Clery Campus Safety Act (Clery Act). In addition, a federal definition of hazing and student organization, new required policy statements in the Annual Security Report and the creation of a campus hazing transparency report were also included in the amendment. UC Merced prohibits hazing of students in the activities of campus organizations, including but not limited to student organizations, teams, clubs, committees, academic and administrative units. UC Merced is committed to creating a healthy, safe, and thriving campus community. Hazing does not support the mission and values of the University. Therefore, hazing is prohibited. No UC Merced student, employee or volunteer may commit hazing to a student, employee, or volunteer. Visit the UC Merced Hazing Prevention [website](#) for more information.

This report, known as the Annual Security Report, is the University of California, Merced (UCM) 2026 report. This report provides important information to current and prospective students, employees, and others about crime in relevant geographical areas, as well as UC Merced’s programs and policies related to crime prevention and safety.

B. UC Anti-Discrimination Policy

The University of California (“University”) 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 and activities can work and learn together in an atmosphere free of discrimination, harassment, and retaliation.

The University of California Anti-Discrimination Policy (A-D Policy) addresses the University’s responsibilities and procedures related to Discrimination, Harassment, and Retaliation, as defined in the A-D Policy (together, “Prohibited Conduct”) in order to ensure equitable and inclusive education and employment environments. The A-D Policy will be implemented in a manner that recognizes rights to freedom of speech and expression. However, freedom of speech and academic freedom are not limitless and, for example, do not protect speech or expressive conduct that violates federal and state anti-discrimination laws.

The A-D Policy defines Prohibited Conduct and explains the administrative procedures the University uses to resolve reports of such conduct. The University will respond promptly and equitably to reports of Prohibited Conduct. This includes action to stop, prevent, correct, or discipline behavior that violates the A-D Policy.

The Policy offers the following definitions of Prohibited Conduct:

- **Harassment (Hostile Environment):** Unwelcome conduct based on an individual’s actual or perceived Protected Category (See Discrimination: 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 is subjectively and objectively offensive (i.e., a reasonable person in the same circumstances as the Complainant would find the conduct to be intimidating or offensive). Harassing acts need not be targeted at the Complainant to create a hostile environment.

In evaluating whether conduct is harassment, the Local Implementation Officer¹ will consider the totality of the circumstances, including but not limited to:

- the context, nature, scope, frequency, duration, severity, and location of the conduct;

¹ The Office for the Prevention and Harassment and Discrimination (OPHD) Director and Title VI Officer is UC Merced’s Local Implementation Officer.

- the identity, number, and relationship of the parties involved;
- whether the conduct was physically threatening²;
- whether the conduct arose in the context of other discriminatory conduct or other misconduct;
- the effect of the conduct;
- whether the conduct would be objectively viewed as intimidating or offensive by a reasonable person in the same circumstances; and
- whether the conduct may be protected by academic freedom or freedom of speech.

When the investigation implicates academic freedom, the Local Implementation Officer will, based on locally developed procedures, consult with the appropriate academic officer for relevant academic expertise. See also *A-D Policy*, Section III.E (Free Speech and Academic Freedom).

In general, harassment must consist of more than casual or isolated incidents based on a Protected Category.

- **Discrimination:** An Unfavorable Action taken because of an actual or perceived Protected Category or Failure to Accommodate when required by law.
 - Unfavorable Action: Adverse or unequal treatment under University authority that unreasonably denies, unreasonably limits, or materially interferes with an individual's ability to participate in programs, activities, or employment of the University, and/or receive services, benefits, or aid of the University, unless required or authorized by law. An Unfavorable Action is taken because of an individual's Protected Category. An Unfavorable Action will not exist where the action or inaction would have been taken regardless of the individual's Protected Category.

Applying for or accepting research awards that contain eligibility restrictions that are permitted by state and federal law and that are required as a condition for funding does not constitute Prohibited Conduct under this Policy.

- Failure to Accommodate: Failure of the University to provide reasonable accommodations to individuals when required by law, including failure to engage in the interactive process that results in denial of access.

² For conduct occurring in the workplace that is alleged to involve unlawful violence or a credible threat of violence, the campus location, consistent with California law, also needs to follow its workplace violence prevention plan.

For specific information about the provision of accommodations and the interactive process, please refer to other applicable policies, including but not limited to, the Guidelines Applying to Nondiscrimination on the Basis of Disability (PACAOS 140), Personnel Policies for Staff Members 81 (Reasonable Accommodation), and Academic Personnel Manual – 711 (Reasonable Accommodation for Academic Appointees with Disabilities).

Note: Disparate Impact occurs when there is sufficient evidence that a University policy or practice, although neutral on its face, results in an adverse and material disproportionate impact on individuals within a particular Protected Category, unless the policy or practice has a substantial legitimate justification. The investigative process in the A-D Policy is inapplicable to Disparate Impact concerns. Allegations of Disparate Impact will be reviewed and addressed, as appropriate, by the Local Implementation Officer.

- **Retaliation:** An adverse action against an individual based on:
 - their report or other disclosure of alleged Discrimination and/or Harassment; or
 - their participation in, or assistance with, the investigative process, reporting, remedial, or corrective action/disciplinary processes provided for in this Policy.

An adverse action is conduct that would discourage a reasonable person from reporting Discrimination and/or Harassment or participating in a process provided for in this Policy, such as threats, intimidation, coercion, reprisals and adverse employment or educational actions. Good faith actions lawfully pursued in response to a report of Discrimination and/or Harassment (such as gathering evidence) are not, without more, Retaliation.

Other Definitions:

- **Complainant:** An individual alleged to have experienced Prohibited Conduct.
- **Protected Category:** An identity protected by federal or state law, including the following: race, religion, color, citizenship, national or ethnic origin, ancestry, sex (including pregnancy, childbirth, lactation or related medical conditions), gender, gender identity, gender expression, gender transition, sexual orientation, physical or mental disability (including having a history of a disability or being regarded as being disabled), medical condition (cancer-related or genetic characteristics), predisposing genetic information (including family medical history), marital status, age (at least 40 years of age), or veteran or military status. The Protected Category definitions apply for the purposes of this Policy only.

- **Respondent:** An individual who is alleged to have engaged in Prohibited Conduct and/or who has been reported to have violated this Policy

The A-D Policy addresses Harassment and other Prohibited Conduct that is not covered under the University of California's Sexual Violence and Sexual Harassment Policy (SVSH Policy).

C. Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters (PACAOS-Appendix C)

The University of California, in accordance with applicable Federal and State law and University policy, does not discriminate on the basis of Protected Categories as defined in the A-D Policy. The University also prohibits sexual harassment. This nondiscrimination policy covers admission, access, and treatment in University programs and activities

Inquiries regarding the University's student-related non-discrimination policies may be directed to Kim Overdyck, OPHD Director, Title VI Officer, and Local Implementation Officer, at (209) 285-9510 or koverdyck@ucmerced.edu.

D. General University Policy Regarding Academic Appointment: APM – 035 Affirmative Action and Nondiscrimination in Employment

Nondiscrimination: It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy³, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, service in the uniformed services⁴, or off-duty cannabis use (as prohibited by California Government Code section 12954)⁵. This policy is intended to be consistent with the provisions of

³ Pregnancy includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

⁴ Service in the uniformed services includes service in the uniformed services as defined by the Uniformed Services Employment and Reemployment

Rights Act of 1994 (USERRA) as well as state military and naval service

⁵ Employees are not permitted to possess or use cannabis or be impaired on the job; however, employer-required drug screening may not rely on

tests that measure nonpsychoactive cannabis metabolites. Cal. Gov't Code § 12954. Employees in the building and construction trades and applicants or employees hired for positions that require a federal background investigation or security clearance in accordance with regulations issued by the U.S. Department of Defense pursuant to Part 117 of Title 32 of the Code of Federal Regulations or equivalent regulations applicable to other

applicable State and Federal laws and University policies. Academic personnel are covered by the *University of California Anti-Discrimination Policy*, which is a Presidential Policy covering all faculty and other academic appointees, students, and staff.

Retaliation: University policy also prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliation includes threats, intimidation, reprisals and/or adverse actions related to employment. Academic personnel are covered by the *University of California Anti-Discrimination Policy* (A-D Policy), which is a Presidential Policy covering all faculty and other academic appointees, students, and staff.

Sexual Harassment: The University of California is committed to creating and maintaining a community in which all persons who participate in University programs and activities can work together in an atmosphere free of all forms of harassment, exploitation or intimidation, including sexual harassment. Specifically, every member of the University community should be aware that the University is strongly opposed to sexual harassment and that such behavior is prohibited by law and by University policy. It is the intention of the University to take whatever action may be needed to prevent, correct and, if necessary, discipline behavior which violates this policy. Academic personnel are covered by the *University of California Policy on Sexual Violence and Sexual Harassment* (SVSH Policy), which is a Presidential Policy covering all faculty and other academic appointees, students, and staff.

Complaints: Upon an employee's request, the campus academic affairs office shall provide information regarding applicable policies and procedures for resolving complaints of discrimination, harassment or retaliation and for pursuing available remedies.

Affirmative Action: It is the policy of the University of California to undertake affirmative action and anti-discrimination efforts, consistent with its obligations as a Federal and State contractor. The University commits itself to apply every good faith effort to achieve prompt and full utilization of these groups in all segments of its workforce where deficiencies exist. These efforts conform to all current legal and regulatory requirements and are consistent with University standards of quality and excellence. In conformance with Federal and State law and regulations, written affirmative action and/or anti-discrimination plans shall be prepared and maintained by each campus of the University, by the Lawrence Berkeley

agencies are exempt from protections regarding off-duty cannabis use and testing limitations.

National Laboratory, by the Office of the President and by the Division of Agriculture and Natural Resources. Such plans shall be reviewed and approved by the Office of the President and the Office of the General Counsel before they are officially promulgated.

Pay Transparency: The University of California will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the University, or (c) consistent with the University's legal duty to furnish information. The University will not request or rely on an applicant or candidate's salary history, including compensation and benefits, in determining salary or whether to offer employment. The University also will provide the pay scale for a position in all job postings. To promote accountability and transparency, the University may disclose employee compensation information in accordance with the University's policy on *Public Disclosure of Compensation Information*.

E. Student-Related Policy Applying to Nondiscrimination on the basis of sex (PACAOS 150)

In compliance with Federal regulations implementing Title IX of the Education Amendments of 1972 and applicable Federal and State laws pertaining to sex discrimination, University of California policy prohibits unlawful discrimination on the basis of sex. See also *the University of California Anti-Discrimination Policy*.

F. Guidelines Applying to Nondiscrimination on the Basis of Disability (PACAOS 140)

In compliance with the Federal Rehabilitation Act of 1973, as amended (Public Law 93-112) and the Americans with Disabilities Act of 1990 (Public Law 101-336), University of California policy prohibits unlawful discrimination on the basis of disability in its programs, services, and activities.

G. Policy on Nondiscrimination (PACAOS 20)

The University is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices. All groups operating under the authority of the Regents, including administration, faculty, student governments, University-owned

residence halls, and programs sponsored by the university or any campus, are governed by this policy of nondiscrimination. The intent of the University's policy on nondiscrimination is to reflect fully the spirit of the law. In carrying out this policy, the University also shall be sensitive to the existence of past and continuing societal discrimination. (See also Appendix C [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters]; Section 140.00; Section 150.00; and Section 160.00.) See also the *University of California Anti-Discrimination Policy*.



Bridge Crossing with Rufus

H. 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
Benefits Office	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	209-355-0763 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
American Medical Response (AMR)	209-487-0696

IV. Preparation of the Annual Security Report

The University of California, Merced prepares the Annual Security Report in compliance with the Jeanne Clery Campus Safety Act. The purpose of this report is to provide crime and other safety-related information to members of the UC Merced community. This report contains three years' worth of crime statistics (2023-2025), as well as statements regarding specific campus policies and procedures, including policies regarding sexual and gender-based violence and alcohol and other drugs.

Crime reports are collected from all Clery-defined geography, including on-campus, on-campus student housing, non-campus, and public property locations. This data is compiled by the Clery Coordinator, with assistance from offices such as the UC Merced Police Department, 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.

In accordance with the University of California Clery Act Policy – [Campus Safety Reporting. \(Section IV.C\)](#), by October 1 of each year, UC Merced “will publish and distribute an ASR and AFSR, if applicable, that is compliant with the Clery Act” and respond to the Department of Education’s Campus Safety and Security Survey by “submitting crime and fire statistics.” UCM publishes the safety and fire reports separately as the Annual Security Report (ASR) and the Annual Fire Safety Report (AFSR)

The ASR is coordinated, prepared, and updated by the UC Merced Police Department in conjunction with various campus partners. The 2026 Annual Security Report can be accessed by visiting <https://clery.ucmerced.edu/annual-security-reports>. Copies of this Annual Security Safety Report may be obtained from the UC Merced Police Department during regular business hours (generally Monday through Friday, 8:00 a.m. to 5:00 p.m., except holidays). The UC Merced Police Department is located on campus, in the Police Trailer (at the back of campus, on Services Lane).

In accordance with the Policy and the Clery Act, by October 1st of every year, each member of the UC Merced community receives a Notice of Availability email that describes the report and provides its web address. For comments or paper copies of this publication, please contact Daisy Fermin, Clery Act Compliance Coordinator at clery@ucmerced.edu.

Additionally, all Title IV institutions with on-campus student housing facilities are required to prepare and distribute an Annual Fire Safety Report (“AFSR”). This report contains specific statements on fire safety policies and procedures as well as the UC Merced annual

fire safety statistics for the past three calendar years. UC Merced's AFSR, along with the fire statistics, is prepared and distributed by the UC Merced Fire & Building Safety (FABS) department. The 2026 AFSR can be directly accessed by visiting: <https://fabs.ucmerced.edu/annual-housing-fire-safety-reports>.

V. UC Merced Police Department

The mission of the University of California, Merced Police Department (UCMPD) is to serve in partnership with the highest professional standards in proactive, community-focused services, the UCMPD promotes and maintains a safe and secure environment for our richly diverse community.

UCMPD operates a 911 Emergency Communications Center, 24 hours a day, 365 days a year, and can receive calls from a cell phone, landline phone, blue light emergency phone, elevator phone, text-to-911, or TDD/TTY machine.



Part of UCMPD Staff with IACLEA Assessors

A. Authority, Personnel, and Jurisdiction

UCMPD has the primary law enforcement jurisdiction over the University of California, Merced, and other properties affiliated with the Regents of the University of California.

UCMPD Officers are duly sworn peace officers under Penal Code 830.2(b). UCMPD adheres to the University of California's University wide Police Policies and Administrative Procedures, the UCMPD Policy Manual, and the mandatory training requirements of the Commission on Peace Officer Standards and Training (POST), in addition to all other UC Merced policies employees must adhere to. The officers are armed and have the same authority to make arrests under the law as municipal officers or sheriff's deputies. Officers receive the same training as municipal and county peace officers, as well as additional training to meet the unique needs of the university campus community. Officers patrol the UC Merced campus 24 hours a day, 365 days a year. They enforce applicable local and state laws and provide a full range of police-related services, including immediate response to criminal, fire, and medical emergencies.

UCMPD employs Public Safety Ambassadors (PSAs). 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.

UCMPD employs UC Merced students as Student Service Ambassadors (SSAs). The SSA program provides a wide range of services, including campus patrol, event security, building checks, a bike lock program, conduct livescans, lost and found program, safety presentations, and event 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 are not armed and do not have authority to make arrests, but are in

constant contact with UCMPD's Emergency Communications Center and officers via radio communication.

SSAs receive training in procedures for radio communication, recognizing safety and security hazards, public relations, emergency and fire response, and other aspects of community service.

UC Merced occasionally hires contract security workers for events. Contract security personnel do not have authority to make arrests on the UC Merced campus; they are trained to observe and report criminal and security issues to UCMPD.

B. 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

Memorandum of Agreement with Merced Police Department

Pursuant to California Education Code section 67381, the UC Merced Police Department has adopted and signed a Memorandum of Agreements (MOA) with the Merced Police Department.

The MOAs purpose is to promote collaboration between the parties and enhance reporting, investigation, and appropriate response to crimes. As well as to promote compliance with numerous state and federal laws that provide specific requirements related to California Education Code; the deferral Jeanne Clery Campus Safety Act (Clery Act), Title IX of the federal Higher Education Amendments of 1972 (Title IX).

The goals of the MOA include the following: (a) to ensure that crimes committed on UCM property are promptly and effectively reported, investigated, and prosecuted by UCMPD; (b) to ensure communication and cooperation between MPD and UCMPD in providing

services and assistance to students, staff, faculty, and visitors to UCM property who are victims or witnesses to crimes; (c) to ensure UCMPD's ability to alert the UCM campus community about crimes of a serious nature that pose a serious or ongoing threat to public safety.

Memorandum of Understanding with the California Highway Patrol

The University of California Office of the President (UCOP) has signed a Memorandum of Understanding (MOU) with the California Highway Patrol (CHP). The agreement outlines the support services CHP will provide to all ten UC campuses when additional resources are needed. The MOU does not replace or circumvent the Statewide Mutual Aid Program. Rather, it is intended to supplement it by facilitating timely access to appropriate resources for preplanned events or spontaneous situations that may not meet the criteria for a statewide mutual aid response.

“Concurrent Jurisdiction” means Local Law Enforcement Agencies (such as Merced Police Department and Merced County Sheriff's Department) have statutory jurisdiction for performance of peace officer functions on those areas of campus located within the relevant city.

“Operational Responsibility” includes the responsibility for prevention of crime, preservation of peace and order, enforcement of laws and ordinances, investigation, reporting and accounting of criminal offenses, and providing such other police services as the Standard Operating Procedures of the respective departments may require.

C. Accurate and Prompt Reporting

UC Merced encourages accurate and prompt reporting of crimes and other emergencies as soon as possible to UCMPD, including when the victim/survivor elects to, or is unable to, make such a report. Safety is a shared responsibility. If you observe a crime or other emergency, report it immediately, especially if it appears the victim/survivor may be unable to. UCMPD Dispatchers are available by phone at (209) 228-2677 or 911 for emergencies. Although the University offers many support resources and options for reporting, UC Merced highly encourages campus community members to report all crimes or concerning behavior or activities directly to UCMPD regardless of whether they want to pursue a formal investigation or other law enforcement action. This allows the University to assess security and threat concerns and notify the UC Merced community if there is an ongoing threat. For a discussion of UCM's process for notifying the UC Merced community of threats, see the “*Timely Warnings*” section of this report. Dispatchers are available at these respective telephone numbers 24 hours a day to answer your calls.

In response to a call, the UCMPD will take the required action, either dispatching an officer or asking the victim/survivor to report to UCMPD to file an incident report. All reported crimes will be investigated by the University and may become a matter of public record. The appropriate UCMPD incident reports are forwarded to the Office of Student Rights and Responsibilities for potential action; where appropriate, the Dean of Students' Office (OSRR) is also notified. UCMPD Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to OSRR. If assistance is required from the Merced Police Department, Sheriff's Department, or the Merced Fire Department, UCMPD will contact the appropriate unit. In the case of reports of sexual violence, staff on the scene, including UCMPD, will offer the victim/survivor a wide variety of services.

The University and campus have policies specifying reporting obligations for certain types of crimes:

- The [UC Policy on Reporting Child Abuse and Neglect](#) implements the California Child Abuse and Neglect Reporting Act ("CANRA"), California Penal Code 11164-11174.3, including by requiring that those individuals who are Mandated Reporters identify and report incidents of child abuse and neglect.
- The SVSH Policy requires reporting of sexual violence to the Office for the Prevention of Harassment and Discrimination and provides that the campus will support those who wish to report to law enforcement.
- The Workplace Violence Prevention Plan requires that all members of the UCM community report any incident of Workplace Violence that they are aware of or have witnessed.

D. Daily Crime and Fire Log

The UCMPD Daily Crime and Fire Safety Log contains 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 <https://clery.ucmerced.edu/> or the police department website <https://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 and fire logs older than 60 days are maintained for seven years and will be made available for public inspection within two business days, upon request. Requests may be made in person during business hours or submitted via email to police@ucmerced.edu.

E. Monitoring and Recording Crimes Involving Recognized Student Organizations at Non-Campus Location

UC Merced does not have any recognized student organizations with non-campus buildings or properties; therefore, UCMPD does not have a formal program to monitor and/or record criminal activity at these locations.



UCMPD with local public safety agencies

VI. Reporting Criminal Activity & Emergencies

UC Merced has established a number of ways for campus community members and visitors to report crimes, public safety-related incidents, and other emergencies to law enforcement and appropriate University officials. Campus Security Authorities (CSAs) are responsible for forwarding Clery Crimes to the Clery Compliance Coordinator regardless, whether the victim/survivor chooses to file a report with law enforcement or press criminal charges. Information submitted is usually confidential unless the victim/survivor provides permission to document identifying information or permission for the police to investigate the incident. All community members are strongly encouraged to accurately and promptly report all crimes and other emergencies to UCMCPD so that the situation can be investigated and follow-up actions can be taken as needed. As explained in this report, crime reports are also used for timely warnings or emergency notifications, and the annual statistical disclosure.

Office	Types of Crimes to Report	Campus Address	Phone Number	Website/Email
UC Merced Police Department	All crimes	Police Trailer	(209)228-2677	https://police.ucmerced.edu/police@ucmerced.edu
Human Resources – Employee and Labor Relations	Crimes relating to Employees	Downtown Campus Center 655 W. 18th Street,	(209) 228-8247	https://hr.ucmerced.edu/hr-units/employee-labor-relations laborrelations@ucmerced.edu
Office for the Prevention of Harassment and Discrimination (OPHD)	Dating or domestic violence, stalking, and/or sexual assault involving UCM affiliates*	Kolligian Library 323	(209)413-4652	https://ophd.ucmerced.edu/ophd@ucmerced.edu
Clery Coordinator	All Clery reportable crimes	Police Trailer	(209)233-2421	https://clery.ucmerced.edu/clery@ucmerced.edu
Office of Student Rights	Crimes involving	Kolligian Library 113	(209)228-0069	https://osrr.ucmerced.edu/osrr@ucmerced.edu

and Responsibilities (OSRR)	students			
Housing and Residence Education	Crimes occurring in UCM housing and residence halls	100 Terrace Center	(209)228-2293	https://housing.ucmerced.edu/housing@ucmerced.edu

*UCM faculty, students, staff, or others participating in UCM programs or activities or seeking to do so.

Members of the community are helpful when they immediately report crimes or emergencies to the University of California, Merced Police Department and/or other CSAs for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary. A complete list of designated CSAs can be provided upon request to clery@ucmerced.edu.

Blue Light Phones

The university has placed blue light phones throughout the campus. The purpose of the emergency call boxes is to provide a direct line to alert UCMPD of any emergency or suspicious circumstances. Police officers are immediately dispatched to the incident location.

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.



Bobcat Safety App available on the Apple App Store and Play Store

- 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 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.

A. Campus Security Authorities (CSAs)

Campus Security Authorities (CSAs) are a critical link within our community, they help ensure the campus remains informed and individuals coming forward have access to the information and resources they deserve. In most cases, CSAs can maintain victim/survivor confidentiality while maintaining their expectation to report.

The University of [California Clery Act Policy – Campus Safety Reporting](#) provides that Campus Security Authorities are those individuals “who because of their functional role have an obligation to notify the UCMPD of alleged Clery Crimes that are reported to or witnessed by the CSA.” CSA is a Clery-specific term that encompasses four groups of people:

1. Employees who work in a campus police department (UCMPD)
2. Staff responsible for security and monitoring access to university buildings
3. Employees designated within institutional campus security policies to receive crime reports, and

4. “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.”

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. For additional information or clarification, an email can be sent to clery@ucmerced.edu.

B. Pastoral and Professional Counselors

At this time, Pastoral Counselor services are not offered at UC Merced.

Professional counselors at the University are not considered campus security authorities (CSAs) when acting as Professional Counselors. However, to be exempt from the Clery Act reporting requirements, the counselor must be acting in their professional role as a pastoral or mental health counselor for the members of the University. According to the [Clery Act Policy – Campus Safety Reporting](#):

- Pastoral Counselors – A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- Professional Counselors – A person whose official responsibilities include providing mental health counseling to members of the Location and who is functioning within the scope of the counselor’s license or certification.

If and when they deem it appropriate, professional counselors are encouraged to inform their clients of reporting options, including the ability to make a voluntary, confidential report.

C. Voluntary, Confidential Reporting and Anonymous Reporting

UC Merced has voluntary reporting options for victims/survivors and/or witnesses of a crime to report incidents, while maintaining the anonymity of the reporter and/or the victim/survivor to the highest extent possible. Clery Act crimes reported confidentially without the identity of the victim/survivor are included in the annual disclosure of crime statistics, as required, and timely warnings may be made in response. In addition, administrative or law enforcement action may be taken in response to anonymous or confidential reports, if appropriate.

Per the University of California [Clery Act Policy – Campus Safety Reporting](#), confidential resources include employees whose official responsibilities include providing professional counseling to members of the UC community and who are functioning within the scope of their license or certification.

Confidential campus resources that meet these criteria and are therefore exempt from CSA reporting requirements include Counseling and Psychological Services (CAPS), INSIGHT Employee Assistance Program (EAP), and CARE Advocates. Disclosures made to Professional Counselors and licensed psychologists are privileged and confidential and are exempt from the CSA reporting requirements. The CARE office provides information about available resources and reporting options, while ensuring all communications to the designated CARE Advocate remain confidential and privileged.

Reporting to UCMPD

- *Anonymous Reports:* Anyone may call UCMPD at (209) 228-2677 to report concerning information. If you would like to report a crime or related concern but do not wish to reveal your identity, UCMPD offers an anonymous tip message format that allows for both confidentiality and anonymity, by using the Bobcat Safety App. This anonymous tip message format should **NOT** be used for emergency purposes.
- *Non-Anonymous Reports:* Because police reports are public record under California law, confidentiality of reports made to UCMPD cannot be guaranteed. Exceptions exist for sexual assault and crimes where victims/survivors or witnesses would be at risk should their names be released to the public. The University will inform individuals during the reporting process if confidentiality may not be assured.

Reporting to a Campus Office Anonymously or Confidentially

- *Anonymous Reports:* Reports of illegal conduct may be made anonymously through the [UC's Whistleblower Hotline, Online](#), or by phone at (800) 403-4744. Sexual violence may be reported anonymously to the Office for the Prevention of Harassment and Discrimination using the [Reporting Options](#). OPHD may be limited in what action can be taken in response to an anonymous report.
- Disclosures made to Professional Counselors and licensed psychologists are privileged and confidential and are exempt from the CSA reporting requirements.
- *Non-Anonymous Reports to Confidential Resources:* Reports, including reports of sexual violence, made to confidential on-campus resources are not required to be reported to the Title IX Officer or UCMPD without consent of the victim/survivor. These confidential resources are not required to report even if they are otherwise

designated as a CSA, provided that they are functioning within the scope of their license or certification:

- Counseling and Psychological Services (CAPS) counselors
- CARE Advocates
- Ombuds staff providing professional counseling and
- INSIGHT Employee Assistance Program (EAP) personnel providing professional counseling.

For more information about confidential resources and reporting options relating to sexual violence incidents, see Section XII.

D. Other Obligations to Report Crimes

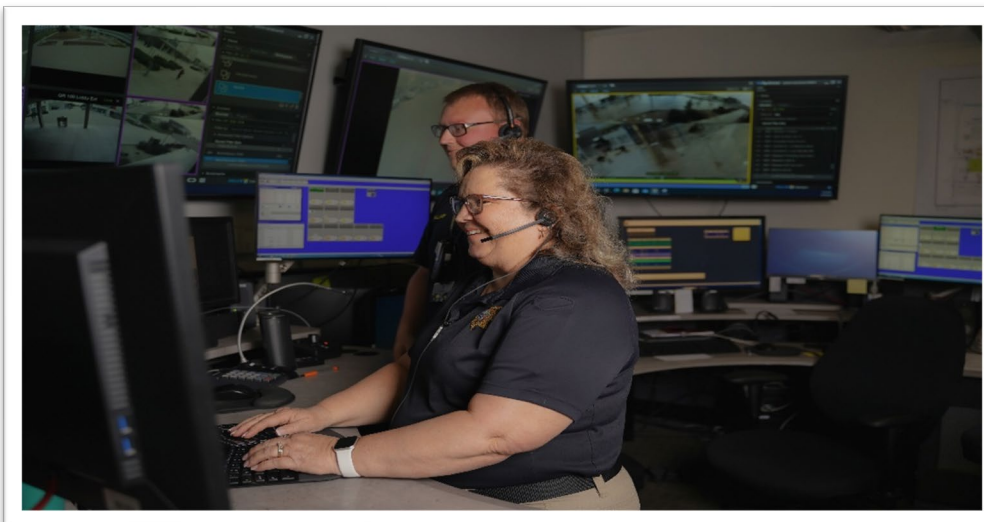
Certain UCM employees have additional obligations arising from other laws and/or UC policies to report information that may include information about criminal incidents. The table below summarizes information about these mandatory reporting obligations.

Your Position & Matter Reported	Required Action
If (1) you are a manager, supervisor, faculty, UCMPD officer, or HR or APO or LDO administrator, and (2) you learn that anyone affiliated with UCM may have experienced conduct prohibited by the UC Policy on Sexual Violence and Sexual Harassment (SVSH Policy) or the UC Anti-Discrimination Policy ,	then (3) you must promptly contact UCM's Office for the Prevention of Harassment and Discrimination (OPHD). Filing a report online is encouraged.
(1) Unless you are a Confidential Resource, if (2) you learn that a student may have experienced Prohibited Conduct under the SVSH Policy,	then (3) you are required to promptly notify the Title IX Officer (OPHD). Please complete the online report form or email ophd@ucmerced.edu .
If (1) you are a Campus Security Authority (CSA) and (2) you become aware of a report or allegation that a Clery Act crime is alleged to have occurred on UCM's Clery Act geography,	then (3) you are required to notify the Clery Act Coordinator. See UCM's Clery Act web page for further guidance.
If (1) you are a Mandated Reporter under CANRA and (2) you become aware of actual, reported or suspected child abuse or neglect occurring on UCM's campus or at an official UCM activity or program,	then (3) you are required to (a) make a verbal external report to any of the following: local law enforcement, child protective services; (b) no later than 36 hours after the verbal report, fill-out Form SS8572 and submit it to the agency with whom a verbal report was made; and (c) make an internal report (may be anonymous) to a supervisor or through the

	University Compliance Hotline at (800) 403-4744 or http://www.universityofcalifornia.edu/hotline/ (See UCM CANRA Reporting Requirements for more details)
If you receive or are aware of (1) violence in the workplace,	Then (2) report to the Workplace Violence Incident Reporting Portal . See Workplace Violence Prevention at UC Merced .
If (1) you are a supervisor and/or department management and (2) you become aware of a serious injury (amputation, concussion, fracture, injury with significant bleeding, severe burn, and/or any injury requiring overnight hospitalization),	Then (3) report to the Environmental Health & Safety (EHS) Portal . See EH&S at UC Merced .
If (1) you receive a report or information that alleges an Improper Governmental Activity (IGA),	Then (2) you must elevate it to the LDO if: the IGA directly involves the University as either the victim of the improper activity or the perpetrator of the improper activity via the action of an employee. See Whistleblower Reporting .

E. Reporting Non-Emergencies

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 (22677 if dialing from a Zoom phone. Non-emergency assistance can also be requested by contacting any of the phone numbers mentioned above in the “*Reporting Criminal Activity & Emergencies*” section.



UCMPD Dispatch Center

VII. Missing Persons

It is the policy of the UC Merced (UCM), through the UC Merced Police Department (UCMPD), to accept all reports of missing persons without delay. UCMPD does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until the facts reveal otherwise. The UC Merced Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation.

If a person has reason to believe that a member of the University community is missing, they should immediately notify UCMPD at (209) 228-2677 or 911.

UC Merced Housing Notification Process

Following determination⁶ 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 contact. 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

⁶ A person is deemed to be missing when a report is made to law enforcement and initial attempts by law enforcement to contact or locate the individual is unsuccessful.

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 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.

VIII. Crime Prevention and Security Awareness Programs

This section provides information about campus security programs that are designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. These programs include education and awareness activities designed to reduce the occurrence and severity of crime and to mitigate its effects.

A. UCMPD Crime Prevention Programs

UCMPD provides and/or collaborates in presentations on topics such as security services, basic crime prevention, personal safety (both on and off campus), as well as workplace safety. 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.

Crime Prevention Programs

UCMPD offers the following crime prevention programs to the UC Merced community:

- **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 work space.

The information can be used every day, in any setting, on or off campus, at work or during travels. The program is approximately 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 several times throughout the academic year.

V.I.R.T. is held on different days/times of the week to accommodate in-person, on-line, and those with limited availability.

- **Police Insight:** is offered several times throughout the year. Police insight has been modified as a mobile program throughout several different campus locations. As a mobile platform police insight addresses 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.

Security Awareness Programs

- **Public Service Ambassadors:** PSAs play an important role in security awareness by serving as visible, approachable representatives who help students, staff, and visitors understand safety practices and campus security resources. Ambassadors respond to low-level state crime and non-criminal incidents. Ambassadors also support first responders including police and fire.
- **Duress Alarm:** Duress alarm is a security system feature that allows a person to silently signal that they are under threat, being coerced, or facing an emergency. Duress alarm training teaches employees or occupants how and when to use that system correctly. Training covers what the duress alarm is, how to activate it, when to use it, what happens after activation, communication, safety considerations, and incidental or false alarms.
- **UCM Alert:** UC Merced distributes emergency information through multiple communication channels to ensure that students, faculty, staff, and visitors receive timely and accurate updates during emergencies. Registering for UCM Alert allows for immediate notification of urgent emergency information.

B. Campus Residents

Campus community members are reminded that crime can happen anywhere, at any time, to anyone, and that the UC Merced campus is not a crime-free zone. Students, staff, and

faculty must take their own personal safety very seriously. Campus residents are advised to:

- Keep rooms and apartment doors locked at all times
- Ask strangers to wait in the common areas and restrict access to private areas
- Keep valuables out of plain sight
- Not leave personal property in common areas
- Report suspicious activity immediately to UCMPD at (209) 228-2677

C. Responsibilities of the University Community

A safe and secure environment is essential for fulfilling the mission of the University. Preventing harm depends on community members identifying and communicating hazardous conditions and behaviors of concern. Safety is a collaborative effort! Additionally, early identification of safety and security concerns allows for effective planning, mitigation, response, and recovery.

Members of the University community must assume responsibility for their own safety and the security of their personal property. The following precautions provide guidance:

- Report all crimes and suspicious activities to UCMPD immediately.
- If you see or smell any evidence of fire, smoke, gas, or other hazardous conditions, call 911 immediately. Even fires that have been extinguished should be reported.
- Be aware of your surroundings. If possible, don't walk alone during late-night hours. Walk in groups whenever you can or request a safety escort — there is always safety in numbers. Stay in well-lit areas as much as possible. Request a Safety Escort by calling (209) 228-2677.
- Never take personal safety for granted. Trust your instincts. If something or someone makes you uneasy, avoid that person or leave the situation.
- Let a family member or friend know your destination and your estimated time of arrival or return. That way, police can be notified as quickly as possible if a problem arises.
- Carry only small amounts of cash. Never leave valuables (wallets, purses, books, phones, etc.) unattended or in plain sight.
- Carry your keys at all times and do not lend them to anyone.
- Always lock the door to your residence hall room (or home), whether or not you are inside. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are away from home.
- Many doors on campus are protected by access readers. Doors should not be held open for strangers.

- Don't let people into residence halls or other protected locations unless you know them, they are your guest, or they are authorized to enter. Never prop open a door.
- Report any safety-related problems and maintenance concerns immediately to the appropriate authority.
- Inventory your personal property and insure it appropriately with personal insurance coverage. Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
- Lock up bicycles and motorcycles. Lock your car doors and close the windows when leaving your vehicle.
- In the event of a fire alarm sounding, follow all building evacuation procedures.
- In the event of a crime, save any evidence. Do not remove any evidence until officers are able to respond and investigate.
- Do not hesitate to approach UCMPD Officers with suggestions, questions, or concerns. Get to know them! If we build a collective sense of stewardship for each other and the University, together we can make a difference. Contact information for UCMPD can be found on the UCMPD website: <https://www.police.ucmerced.edu>



UCMPD Public Safety Ambassador's (PSAs) at the Open House

IX. Security and Access to 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.

A. Security and Access to Campus Facilities – Academic and Other Buildings

During normal business hours, UC Merced buildings and facilities (excluding certain housing facilities and administrative buildings) are open to the public. During non-business hours, access to most campus buildings and facilities is limited and may require proper identification. Campus buildings and facilities are secured according to schedules developed by the department responsible for the building or facility. Some buildings and facilities at UCM have hours that vary throughout the year. Emergency situations may require changes or alterations to posted building and facility schedules.

Access to academic and other buildings is controlled by key or electronic keycard access, and each building has varied levels of access control. A number of newer buildings on campus have electronic access control at the building entrances, and entry into these buildings is granted with an authorized access control card. Schedules vary by building. Most buildings open at 7:00 a.m. Monday through Friday. Some buildings close at 5:00 p.m. on those days and others close at 10:00 p.m. Buildings require electronic card access after-hours.

More sensitive areas of the campus utilize alarm systems that provide notification to the UC Merced Police Department (UCMPD) upon activation. UCMPD Officers respond to alarms and conduct routine patrols to monitor security at campus buildings and other facilities. Lost keys or keycards should be reported to a department supervisor immediately for re-keying of areas or canceling the keycards, as necessary.

In order to ensure that only authorized individuals have access to UCM buildings and facilities, it is essential that students, staff, and faculty work together to keep doors of all buildings and other facilities closed and locked after hours. Do not leave doors propped open or unlocked after hours. Do not open the door for individuals you do not know. If your campus keys or keycards are lost or stolen, report this information immediately to the issuing party/department and/or UCMPD at (209) 228-2677.

B. Security and Access to Campus Facilities – Residential Facilities

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.

Students may report violations of their Housing contract and/or the Student Code of Conduct to a Resident Assistant (RA) or any other member of Residence Education staff. Any dangerous behavior should be reported to Residence Education staff and/or UCMPD immediately and is subject to disciplinary action. Additionally, RAs conduct community walks throughout the premises during their work shifts.

Access to UC Merced on-campus Student Housing facilities is limited to building residents, their authorized guests, and other approved members of the University community. On-campus student housing facilities have 24-hour access control systems that require either a key or keycard to access the facilities. Over extended breaks or during emergency situations, access is limited to those who are scheduled to remain in the building. Access or attempted access to a room or facility without authorization is not permitted. Access or attempted access through a window is also not permitted. Students, staff, and faculty may not reproduce campus housing keys. Loaning keys to another party, manipulating locks or door handles to gain entry without a key, or misusing a key or keycard is also prohibited. These are violations of the UC Merced Student Code of Conduct and are also violations of the UC Merced Student Housing contract. Residents are required to enter using their own key or keycard.

Theft is the most prevalent crime that occurs in the residential areas. Residents are encouraged to exercise caution with respect to their personal safety and security within campus housing facilities. UCMPD encourages all residents, guests, and other visitors at UC Merced to be aware of their surroundings and the presence of unknown persons in your communities. All residents are encouraged not to leave their belongings unattended. Residents are reminded to lock all doors and windows throughout the year.

C. 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.”



UC Merced Residential Facility

X. Emergency Response, Evacuation Procedures, and Emergency Notifications

A. Emergency Management at UC Merced

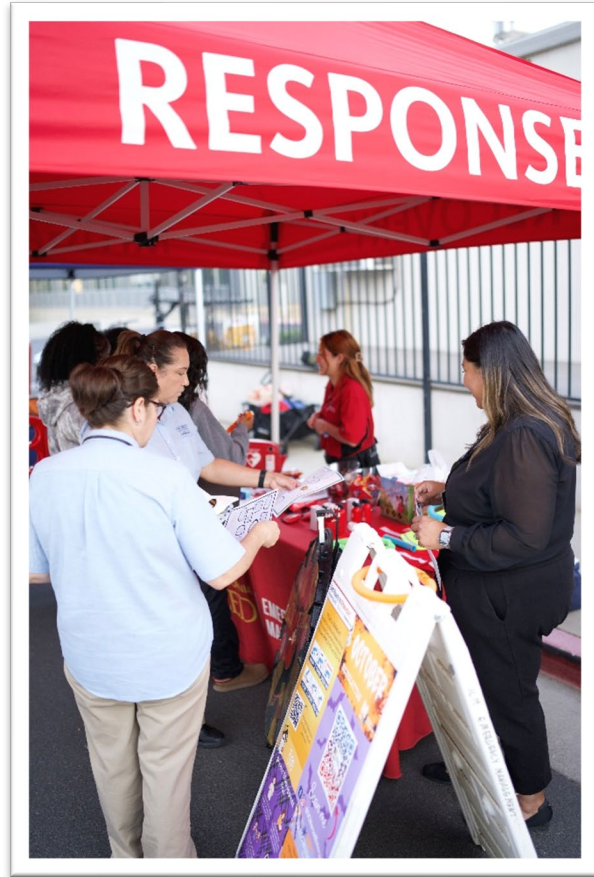
The UC Merced Police Department – Office of Emergency Management, assist the campus community with the implementation and maintenance of the all-hazards Emergency Operations Plan (EOP) and preparedness programs and projects in emergency planning, training, response, and recovery.

The Office of Emergency Management is responsible for developing and implementing the campus Building Emergency Action Plan (BEAP), Emergency Operations Plan (EOP), and Hazard-Specific Annexes. The purpose of these plans is to establish operational procedures necessary for campus personnel to respond to and recover from a significant emergency event in a timely and organized fashion. The UCM

Office of Emergency Management aligns with Incident Command Systems (ICS) of the Federal Emergency Management Agency (FEMA), California Governor’s Office of Emergency Services (Cal-OES), and the Merced County Emergency Management Department, which includes preparation, mitigation, response, and recovery actions.

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.



Emergency Management Tabling

- 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.

B. Drills Exercises, Training, and Testing

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, AMR 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.

C. Emergency Evacuation Procedure – Overview

General Evacuation Procedures for UC Merced

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

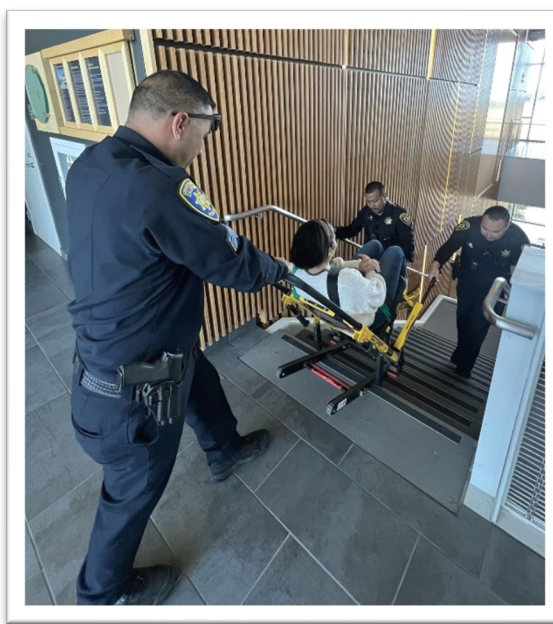
materials incident), context (time of day, likelihood, etc.) and the recommendation of first responders.

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/>), while employees are encouraged to contact Disability Management Services (<https://hr.ucmerced.edu/hr-units/benefits/accommodations>).

Emergency Evacuation Chairs⁷ 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



Evacuation Chair Training

⁷ 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_be_ap_2024.pdf.

move to an Area of 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>.

Shelter-in-Place Procedures

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

How will you know when to “Shelter-in-Place?”

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

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

How to “Shelter-in-Place”

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

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

1. If inside, stay put. Collect any emergency Shelter-in-Place supplies and a telephone to be used in case of emergency. If outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

2. Locate a room to shelter inside. It should be:
 - a. An interior room
 - b. Above ground level
 - c. 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.

D. Emergency Notifications

The Clery Act requires all colleges and universities to have an Emergency Notification policy and procedures in place in accordance with Clery Act emergency notification criteria. Emergency Notifications must be issued to the campus community (or segments of the campus community) upon confirmation of a significant emergency or dangerous situation occurring on campus, involving an immediate threat to the health or safety of students and employees.

In the event of a substantiated emergency or ongoing threat to public safety on or near university property, UCM will, without delay, determine the content of the notification and initiate the notification system, unless such notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim/survivor or to contain, respond to, or otherwise mitigate the emergency.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. Emergency notifications differ from timely warnings. Timely warnings focus on Clery Act crimes, are triggered by crimes that have already occurred, and are issued as soon as pertinent information is available. Emergency notifications are comprehensive in nature and are used to alert the campus community of dangerous situations. Notifications are triggered by an event that is occurring on or is imminently threatening the campus and are issued upon confirmation that a dangerous situation or emergency exists.

An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed. More information about timely warnings is available in the “*Timely Warning*” section of this report.

How to Report Emergencies

UCMPD is available 24 hours a day, 7 days a week. Individuals can report emergencies occurring at the University of California Merced by calling UCMPD’s Dispatch Center at (209) 228-2677, or 911 as soon as possible. All members of the campus community are encouraged to notify UCMPD of any significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus.

Decision to Issue Emergency Notification

The responding officer apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation.

The responding officer will coordinate with the Dispatch Center promptly notifying the Lieutenant and/or the Chief of Police when any public alert is generated.

The Chief of Police and/or Lieutenant may direct a UCM alert to be updated and/or canceled.

In the event of an emergency where the responding officer on scene cannot instruct the Public Safety Dispatcher, the Public Safety Dispatcher can issue a UCM Alert without prior

approval if the Public Safety Dispatcher reasonably believes based on the determining factors that an immediate threat exist.

The following University of California, Merced campus officials are authorized to activate the UCM Alert system (or to request the Department and/or Communications to do so):

- Chief of Police or designee (Chain of Command)
- Emergency Manager, Office of Emergency Management
- Designated Communications Personnel (AVC, Media Relations Director, University Communications Director)

To expedite message delivery, when possible, authorized individuals sending messages should use or modify the preexisting templates and language in the UCM Alert system. When necessary, messages may be created for a specific incident.

Disseminating Emergency Information to Members of the Larger Community

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
Bobcat Safety App	UCMPD	N/A	Chief of Police and/or the Officer on scene	UCMPD	N/A

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

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 (866-993-0696), 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.

Authorized Users of the UCM Emergency Notification System

The following personnel are authorized to utilize the Emergency Notification System:

- UCMPD Dispatch
- Records and Communications Manager
- Emergency Manager

Duress Alarm Testing

UCMPD conducts quarterly testing of approximately 100 Duress Alarms located across various UCM buildings and departments. The testing is completed physically by a member of UCMPD and verified with UCMPD Dispatch. UCMPD also provides information on how the panic alarms work and when they should be used. UCMPD is responsible for testing of the alarms, while UC Merced facilities is responsible for installation, maintenance, and mechanical failures to the alarm within the buildings and/or departments.

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

UC Merced students, faculty and staff cannot opt out of receiving UCM Alert email notifications to their UC Merced email address. If you are a former student, faculty or staff member, you can request to be removed from the system by contacting Gina Gutierrez at ggutierrez43@ucmerced.edu. To opt out of SMS messaging, text "STOP" to 67283 from your cell phone.

XI. Timely Warnings

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 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.

UC Merced is not required to issue a Timely Warning following an Emergency Notification.

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)
- 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.

A. Issuing a Timely Warning Notice

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/survivors as confidential, and with the goal of aiding in the prevention of similar occurrences⁸.

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.

B. Authorized Users of Timely Warning Notices

The decision to issue a Timely Warning will be made on a case-by-case basis upon completion of a timely threat analysis. Prior to issuing a warning, The Chief of Police or their designee and at times, in collaboration with External Relations and Student Affairs shall confer to collectively determine whether it is appropriate to issue a Clery Timely Warning.

C. Dissemination of Timely Warning Notices

The UCMPD is typically responsible for writing the Timely Warning notices. Where time permits, UCMPD will consult with External Relations on the message prior to issuing a Timely Warning. External Relations electronically mails it to the campus community.

XII. Sexual Violence Prevention and Response

UC Merced (UCM) is committed to creating and maintaining a community dedicated to the advancement, application, and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. UCM prohibits acts of sexual assault, relationship violence, and stalking that violate law and/or University policy. UCM further prohibits other conduct (such as sexual exploitation and invasion of sexual privacy), as explained in the “*Definitions of Prohibited Conduct Not Related to VAWA Crimes*” section.

For purposes of this Annual Security Report, the term “Sexual Violence” includes incidents of sexual assault (both penetration and contact), relationship violence (dating violence and domestic violence), and sex-based stalking. The term “Prohibited Conduct” includes sexual harassment, sexual violence, and other conduct prohibited by the [UC Sexual Violence and Sexual Harassment Policy](#) (SVSH Policy). The terms “Respondent” (defined in the SVSH Policy as a person alleged, in a report to the Title IX Officer, to have engaged in Prohibited Conduct) and “Complainant” (defined in the SVSH Policy as a person alleged, in

⁸ A Timely Warning is generally considered timely if the crime is reported within two weeks of occurrence of the incident.

a report to the Title IX Officer, to have experienced Prohibited Conduct) are used in this document when referring to reports made to the Office for the Prevention of Harassment and Discrimination and administrative proceedings. The terms “Suspect” and “Victim” are used in this document when referring to reports made to law enforcement and criminal proceedings.

In compliance with state and federal laws, UCM has adopted policies and procedures to prevent and respond to incidents of Sexual Violence involving members of our community. The University will respond promptly and effectively to reports of Sexual Violence and will take appropriate action to stop, prevent, correct, and when necessary, discipline behavior that violates the SVSH Policy. Additionally, UCM provides educational programs dedicated to preventing Sexual Violence.

The SVSH Policy is available online at <https://ophd.ucmerced.edu/policies-laws>. Additionally, documents with information about impacted parties’ rights, options, and resources, as well as information about education/training, risk reduction, and reporting options, are available at <https://ophd.ucmerced.edu/>.

Note that on August 14, 2020, the U.S. Department of Education (referred to as DOE) issued new regulations that require the University to follow a specific grievance process (DOE Grievance Process) in response to conduct covered by the regulations. The SVSH Policy is more expansive than the DOE regulations, so the University will only apply the DOE Grievance Process when required, in response to DOE-Covered Conduct. See Appendix IV of the SVSH Policy for information about what is considered DOE Covered Conduct and when the University will implement a DOE Grievance Process.

On August 29, 2024, the University updated the SVSH Policy. This policy update noted new contact information for the policy owner and updates to legal citations/agency titles. The SVSH Policy was updated to add new Frequently Asked Questions (FAQs) to clarify the protections for LGBTQIA+ community members, as well as students who are pregnant and have pregnancy-related conditions, as noted by President Drake in his July 31, 2024 letter providing a Title IX regulatory update.

On January 01, 2026, the University implemented the current version of the SVSH Policy and corresponding adjudication frameworks, which were necessary to comply with recently enacted state legislation. This effort was led by the policy owner, the Systemwide Title IX Director within the Systemwide Office of Civil Rights (SOCR). Pursuant to these new state laws, which went into effect in 2025, SOCR revised the SVSH Policy and adjudication frameworks, where applicable, to include:

- a definition of sexual orientation (SB 1491);

- provisions that alternative resolution (as well as early resolution or informal resolution as discussed in the revised frameworks, where applicable) is not available where the Respondent is an employee and the Complainant is a student or where the Respondent is alleged to have engaged in sexual violence as defined by the SVSH Policy (with the exception Sexual Exploitation) against any Complainant (AB 1905);
- language that alternative resolution agreements (as well as settlement agreements, informal resolution agreements, and/or early resolution agreements as discussed in the revised frameworks, where applicable) must be approved by the Chancellor and is a nondelegable responsibility (AB 1905);
- language that settlement agreements, informal resolution agreements, and/or early resolution agreements as discussed in the revised frameworks, where applicable, may not include nondisclosure clauses (AB 1905);
- a provision that in matters where a student is a Respondent, the student will receive written notice of their right to select an advisor of choice or to request that the University provide an advisor to the student (AB 1575);
- a provision that in matters where a student is a Respondent, Complainants will also receive written notice of their right to select an advisor of choice or to request that the University provide an advisor to them (AB 1575);
- a provision that the Title IX Officer will update the parties about the status of their investigation every 30 days until the outcome is issued unless a party communicates in writing to OPHD that they choose to opt out of receiving such updates (AB 2987); and,
- a provision that parties in investigations involving allegations of sex discrimination will be notified within five business days of the decision regarding any disciplinary action (AB 2987).

In addition to the above legally required changes, the SVSH Policy and adjudication frameworks have also been updated to include clarifications. These changes include clarifications to the definitions of relationship violence and responsible employee, clarification as to who may be a party advisor, clarification that Title IX Officers have discretion to charge conduct as both sexual violence and sexual harassment where appropriate, and minor changes to location responsibilities. Finally, the revised interim SVSH Policy includes technical updates to reflect a new policy owner.

UCM's OPHD Director is the Title IX Officer and is responsible for the University's compliance with Title IX and the local implementation of the SVSH Policy, including investigations, reports, and remedies of Sexual Violence. Contact information for the UCM OPHD: (209)413-4652, ophd@ucmerced.edu, <https://ophd.ucmerced.edu/>.

A. Definitions of VAWA Crimes

The following are Violence Against Women Act (VAWA) crime definitions per the Clery Act and SVSH Policy. See the “*Local Jurisdiction Definitions of VAWA Crimes*” section for California Penal Code crime definitions. UC Merced prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking, as defined by the Clery Act.

VAWA Crime Definitions per the Clery Act

Sexual Assault:

An offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as used in the FBI’s Uniform Crime Reporting program (UCR). 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 consent of the victim, including instances where the victim is incapable of giving consent.

- Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. This definition of Rape includes “Sodomy” and “Sexual Assault with an Object” crime definitions.
- Fondling: The touching of the private body 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 their age or because of their temporary or permanent mental incapacity.
- 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.

Domestic Violence:

A felony or misdemeanor crime of violence committed

- by a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence:

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

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition—
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.

Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.
- For the purposes of this definition—
 - *Course of conduct* means two or more acts, including, but not limited to, acts 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 a person's 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.

Note: The Clery Act definition of Stalking includes stalking that is not sex-based, which is not covered under the SVSH Policy.

WAVA Crime Definitions per the SVSH Policy

Sexual Assault:

- *Sexual Assault - Penetration*: Without the consent of the Complainant, penetration, no matter how slight, of:
 - the Complainant's mouth by penis or other genitalia; or
 - the Complainant's vagina or anus by any body part or object.
- *Sexual Assault - Contact*: Without the consent of the Complainant, intentionally:
 - touching the 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.

Notes:

- *Sexual Assault - Contact* 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 and/or sexual harassment. (See SVSH Policy FAQ #4 for more information.)
- Conduct that meets the definition of both Sexual Assault - Contact and Sexual Assault - Penetration will be charged as *Sexual Assault – Penetration*.
- *Sexual Assault - Contact* and *Sexual Assault - Penetration* are aggravated when they include the following:
 - Overcoming the will of the Complainant by: force (the use of physical force or inducing reasonable fear of immediate or future bodily injury); violence (the use of physical force to cause harm or injury); menace (a threat, statement, or act showing intent to injure); duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship (including a power imbalance), to do or submit to something that they would not otherwise do); or deliberately causing the Complainant to be incapacitated (for example, through drugs or alcohol);
 - Deliberately taking advantage of the Complainant's incapacitation (including incapacitation that results from voluntary use of drugs or alcohol);

- Recording, photographing, transmitting, or distributing intimate or sexual images of the Complainant without the Complainant's prior knowledge and consent; or
- Engaging in the conduct during or in connection with a clinical encounter (as defined in Appendix V of the SVSH Policy) in which the Complainant was a patient and the Respondent was a health care provider or health care worker.

Consent:

Consent is *affirmative, conscious, voluntary, and revocable*. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

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

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

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

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.

Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault. Where physical violence is reported, one incident may be sufficient; however, for incidents not involving physical violence, the conduct typically must be demonstrated to be part of a pattern of non-physical abusive behavior by the person toward the Complainant.

Patterns of abusive behavior may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).

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

Relationship violence includes both "dating violence" and "domestic violence."

Conduct by a party in defense of self or another is not Relationship Violence under the SVSH 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.

Sex-Based Stalking:

Repeated conduct directed at a Complainant (e.g., 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. See section “*Non-Sex Based Stalking*” for more information.

Department of Education (DOE) Sex-Based Misconduct (Appendix IV of the SVSH Policy):

The following definitions apply to DOE-Covered Conduct. Conduct is DOE covered if it occurred: on or after 8/14/2020, in the United States, and in a University program or activity, and if it meets one of the definitions of DOE Sex-Based Misconduct:

- Conduct by an employee that meets the definition of the SVSH Policy Section II definition of *Quid Pro Quo* Sexual Harassment;
- Unwelcome sexual or other sex-based conduct (as defined in Section II) that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University's programs or activities;
- Conduct that meets the SVSH Policy Section II definition of Sexual Assault - Penetration.
- Intentionally touching the Complainant's intimate body part (genitals, anus, groin, breast, or buttocks) without the Complainant's consent (as defined in Section II).
- Conduct that meets the SVSH Policy Section II definition of Relationship Violence.
- Conduct that meets the SVSH Policy Section II definition of Sex-Based Stalking.
- Sexual intercourse with a person under the age of 18.
- Conduct that meets the SVSH Policy Section II definition of Invasion of Sexual Privacy and that a reasonable person would determine was so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University's programs or activities.

Prohibited Conduct in the Context of Patient Care:

On January 1, 2022, the revised SVSH Policy included Appendix V to address Prohibited Conduct that occurs in the context of patient care (a clinical encounter in which the Complainant was a patient and the Respondent was a health care provider/worker). For more information, see Appendix V in the SVSH Policy.

The following definitions apply to circumstances when a health care provider/worker engaged in conduct with a sexual purpose 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.

- Sexual Assault - Penetration: Penetration, no matter how slight, of the Complainant's vagina or anus by any part of the Respondent's hand or by a medical device, if the Respondent engaged in the conduct for a sexual purpose.
- Sexual Assault - Contact: Intentionally, and for a sexual purpose, —
 - touching the 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.

B. Definitions of Prohibited Conduct Not Related to VAWA Crimes

The following are definitions of conduct prohibited by the SVSH Policy that are not related to VAWA crimes. They are not elements of the conduct covered under Sexual Violence in this document and are only included here to provide a thorough review of conduct prohibited by the SVSH Policy.

- **Sexual Exploitation:** is taking sexual advantage of another, where the conduct is not otherwise addressed in the SVSH 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 intentional deception that would reasonably overcome the will of another.
- **Sexual Harassment:** is when:
 - *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
 - *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, non-verbal, 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.
 - The SVSH Policy will be implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and will not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles discussed in Section III.F.
- **Other Prohibited Behavior:**
 - Invasion 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; or
 - 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.
- Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under the SVSH Policy or other UC Merced policies.
- 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 the SVSH Policy. An adverse action is conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for in the SVSH 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:

The following definitions apply to circumstances when a health care provider/worker engaged in conduct, with a sexual purpose, in the context of patient care (a clinical encounter in which the Complainant was a patient and the Respondent was a health care provider/worker). For more information, see Appendix V in the SVSH Policy.

- *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.
- Sexual Harassment: Conduct that meets the definition of *Quid Pro Quo* Sexual Harassment or Hostile Environment Sexual Harassment as defined in the SVSH Policy Section II, if the Respondent engaged in the conduct for a sexual purpose.

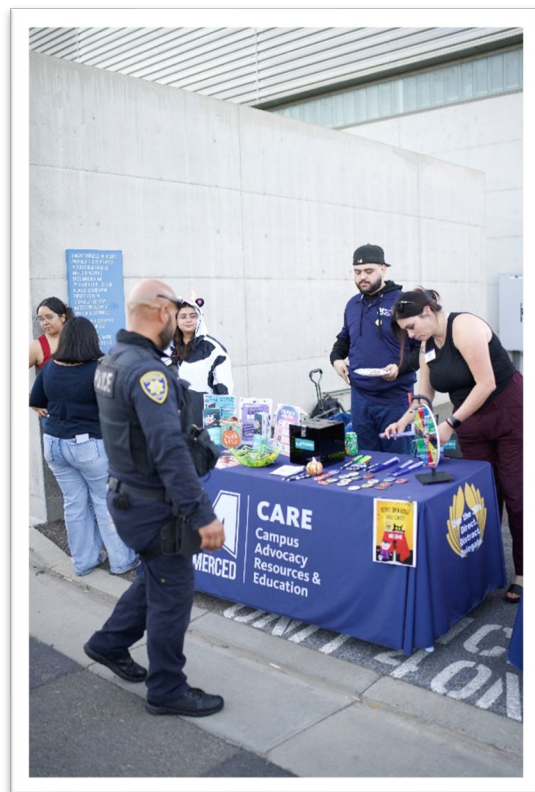
Department of Education (DOE) Sex-Based Misconduct in the Context of Patient Care:

The following definitions apply to DOE-Covered Conduct. Conduct is DOE covered if it occurred: on or after 8/14/2020, in the United States, and in a University program or activity, and if it meets one of the definitions of DOE Sex-Based Misconduct:.

- Conduct by an employee that meets the SVSH Policy definition of *Quid Pro Quo* Sexual Harassment.
- Unwelcome sexual or other sex-based conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University's programs or activities (*Hostile Environment Sexual Harassment*).
- Conduct that meets the SVSH Policy definition of *Invasion of Sexual Privacy*, and that a reasonable person would determine was so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University's programs or activities.

C. Educational Programs and Campaigns to Promote Awareness and Prevention of Sexual Violence

The Campus Advocacy, Resources, and Education (CARE) Office at UC Merced is committed to preventing Sexual Violence (sexual assault, relationship violence, and sex-based stalking) through ongoing education, prevention, and awareness programs. As part of this commitment, all University students and employees are required to complete Sexual Violence and Sexual Harassment (SVSH) prevention training. The Office for the Prevention of Harassment and Discrimination (OPHD) oversees the required training for students and employees and provides additional education on compliance with the SVSH Policy for campus partners. Information regarding required student and employee training is available on the OPHD Training and



UC Merced CARE Office Tabling

Education website: <https://ophd.ucmerced.edu/training-education>.

All undergraduate, graduate, and professional students are required to complete the University of California's Sexual Violence and Harassment, Anti-Discrimination, Prevention and Education (SHAPE) training annually. SHAPE provides education on preventing Sexual Violence, Sexual Harassment, and discrimination; understanding reporting options and available resources; promoting bystander intervention; and responding to disclosures. Additional information about the mandatory student SHAPE training is available at <https://ophd.ucmerced.edu/training-education/mandatory-student-training>.

Non-supervisory employees are required to complete the UC SHAPE for Non-Supervisors training within six weeks of hire and every two years thereafter. Supervisors, managers, faculty, MSP employees, and most academic appointees are required to complete the UC SHAPE for Supervisors, MSP, and Faculty training within 90 days of hire and every two years thereafter. These trainings include information on preventing Sexual Violence, Sexual Harassment, and discrimination, reporting responsibilities, responding to disclosures, and available campus resources. Additional information about required employee training is available at <https://ophd.ucmerced.edu/training-education>.

OPHD, often in collaboration with CARE, provides targeted training on the SVSH Policy for campus stakeholders, including Resident Assistants, Library Student Assistants, Dining Student Leaders, Career Staff, and other campus groups. These trainings address Responsible Employee reporting obligations, trauma-informed responses to disclosures, and campus resources for sexual assault, relationship violence, stalking, discrimination, and harassment. CARE and OPHD also provide additional virtual and in-person training and workshops upon request.

CARE develops prevention education using evidence-informed public health approaches and primary prevention strategies to strengthen protective factors, reduce risk factors associated with Sexual Violence, and foster a campus culture that values respect, accountability, and safety. CARE's programs are designed to increase knowledge, promote healthy relationships, encourage affirmative consent and bystander intervention, and connect community members with campus and community resources.

The CARE Office provides a variety of primary prevention and awareness programs for students, staff, and faculty focused on preventing Sexual Violence, including sexual assault, relationship violence, and sex-based stalking, while promoting healthy relationships. CARE also provides prevention education and resource training for student leaders and student staff across multiple campus departments, including Health Promotion, Basic Needs, Admissions, the Office of Student Rights and Responsibilities,

and other student-facing programs. These trainings focus on Sexual Violence prevention, consent, bystander intervention, trauma-informed responses, and campus and community resources.

Ongoing Educational Programs and Campaigns

CARE encourages the UC Merced community to be Upstanders by recognizing concerning behaviors, supporting victims/survivors, and safely intervening to help prevent Sexual Violence. CARE provides ongoing prevention education throughout the academic year for students, staff, and faculty, with a special focus on Domestic Violence Awareness Month in October, Stalking and Human Trafficking Awareness Month in January, Teen Dating Violence Awareness Month in February, and Sexual Assault Awareness Month in April. Programs are tailored to the needs of each audience and address topics including:

- Healthy Relationships and Recognizing 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



DDVAM Awareness Month is in October. Resources provided by the CARE Office.

The CARE Office offers a variety of in-person and virtual educational programs and awareness campaigns, including:

- **Fraternity & Sorority Life (FSL) Prevention Education** – Required prevention education for new and active members focused on consent, bystander intervention, supporting victims/survivors, and creating a culture that does not tolerate violence.

- **Graduate Student and Employee Training** – Introduces CARE services, Sexual Violence definitions, responding to disclosures, Responsible Employee obligations, confidential advocacy services, and campus and community resources during Graduate Orientation (GROW), Residence Education Coordinator training, Responsible Employee presentations, and other requested campus trainings.
- **T.R.U.S.T. Healthy Relationships Certificate Program** – A three-session certificate program exploring healthy relationships, boundaries, communication, safety planning, and recognizing unhealthy behaviors.
- **Little Art. Lasting Bonds** – A Welcome Week workshop where participants build connections, paint mini canvases, and discuss the foundations of healthy relationships.
- **Safe Web** – A virtual training presented by Project SafeWeb on cyber trafficking and digital safety.
- **Café Consent** – A workshop exploring affirmative consent, how to ask for and receive consent, and the role consent plays in healthy relationships.
- **Awareness Month Programs** – Educational fairs, Take Back the Night, the Clothesline Project, Denim Day, self-care workshops, tabling events, and other awareness activities held in recognition of Domestic Violence Awareness Month, Stalking and Human Trafficking Awareness Month, Teen Dating Violence Awareness Month, and Sexual Assault Awareness Month.
- **Healthy Halloween with CARE & Health Promotion** – A prevention education program promoting bystander intervention, consent, safe party practices, and available campus resources during Halloween-related events.
- **Home 4 the Holidays** – A social media campaign promoting safety planning, healthy relationships, and access to campus and community resources during academic breaks.
- **14 Days of Valentines** – A consent awareness campaign featuring daily educational content and interactive campus outreach.
- **Class Announcements and Outreach Presentations** – Presentations ranging from 5 to 60 minutes that provide an overview of CARE services, prevention education, and bystander intervention strategies.

Bystander Intervention and Risk Reduction

The Campus Advocacy, Resources, and Education (CARE) Office promotes bystander intervention through the **3 Ds: Direct, Distract, and Delegate**. CARE encourages all members of the UC Merced community to be Upstanders by recognizing concerning behaviors, supporting victims/survivors, and safely intervening when they observe

situations that may lead to Sexual Violence. While intervening may feel uncomfortable, everyone has a role in helping create a safer campus community.

The **3 Ds** provide practical strategies for safely intervening when someone may be at risk:

- Direct: Address the situation by checking in with the person who may need support, speaking up if it is safe to do so, or asking if they need help.
- Distract: Interrupt or redirect the situation by creating a distraction, changing the subject, or separating the individuals involved.
- Delegate: Seek assistance from others, such as friends, Resident Assistants, faculty, staff, or law enforcement, when direct intervention is not appropriate or safe.

Risk reduction includes strategies that may help reduce the risk of harm and encourage active bystander intervention. While these strategies can empower individuals to respond to concerning situations, the responsibility for Sexual Violence always lies with the perpetrator. CARE's prevention education emphasizes changing campus culture by promoting respect, accountability, and shared responsibility for preventing violence. Consent is **affirmative, conscious, voluntary, and revocable**. It is an agreement by each participant to engage in sexual activity, and it is the responsibility of each participant to ensure they have the affirmative consent of the other participant(s). Consent must be ongoing throughout sexual activity and may be withdrawn at any time. It must be given without coercion, force, threats, or intimidation. Lack of protest, lack of resistance, or silence alone does not constitute consent.

An affirmative "yes" should be demonstrated through positive words or actions, including active participation and positive body language. Consent to one form of sexual activity does not imply consent to any other sexual activity.

A person who is incapacitated due to alcohol or other drugs cannot give consent. Perpetrators of Sexual Violence may use alcohol or other drugs to facilitate an assault or impair a person's ability to give consent. Alcohol or drug use is never an excuse for committing Sexual Violence.

CARE encourages all members of the campus community to help prevent Sexual Violence by:

- Holding perpetrators accountable for their actions.
- Challenging victim-blaming myths and harmful stereotypes.
- Participating in prevention education and awareness programs.
- Modeling healthy relationships and respectful interactions.

- Supporting victims/survivors by connecting them with campus and community resources.
- Learning and practicing bystander intervention strategies.

Additional information about bystander intervention is available on the CARE website at <https://care.ucmerced.edu/prevention-education/how-intervene>

University of California SHAPE Training

The University of California's required prevention education curriculum, delivered through mandatory student and employee training and tailored to each audience, educates the UC community about Sexual Violence, how to prevent it, the role of intervention, and available resources. Primary and ongoing education for students and employees includes the following information: Definitions of sexual assault, relationship violence, and sex-based stalking, as defined in the local jurisdiction and in the SVSH Policy, as well as examples of behaviors that constitute such offenses.

- Definitions of sexual assault, relationship violence, and sex-based stalking, as defined in the local jurisdiction and in the SVSH Policy, as well as examples of behaviors that constitute such offenses.
- Definition of consent in reference to sexual activity, as that term is defined in the local jurisdiction and in the SVSH Policy.
- Social norms, including the attitudes and beliefs that normalize violence.
- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is risk of Sexual Violence against a person other than the bystander.
- Information on risk reduction so that students and employees may recognize warning signs of abusive behavior and understand how to avoid potential attacks.
- How to respond to Sexual Violence using methods that acknowledge the impact of violence and trauma on victim/survivors' lives.
- Information about the procedures followed when Prohibited Conduct is reported and when a University response process is initiated.
- Local resources, including confidential support for victims/survivors of Sexual Violence and available services for those accused of Sexual Violence.
- Rights and options for reporting Sexual Violence.

D. Immediate Assistance and Procedures to Follow for Victims of Sexual Violence

The following are procedures victims/survivors of Sexual Violence are encouraged to follow.

Safety

Individuals who have experienced Sexual Violence are encouraged to seek immediate assistance if they are in danger or have urgent safety concerns. In an emergency, call 911 or contact the UC Merced Police Department (UCMPD) at (209) 228-2677. UCMPD is located on campus and is available 24 hours a day, 7 days a week.

Confidential Support Services

The Campus Advocacy, Resources, and Education (CARE) Office provides confidential advocacy and support services Monday through Friday from 8:30 a.m. to 6:00 p.m. during the academic year and from 9:00 a.m. to 5:00 p.m. during the summer. CARE Confidential Advocates address immediate needs with safety planning, assistance with obtaining a Sexual Assault Response Team (SART) exam, and support with navigating reporting options. Advocacy services are available regardless of whether a victim/survivor chooses to report to law enforcement and/or the University. Contact the Campus Advocates by phone call or text at 209-386-2051. After business hours, weekends, and holidays, confidential support is available through the Valley Crisis Center's 24-hour hotline at (209) 722-4357.

Campus advocates are confidential resources and are not considered Responsible Employees as defined by university SVSH policy. They need not report information they receive while acting in their confidential capacity to the Title IX Officer. As confidential resources, they do inform a person who discloses experiencing possible prohibited conduct, such as sexual violence, of their right to report directly to the Title IX Officer and how to do so.

Preserve Evidence

Even if a victim/survivor is unsure whether they want to pursue a criminal investigation or other legal action, they are encouraged to preserve evidence. Preserving physical evidence may assist in a criminal investigation, prosecution, or obtaining a protective order. Victims/survivors of sexual assault are encouraged to preserve anything that may contain the suspect's DNA. To help preserve evidence, victims/survivors should avoid bathing or showering, changing clothes, combing their hair, cleaning the area where the assault occurred, moving items the suspect may have touched, and, if possible, using the restroom until evidence has been collected. Evidence is most effectively collected through a Sexual Assault Response Team (SART) forensic medical exam. See "*Sexual Assault Response Team Exams*" below for additional information.

Victims/survivors of Sexual Violence (sexual assault, relationship violence, and sex-based stalking) can also preserve evidence by saving text messages, instant messages, voicemail

messages, call logs, social media posts, photographs, emails, and other documents that may be useful during an investigation.

Sexual Assault Response Team Exams

A Sexual Assault Response Team (SART) is a multidisciplinary team comprised of professionals from multiple county agencies who work together to provide a coordinated response to individuals who have experienced sexual assault. Services available through the SART include a forensic medical exam, emotional support, advocacy, counseling referrals, prophylaxis for sexually transmitted infections and pregnancy, and referrals to additional support services.

A SART exam is a forensic medical exam conducted by a Sexual Assault Forensic Nurse (SANE). This process is initiated by law enforcement with confidential options. The forensic exam collects evidence for a crime investigation. Victims/survivors who choose to obtain a SART exam are encouraged to do so as soon as possible, as exams are time-sensitive and are typically done within 5 days (120 hours) of the assault. SART exams are provided at no cost to the victim/survivor and do not require health insurance, as the costs are covered by state and local funds. Victims/survivors have the right to be accompanied to the exam by a confidential advocate and/or another support person of their choosing.

A victim/survivor may arrange to have a SART exam through the following avenues:

CARE Confidential Advocacy:

CARE Campus Advocates provide confidential advocacy to victims/survivors of Sexual Violence. The advocates provide emotional support, safety planning, help with navigating reporting options (Police and/or University), and assistance with obtaining a Sexual Assault Response Team (SART) exam. Victims/survivors may visit the CARE Office in the Kolligian Library 107 or contact the Campus Advocates by phone or text at 209-386-2051. Additional information is available at <https://care.ucmerced.edu/support-services>.



CARE Office Entrance

Valley Crisis Center (VCC): A Valley Crisis Center advocate can assist victims/survivors with obtaining a SART exam and provide confidential advocacy and support. VCC Advocates are available 24 hours a day, 7 days a week by calling the Valley Crisis Center hotline at (209) 722-4357. Additional information is available at <https://www.valleycrisiscenter.org>.

Law Enforcement Report: When a victim/survivor contacts the UC Merced Police Department (UCMPD) or another law enforcement agency regarding a sexual assault, law enforcement can authorize a Sexual Assault Response Team (SART) exam. If the victim/survivor does not have transportation, confidential advocates or law enforcement can assist. UCMPD can be reached at (209) 228-2677. Additional information is available at <https://police.ucmerced.edu/> **No Report to Law Enforcement:** A law enforcement investigation is not required to obtain a SART exam. A victim/survivor may choose to have a SART exam without providing personally identifiable information (PII). To authorize the exam, the victim/survivor provides limited information about the assault but is not required to participate in a full investigative interview. The evidence is collected, assigned a case number, and securely stored until the victim/survivor decides whether to make a report to law enforcement. Confidential advocates are available to help coordinate the process with law enforcement and provide support throughout the exam. If a victim/survivor does not have transportation, the confidential advocates or law enforcement can assist.

Medical Attention

A victim/survivor may seek medical care to receive testing and treatment for sexually transmitted infections, pregnancy, or physical injuries. UC Merced's Student Health Center does not conduct Sexual Assault Response Team (SART) exams but does provide medical care for registered students who have not waived their Student Health insurance coverage. Students who have waived Student Health insurance and University employees may obtain medical care through their health care provider.

Under California law, health care providers who treat a victim/survivor of a violent crime are required to report the crime to law enforcement. However, this reporting requirement applies to the health care provider, not the victim/survivor. A victim/survivor of Sexual Violence is not required to speak with law enforcement or participate in a criminal investigation if they choose not to. Victims/survivors also have the right to be accompanied by a support person or confidential advocate during medical care.

UC Merced will protect the privacy of individuals involved in a report of Sexual Violence to the extent possible under law and UC Merced policy. To contact the Student Health Center, call (209) 228-2273 or visit <https://health.ucmerced.edu/>.

E. Reporting Obligations

Confidential campus and community resources are available to anyone impacted by Sexual Violence. Confidential resources provide a private space for an impacted party to discuss the incident and learn about reporting options, the University conduct process, and legal processes, without instigating an investigation or action by the University or law enforcement. Confidential resources are not required to share reports with the Title IX Officer/OPHD Office while acting in their confidential capacity. Confidential resources on campus can be found in the CARE Office, Counseling & Psychological Services (CAPS), the INSIGHT Employee Assistance Plan (EAP), Student Health, and the Office of the Ombuds. (Note that confidential resources are only exempt from reporting to the Title IX Officer/OPHD Office; they may have other mandatory reporting obligations under the UC CANRA (Child Abuse and Neglect Reporting Act) Policy, the Clery Act as a Campus Security Authority (CSA), and other policies or laws that require reporting to campus or local law enforcement, or Child Protective Services.) Per the SVSH Policy, confidential resources will inform a person who discloses experiencing possible Prohibited Conduct of the discloser's right to report directly to the Title IX Officer/OPHD Office and how to do so.

Any person may make a report, including anonymously, of conduct that could constitute Sexual Violence directly to the Title IX Officer/OPHD Office, or to a supervisor, manager, or another appropriate office, such as the Academic Personnel Office, Student Affairs, or Human Resources. Note that all UC Merced employees who are not confidential resources are "Responsible Employees," and must promptly forward reports of potential Sexual Violence to the Title IX Officer/OPHD. Reports can be made online (click on "Submit a Report" on the OPHD website <https://ophd.ucmerced.edu/>), by email at ophd@ucmerced.edu, or by phone at (209) 413-4652, and should contain all pertinent information known to the reporter, including names, date, location, and allegations. OPHD will report any disclosures of Clery Act crimes to the Clery Act Compliance Office for the purpose of statistical disclosures and assessment for an ongoing threat to the campus.

Reporting one's personal experience with Sexual Violence to a Responsible Employee, OPHD, the Title IX Officer, or law enforcement is the decision of the impacted party. If an act of Sexual Violence is reported to a Responsible Employee, that employee must notify OPHD, which will determine whether a University investigation may be necessary to address the concerns reported. (The University will strive to honor the Complainant's wishes on whether to move forward with an investigation, taking into consideration any safety concerns for the involved individuals. There may be circumstances where the University may need to move forward against the Complainant's wishes, or determine that an investigation will not occur despite the Complainant's wish to pursue an investigation.)

The University encourages early reporting of incidents to either law enforcement or OPHD. While there is no time limit on reporting incidents to the University, early reporting can aid in evidence gathering and increase the likelihood that the University will be able to exercise jurisdiction over respondents who might otherwise no longer be affiliated with UC Merced due to the passage of time.

Even if a clear decision has not been made by the impacted party whether to report the conduct, it is still important for the impacted party to preserve evidence that might be used in future investigations or for obtaining a protection order. This includes limiting the use of the restroom, and not bathing or showering, changing clothes, combing hair, cleaning up the crime scene, or moving anything the suspect might have touched (until the evidence has been collected). Evidence is most effectively collected via a sexual assault forensic exam (see “*Sexual Assault Response Team Exams*” section). Additional efforts may also include writing down details about the incident(s), saving any communications (electronic, voice, text, etc.) from involved parties, and capturing a copy of any relevant online information (social media posts or messages).

Parties impacted by Sexual Violence may pursue any of the following reporting options. A CARE advocate can provide information about reporting options and accompany the impacted party during reporting processes. CARE advocates can be reached at (209) 386-2051 and (209) 355-7589.

1. Make No Report

Although UC Merced encourages the timely reporting of all crimes, individuals impacted by Sexual Violence are not required to report to law enforcement, OPHD, or any other campus office. Understanding that reporting is an intensely personal process, UCM respects the right of the impacted party to decide whether to report. Seeking support through CARE does not generate a report to law enforcement or OPHD; a report to law enforcement will not be made unless the individual impacted by Sexual Violence chooses to do so.

2. Report to Law Enforcement

Impacted parties have the right to report incidents of Sexual Violence to law enforcement. If the incident happened on University property, a report may be made to UCMPD. If the incident happened off campus, a report may be made to the corresponding local law enforcement agency. As Responsible Employees, law enforcement must report to OPHD. If the victims/survivors asks to be a Confidential Victim, UCMPD will provide OPHD with information of the incident but not the victim’s/survivor’s name. See “*Protecting Victim Confidentiality*” section for more information.

Victim advocates from CARE are available to assist victims/survivors in notifying law enforcement authorities and accompanying victims to meetings with law enforcement if the victim/survivor so chooses.

3. File a Complaint with UC Merced OPHD

UC Merced encourages all Complainants to report acts of Sexual Violence to OPHD as soon as possible after it occurred, regardless of whether it occurred on or off campus, in order for appropriate and timely action to be taken. Complainants may request OPHD investigate, whether or not a report has been filed with law enforcement. OPHD is the UC Merced office responsible for determining the appropriate University response to reports of Sexual Violence, which may include conducting a neutral, administrative (i.e., non-criminal) investigation to determine if the SVSH Policy has been violated.

OPHD's Complaint Resolution Officers (CRO) meet with Complainants to discuss their rights, options, and any appropriate supportive measures. If a Complainant wishes to report to OPHD, the CRO will conduct an initial assessment to determine if the reported conduct meets the criteria of Prohibited Conduct, as defined by the SVSH Policy, and if so, discuss the next steps and available options. In determining what action should be taken, the Title IX Officer will consider the Complainant's desired response and outcome. If OPHD investigates, the investigation will be conducted using the preponderance of the evidence standard. At the conclusion of the investigation, OPHD will produce an Investigation Report that will be forwarded to the appropriate campus official(s) for adjudication.

Any Complainant who reports Sexual Violence, regardless of whether the offense occurred on or off campus, will be provided with a written explanation of their rights, options, and resources.

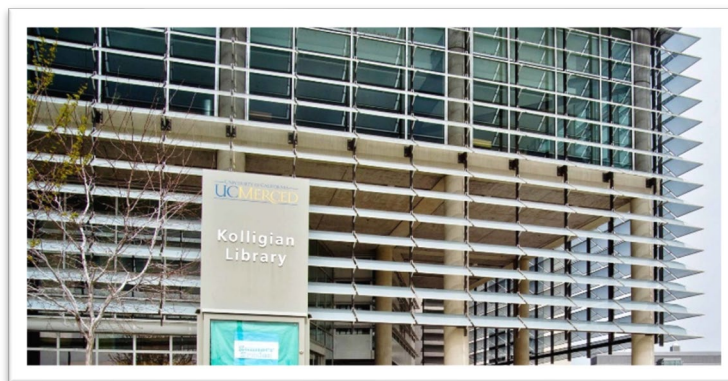
OPHD, in coordination with the Case Management Team, will make an immediate assessment concerning the health and safety of the Complainant (and other affected parties) and the campus community, and implement supportive measures or safety measures deemed immediately necessary.

OPHD will comply with a Complainant's request for assistance in notifying authorities by making a report to UCMPD on their behalf, directly connecting them with UCMPD, or providing them with UCMPD's contact information, depending on the Complainant's specific request for assistance.

Many campus offices can assist Complainants with obtaining supportive measures; including CARE, UCMPD, Residence Education, Office of Student Rights and Responsibilities, Human Resources, OPHD, and others. Supportive measures include No-

Contact Orders; safety escorts; and changes to academic, living, transportation, and working situations.

OPHD is available in-person at the Kolligian Library, 3rd floor, room 323, Mondays through Thursdays, 9:00 a.m. to 3:00 p.m. and on Friday's by appointment, by phone at (209) 413-4652, via email at ophd@ucmerced.edu, <https://ophd.ucmerced.edu/>



Main Entrance to the Kolligian Library

4. Make an Anonymous Report

Complainants can make an anonymous report. However, without a Complainant's participation, the response options may be limited. While response options may be limited, these reports still provide the University with valuable information about the prevalence of Sexual Violence in the campus community, and help to inform and further improve prevention and response efforts.

F. Supportive, Remedial, and Other Protective 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 member of the OPHD team will determine and implement measures as soon as possible. The measures will be 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.

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

- *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).
- *Employees:* Changes to work location, schedule, or position (if voluntary and equitable for Complainants).
- *Respondent Training:* Sexual harassment prevention, anger management, refresher classes.

- *Campus Services Modified:* Waiving fees, additional medical/counseling/academic support, other accommodations upon request.
- *Students:* Change advisors, dissertation committee, class sections; adjust academic requirements; allow retakes/withdrawals without penalty; review disciplinary actions for causal links to the violation.
- *No Contact Options:*
 - Include changes in living, transportation, dining, work, academics; escort services.
 - They 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.
 - The Notice explains terms, conduct violations, and consequences.
 - Restrictions on a Respondent may include: alternate course sections, relocation to different housing or workspace, activity restrictions, time period attached to the no-contact compliance, suspension or transfer, and exclusion from campus/workplace.

Protective measures may apply to one or both parties, be temporary pending investigation or for the duration of the investigation and adjudication process 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.

Other Protective Measures

Non-University protective measures, including Emergency Protective Orders and Civil Protection Orders, are available to Complainants concerned about their safety. Once a protective order is obtained, it is recommended that the Complainant keep a copy with them at all times and provide copies to any campus administrators who need to assist in the order enforcement, including the UC Merced Police Department, the Complainant's supervisor (if employed), OPHD, and the UC Merced Childcare Center (if a shared child is involved). If the restrained person violates the order, call 911 immediately.

For more information about obtaining and enforcing these protective measures, contact the UC Merced Police Department, OPHD, or the CARE Office. UC Merced will comply with any orders that are obtained.

Emergency Protective Order:

Impacted parties may request an Emergency Protective Order if there is an immediate threat to their safety and a law enforcement report is being taken. Assistance with obtaining an EPO is available from the UC Merced Police Department, or any law enforcement agency. Before the expiration of the Emergency Protective Order, or in all other situations in which a protective order is needed, a Temporary Restraining Order should be requested through the Merced Superior Court if the victim/survivor wants or requires ongoing protection.

Civil Protection Order:

Impacted parties may request (1) a Domestic Violence Restraining Order against someone they've dated or had an intimate relationship with, who has abused them or their children; or (2) a Civil Harassment Restraining Order if they are being harassed, stalked, abused, or threatened by someone they have not had an intimate relationship with or are not closely related to (anyone not included in the list under domestic violence protections).

G. Protecting Victim Confidentiality

UC Merced recognizes the sensitive nature of incidents of Sexual Violence (sexual assault, relationship violence, and sex-based stalking). UC Merced is committed to protecting the privacy and personally identifiable information (PII) of any individual who reports experiencing Sexual Violence. Different officials and persons can offer varying levels of privacy protection to Complainants. Information about the Complainant's identity will be considered confidential and only shared with persons who have a specific need-to-know (i.e., those who are investigating/adjudicating the complaint or those involved in providing support services to the Complainant, including accommodations and modifications).

A report to the police/law enforcement may create a public record. If a victim/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. UCMPSD, however, will report all the facts of the incident to OPHD, including the Respondent's identity, without revealing the victim's/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.

Additionally, the University will not release personally identifiable information of Complainants in the issuance of “Timely Warnings,” “Emergency Notifications,” each of which is required by the Clery Act.

H. Responding to Reports of Sexual Violence and Sexual Harassment; Complaint Resolution and Adjudication Proceedings

On August 14, 2020, the University of California revised the SVSH Policy and [associated investigation and adjudication procedures](#). The revisions were required to comply with the U.S. Department of Education (DOE) Title IX regulations, which became effective on the same date. The [Sexual Violence and Sexual Harassment Policy](#) was further revised, effective January 1, 2022, and again effective August 29, 2024. Under the 2020 Title IX regulations and the SVSH Policy, certain conduct (referred to in the SVSH Policy as DOE Covered Conduct) is required to be addressed following specific procedures, this includes conduct that:

- occurred on or after August 14, 2020; AND
- occurred in the United States, AND
- occurred in a university "program or activity," which includes:
 - on campus; or
 - off-campus (1) in the context of university operations, at a location, event or circumstances over which the University exercised substantial control over the Respondent and the context in which the conduct occurred, or (2) at a building owned or controlled by a student organization that is officially recognized by the University; AND
- was DOE Sex-Based Misconduct.

If the conduct is DOE Covered Conduct (Appendix IV of the SVSH Policy), the University must address the conduct through the DOE Grievance Process. The DOE Grievance Process may involve a formal investigation, alternative resolution, or other inquiry. If a formal investigation is conducted, and if either party does not accept the investigator’s preliminary determinations, a hearing will be conducted. Some of the notable changes on the process: (1) the insertion of a hearing following an investigation, and prior to policy determination⁹; (2) indirect questioning of parties and witnesses, through advisors who ask questions of the other party during a hearing; and (3) the University will provide a person to

⁹ This change was implemented in 2019 for student Respondents in response to change in California case law. The current change of the hearing insertion now applies to cases that meet the DOE regulations and involve an employee Respondent.

read the party's questions during a hearing if their advisor is not present or they do not have an advisor.

If the conduct is not DOE-Covered Conduct, the University will respond through its own administrative processes. Like the DOE Grievance Process, this could result in a formal investigation, alternative resolution, or other inquiry, or the matter could be considered closed. If a formal investigation is conducted, it would not involve a hearing unless the Respondent is a student or a Senate faculty member, and then only under certain circumstances.

If a case involves both DOE-Covered Conduct and other Prohibited Conduct, the University will respond under the DOE Grievance Process.

[Procedures for Reporting and Responding to Reports of Prohibited Conduct](#)

This section provides an overview of the procedures the University uses to respond to reports of Prohibited Conduct. While the Title IX Officer has responsibility for oversight of the reporting and response processes, other offices at each location will be involved and consulted as necessary. The specific procedures for investigating and resolving complaints of Prohibited Conduct depend on the Respondent's identity and relationship to the University. The Complainant and the Respondent are sometimes referred to together in this section as "the parties".

Where the Respondent is a student, Non-DOE Covered Conduct procedures are covered in [PACAOS-Appendix E: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for Non DOE-Covered Conduct](#). When it is DOE-Covered Conduct, the procedures are covered in [Interim PACAOS-Appendix F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct](#).

Where the Respondent is a faculty member, the procedures are in the [Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Senate and Non-Senate Faculty Interim Revisions](#), and any local implementing procedures.

Where the Respondent is a staff member or non-faculty academic employee, the procedures are in the [Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel Interim Revisions](#), and any local implementing procedures.

Where the Respondent is a physician or other health care provider credentialed and privileged by hospital medical staff, or a health professional training program student, resident or fellow, then in addition to the above frameworks they may be subject to

investigation and adjudication of professional misconduct under other rules and policies (for example, medical staff bylaws and school-based policies), potentially resulting in corrective action or termination.

The Title IX Officer will determine which procedure applies when there is a question about the Respondent's predominant role. The determination will be based on the circumstances. Where a Respondent is both a student and an employee, the University will apply only one procedure to determine responsibility, but the Respondent may be subject to discipline applicable to both students and employees.

Where the Respondent is a third party, the Title IX Officer will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process and applicable law, federal guidance, and this Policy, which may be an Other Inquiry, which is an investigative response less structured than a formal investigation. The University's ability to take appropriate responsive action depends on its relationship and level of control over the third party, if any.

Where there is no identifiable, individual Respondent such as where the Complainant alleges Prohibited Conduct by an organization or a Respondent whose identity is unknown or conduct by multiple people that rises to the level of Prohibited Conduct only when considered in the aggregate, or in certain other situations, the Title IX Officer may respond through an Other Inquiry, which is an investigative response less structured than a formal investigation.

As soon as practicable after receiving a report, the Title IX Officer and members of the OPHD team will make an initial assessment of the immediate safety needs of the Complainant, including, for example, assisting with acquiring protective orders or other supportive measures. OPHD will provide the Complainant with:

- Written notification of resources and explain the various rights and options when reporting an incident of sexual violence or sexual harassment.
- Information regarding access to medical care, emotional support, information regarding the confidential survivor advocate, and, when requested, any workplace, academic, and/or housing accommodations.
- Information for reporting to UCMPD or the local police department, when applicable, and will assist the Complainant with contacting law enforcement if the Complainant requests.

OPHD, in consultation with relevant campus partners (e.g., CARE Office, Residence Education, Housing, Office of Student Rights and Responsibilities, Human Resources, Employee and Labor Relations, Dean of Students, and UCMPD) will assess the need to

implement interim or long-term protective measures, such as interim suspensions, exclusions from areas of campus, housing changes, change in class schedule or workplace environment. Consistent with PACAOS 107.00, the University may take Interim Measures before a final determination of an alleged violation.

As part of the initial assessment process, the Title IX Officer/OPHD will conduct a limited factual inquiry when appropriate to determine whether the matter is actionable and, if so, the appropriate resolution process. Resolution options may include a formal investigation, alternative resolution, or other inquiry.

For those matters that proceed to a formal investigation or DOE grievance process, UC investigation and adjudication procedures provide that:

1. Proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result. Proceedings are conducted by officials who have no conflicts of interest or biases for or against a Complainant or Respondent.
2. All proceedings will be completed within reasonably prompt time frames, as designated by university policy and guidelines, and allow for good cause extension of time frames with written notice to both the Complainant and Respondent of the delay and the reason for it.
3. The parties will receive timely notice of meetings at which the Complainant and Respondent, or both, may be present and shall have timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.
4. All proceedings are conducted by officials who receive annual training on issues related to Sexual Violence and how to conduct investigations and hearing processes that protect the safety of victims/survivors and promote accountability. Title IX/OPHD investigators are additionally trained in the application of investigative best practices and legal and procedural updates. Hearing officials are additionally trained on the fundamentals of due process in administrative hearings.
5. The standard of proof for fact-finding and determining whether a policy violation(s) occurred is a preponderance of the evidence, as defined by the SVSH Policy. A Respondent will not be found responsible for a violation of the SVSH Policy unless the evidence establishes it is more likely than not that they violated the SVSH Policy.
6. Before the investigator concludes the investigation and finalizes a written report, Complainant and Respondent will have an equal opportunity to review and respond to the evidence that the investigator has deemed relevant, including relevant evidence that weighs against finding a policy violation(s). The Title IX Officer will designate a reasonable time for this review and response by the parties that, absent

good cause found by the Title IX Officer, will not exceed five business days or, if the matter is DOE-Covered Conduct, ten business days.

At all stages of a resolution process, the Complainant and Respondent have the right to an advisor and/or a support person of their choosing. The advisor and/or the support person may be any person (including an advocate, attorney, friend, or parent). The advisor's primary role is to provide guidance through the process. The support person's primary role is to provide emotional support. The advisor and/or the support person may not speak on behalf of a party or otherwise disrupt any meetings or proceedings in any manner. (The only exception is when a party's advisor is reading the party's questions in a DOE Grievance Process hearing.) The University reserves the right to exclude an advisor and/or support person who does not abide by these procedures

Responding to Reports of Sexual Violence – Student Respondents

This section summarizes information in the [SVSH Policy](#), [PACAOS-Appendix-E: SVSH Student Adjudication Framework for non-DOE-Covered Conduct \(Appendix E\)](#), and [PACAOS-Appendix F: SVSH Student Adjudication Framework for DOE-Covered Conduct \(Appendix F\)](#). The SVSH Policy describes the initial assessment of reports and other information about response processes not covered in Appendix E (procedure for non-DOE Covered Conduct) and Appendix F (procedure for DOE-Covered Conduct). For more information about Sexual Violence and Sexual Harassment Policies and Procedures, visit the Policies and Procedures page of the OPHD website at <https://ophd.ucmerced.edu/policies-laws>.

Initial Assessment

As soon as practicable after receiving a report, the Title IX Officer/OPHD will make an initial assessment, including a limited factual inquiry when appropriate, to determine how to proceed. OPHD will first assess the report to determine whether the alleged conduct is DOE-Covered Conduct and, if so, whether to begin a DOE Grievance Process. The criteria for determining if Sexual Violence is DOE-Covered Conduct include the date of the conduct (on or after 8/14/20), the location of the Complainant at the time of conduct (within the United States), and the location of the conduct (in a university program or activity). See [Appendix IV](#) (page 35) of the SVSH Policy for information about DOE-Covered Conduct and the DOE Grievance Process.

If the alleged conduct is not DOE-Covered Conduct, OPHD will determine whether the report on its face alleges an act of Prohibited Conduct, and if so, whether the conduct is covered by the SVSH Policy. OPHD further assesses which policy version to use, based on the date of the conduct, and which procedure to use, based on the Respondent's identity

and relationship to the University (i.e., student, staff, non-faculty academic personnel, Senate faculty, non-Senate faculty, Regent).

Initial Review and Inquiry

Upon receipt of a report of Sexual Violence with an identified student Complainant, OPHD will email the Complainant to offer services and provide them with a Rights and Options document. The Complainant is not required to respond, and their participation in the process is voluntary.

The [Rights and Options](#) document includes the following information:

- How and to whom to report alleged violations, including law enforcement.
- Right to be assisted in notifying law enforcement or other campus offices if the Complainant so chooses; and the right to decline to notify them.
- Rights regarding orders of protection, No-Contact Directives, restraining orders, or similar orders issued by criminal or civil courts, as well as the University's responsibilities to comply with such orders.
- The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order.
- Confidential and non-confidential resources, including access to counseling, health assistance, mental health assistance, victim advocacy, legal assistance, visa and immigration assistance, financial aid assistance, and other services available within both the University and the community.
- Information about options for, and available assistance to, a change to academic, living, transportation, and working situations, if the Complainant requests and if such options are reasonably available—regardless of whether the Complainant chooses to report the alleged conduct to law enforcement.
- Overview of resolution processes, including alternative resolution options.

After meeting with the Complainant, OPHD will determine the most appropriate response and any supportive and remedial measures. OPHD will identify the applicable policy (or policies) based on the date of the incident and reported behavior and will assess whether the alleged conduct is DOE-Covered Conduct, other Prohibited Conduct, or a combination of the two.

The University will strive to honor the Complainant's wishes on whether to move forward with an investigation and any safety concerns for those involved. There may be circumstances, where the University may need to move forward, or may determine that an investigation will not occur despite the Complainant's request for one. In such cases, the

Title IX Officer, or a member of the OPHD team, will make this determination after completing an initial inquiry into the facts.

If the Complainant declines to respond to outreach OPHD will determine how best to respond to the matter based on the available information. OPHD will advise the Complainant in writing (via email) of the final response decision with rationale for that determination, and proceed accordingly, unless the Complainant has stated in writing that they do not want to receive information from OPHD.

During the initial assessment, the Title IX Officer/OPHD may consult with other offices as necessary. This may include Academic Personnel Office for complaints involving faculty and other academic appointees, OSRR or the Graduate Division for complaints involving students, and/or Employee & Labor Relations for complaints involving staff.

The initial assessment may result in a determination that the reported conduct cannot be resolved through UCM's resolution processes, for example, if the alleged conduct is not Prohibited Conduct, if there is insufficient information to initiate a resolution process, or if there is not enough nexus between the conduct and UCM for UCM to address the conduct. In these situations, the Title IX Officer/OPHD will close the matter after initial assessment. When closing a matter after initial assessment, OPHD will still take appropriate action to prevent continuation or recurrence of the reported conduct or otherwise address identified risks, when appropriate.

Resolution and Investigation Processes

Reports of Sexual Violence that are not closed after OPHD's initial assessment may be addressed through an Alternative Resolution, a Formal Investigation, an Other Inquiry, or where appropriate, the DOE Grievance Process.

1. Alternative Resolution

An Alternative Resolution is not available when the Complainant is a student or patient and the Respondent is an employee. In other cases, the Title IX Officer or member of the OPHD team, will, if appropriate, begin the process in consultation with other offices, depending on whether the Complainant and Respondent are faculty, other academic appointees, staff, student employees, or students.

Alternative Resolution may include, among others:

- 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; and
- conducting a follow-up review to ensure that the resolution has been carried out effectively.

Alternative Resolution may be especially useful when: an investigation is not likely to lead to a resolution; both parties prefer an informal process; or a case involves less serious allegations. The Title IX Officer has discretion to determine whether the complaint is appropriate for Alternative Resolution, to determine the type of resolution to pursue, and to stop the process at any time before its conclusion and move to or resume a Formal Investigation or a DOE Grievance Process.

Participation in Alternative Resolution is voluntary, meaning both parties must agree to participate. If Alternative Resolution is selected, the Title IX Officer will provide timely written notice to both parties of the allegations, and that: (i) the Title IX Officer has begun the process, (ii) the process is voluntary and will terminate upon either party's request, (iii) termination may result in a Formal Investigation or DOE Grievance Process, (iv) they may be accompanied by an advisor throughout the process, (v) the Title IX Officer will notify both parties of the process's outcome, and (vi) the process is private but not confidential (i.e., records from and information shared during the process may be considered in any subsequent resolution process).

Alternative Resolution will be completed promptly, typically within 30 to 60 business days of notifying the parties in writing of starting the process. The Title IX Officer may extend past 60 days for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required will depend on the specific circumstances, including the complexity of the allegations and the nature of the alleged conduct. Alternative Resolution agreements for sexual harassment complaints involving employee Respondents must be approved by the Chancellor.

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

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

2. Formal Investigation or DOE Grievance Process

OPHD will initiate a Formal Investigation of non-DOE Covered Conduct when a matter is not closed after an initial assessment, and an investigation is determined to be the most appropriate response. OPHD will initiate a DOE Grievance Process when it is DOE Covered Conduct. When the investigation includes 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.

All investigations under the SVSH Policy are conducted by the OPHD, unless otherwise designated by the Title IX Officer.

The following are applicable to Formal Investigations and DOE Grievance Processes (for student Respondents, see Section IV of [Appendix E](#) or [Appendix F](#) for more details).

- **Notice of Investigation:** Upon initiation of an investigation, the Title IX Officer will send a written Notice of Investigation, including the relevant policy provisions, simultaneously to the Complainant and student Respondent.
- **Initiation of Investigation by the University:** When the Complainant does not want an investigation, the Title IX Officer will seriously consider this preference, but may determine an investigation is necessary to mitigate a risk to the campus community. If the Title IX Officer begins an investigation despite the Complainant's request, the Title IX Officer will provide the Complainant with all information required by the SVSH Policy unless the Complainant states in writing that they do not want it. The Title IX Officer will notify the Respondent that they, not the Complainant, initiated the investigation.
- **Amended Notice:** If the investigation scope is modified to address new or different allegations, new possible policy violations, or to add new parties, for example, the Title IX Officer will contemporaneously provide the parties with an amended Notice of Investigation, which will include both the original and new allegations and the additional policies. If the additional allegations identified include DOE-Covered Conduct, the Title IX Officer will notify the parties that the investigation will proceed under the DOE Grievance Process.
- **Supportive and Other Measures:** Throughout the investigation and resolution processes, the University will offer and provide support services for Complainants coordinated through the CARE Office, and for student Respondents coordinated through the Respondent Services Coordinator. The University will also consider and take measures as appropriate to ensure the safety, well-being, and equal access to university programs and activities of the parties. These measures include, but are not limited to: No-Contact Orders, housing accommodations, academic support

and accommodations, and counseling. Any supportive measures provided to the parties will be kept confidential, unless OPHD it impairs OPHD's ability to provide the measures. In some cases, OPHD may need to disclose information about a party to a third party to provide necessary accommodations.

- **Complainant/Respondent Participation:** Neither the Complainant nor the Respondent is required to participate in an investigation and the adjudication process. The University will not draw any adverse inferences from a Complainant's or Respondent's decision not to participate or to remain silent during the process. An investigator, decision-maker, hearing officer, or appeal officer will reach findings and conclusions based on the information available. An investigator, decision-maker, hearing officer, or appeal officer may draw adverse inferences when a party selectively participates in the process, such as choosing to only answer some questions.
- **Updates to Parties:** The Title IX Officer will update parties on the status of the investigation upon request of either party and every 30 business days until the parties are notified of the outcome, unless a party opts out of these communications in writing.
- **Timeframe:** The investigation shall be completed promptly, typically within 60 to 90 business days of when the Notice of Investigation is sent to the Complainant and Respondent. The Title IX Officer may extend the timeframe past 90 days for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline. The extension will depend on the specific circumstances, including the complexity of the matter and the severity and extent of the alleged conduct.
- **Coordination with Police:** When a law enforcement agency is conducting its own investigation, the Title IX/OPHD investigator will coordinate their fact-finding efforts with the law enforcement investigation, and upon request of the law enforcement agency, the Title IX Officer may delay the OPHD investigation. The Title IX Officer will notify the parties in writing of the delay.
- **Investigation Process:** The Title IX Officer will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation. While the parties have the right to identify evidence and witnesses, the University bears the burden of proof and of gathering evidence sufficient to reach a determination regarding responsibility.

During the investigation, the Complainant and Respondent are provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who

may have relevant information, and propose questions for the investigator to ask the other party and witnesses.

The investigator will meet separately with the Complainant, Respondent, and witnesses, and will gather other available and relevant evidence.

Before the investigator concludes the investigation and finalizes a written report, both Complainant and Respondent will have an equal opportunity to review and respond to the evidence. This is true regardless of whether a party has participated in the investigation.

The investigator will prepare a written report that includes the factual allegations and alleged policy violations, statements of the parties and witnesses, a summary of the evidence the investigator considered, findings of fact, and credibility determinations when appropriate. The report will also include a policy analysis and a preliminary determination on whether there were policy violations.

- **Issuance of Notice and Report:** Upon completion of an investigation, the Title IX Officer will provide to the Complainant and the Respondent written notice of the factual findings and preliminary determinations, and the Investigative Report. The report may be redacted to protect privacy. OPHD will provide OSRR with the written notice and an unredacted copy of the Investigative Report. If the findings of fact in a Formal Investigation indicate that DOE-Covered Conduct occurred, then the Title IX Officer will notify the parties that the case will proceed as a DOE Grievance Process. If a violation of policy is found, UCM will make an individualized assessment of remedies appropriate for the Complainant, to ensure or restore equal access to campus educational and other programs and benefits.

See section IV of the [Appendix E](#) or [Appendix F](#) for additional details regarding this stage of the process.

3. Other Inquiry

When a report is not closed after initial assessment but not appropriate for Alternative Resolution, a Formal Investigation, or a DOE Grievance Process because there is no individual identifiable respondent over whom OPHD has jurisdiction or for whom there is an applicable investigation and adjudication framework, OPHD will conduct an inquiry to determine what occurred, and take prompt steps reasonably calculated to stop any substantiated conduct, prevent its recurrence, and, as appropriate, remedy its effects.

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

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

Adjudication and Sanctioning – Student Respondents

The following is an outline of UC Merced's adjudication process and sanctioning for student respondents.

This section summarizes information in the [SVSH Policy](#), [PACAOS-Appendix-E: SVSH Student Adjudication Framework for non-DOE-Covered Conduct \(Appendix E\)](#), and [PACAOS-Appendix F: SVSH Student Adjudication Framework for DOE-Covered Conduct \(Appendix F\)](#). Appendix E describes the University's procedures for resolving non-DOE-Covered Conduct. Appendix F describes the University's procedures for resolving Formal Complaints of DOE-Covered Conduct. For more information about UC Sexual Harassment and Sexual Violence Policies and Procedures, visit the page of the OPHD website at <https://ophd.ucmerced.edu/>.

See Section IV. G. of [Appendix E](#) or [Appendix F](#) for details regarding this stage of the process.

Proposed Sanction

In cases where OPHD preliminarily determines a policy violation occurred, either party may schedule a meeting with or submit a written statement to OSRR to provide input on sanctions. OSRR will review the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, the respondent's prior conduct record, any comment on sanctions from the parties (received either in person or in writing), and any other relevant information, and will determine a proposed sanction.

OSRR will propose a sanction in all cases where there is a preliminary determination that the policy was violated. OSRR will notify the parties of the proposed sanction and supporting rationale within 15 business days of the notice of investigative findings and preliminary determination.

See Section V of [Appendix E](#) or [Appendix F](#) for details regarding this stage of the process.

Opportunity to Contest/Accept the Preliminary Determination

Depending on whether a Formal Investigation or DOE Grievance Process was conducted, the parties will have an opportunity to contest or accept the Title IX Officer's preliminary determinations as to whether or not the policy was violated. Parties may contest/accept

the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination.

For conduct falling under Appendix E:

Unless the sanction is a separation from the University (suspension or dismissal), if a Respondent does not provide written acknowledgement accepting the preliminary determination and the Complainant does not contest the within 20 business days, then the preliminary determination becomes final. OSRR would impose the proposed sanction and the parties would have the right to appeal the sanction.

For conduct falling under Appendix F:

If both the Respondent and the Complainant do not provide a written acknowledgement accepting the preliminary determination, then it is presumed that the party that did not provide written acknowledgement contests the decision and a formal fact-finding hearing would ensue.

See Section VI of [Appendix E](#) or [Appendix F](#) for details regarding this stage of the process.

Hearing to Determine Policy Violation(s)

For cases that proceed to a hearing, the University will conduct a fact-finding hearing before a single Hearing Officer (not the Title IX Officer). The hearing is to determine whether a violation of the SVSH Policy (and any non-SVSH Policy violations charged in conjunction with them) 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.

See Section VII of [Appendix E](#) or [Appendix F](#) for details regarding this stage of the process.

Hearing Procedures

The hearing will be conducted in a respectful manner that promotes fairness and accurate fact-finding, and that complies with the applicable rules of conduct. The parties and witnesses will address only the Hearing Officer, and not each other. Only the Hearing Officer (and in a DOE Grievance Process, the Advisor or Reader) may question witnesses and parties. Courtroom rules of evidence and procedure will not apply. The Hearing Officer will generally consider (rely on) all evidence they determine to be relevant and reliable. The Hearing Officer will decide whether a violation of the SVSH Policy (or related non-SVSH Policy violation) occurred based on a preponderance of the evidence standard.

Sanction and Notice of Determination

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

Within 15 business days of the hearing, the Hearing Coordinator will send a simultaneous written notice to the Complainant and Respondent setting forth the Hearing Officer's determination on whether the SVSH Policy (and/or other student conduct policies) have been violated, and if so, OSRR's determination of any sanctions to be imposed.

The written notice will include the following:

- The determinations of whether the SVSH Policy and/or other student conduct policies have been violated;
- If a violation of policy is found to have occurred, a description of the sanctions;
- The findings on each disputed material fact and an analysis of the evidence supporting the findings;
- A summary of the facts found by the investigator that the parties did not dispute;
- The rationale for the determination of each charge;
- The rationale for any sanctions;
- 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; and
- An explanation that both parties will receive a copy of any appeal submitted in accordance with these procedures.

Appeal Process

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

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

See Section VIII of [Appendix E](#) or [Appendix F](#) for details regarding this stage of the process.

Student Sanctions

Students found responsible for Sexual Violence will be sanctioned based on *Appendix E* or *Appendix F*, taking into consideration the facts of the individual case and any exceptional circumstances.

The following describes the University's principles, factors to consider in assigning sanctions, sanctioning options, and minimum sanctions for certain conduct when the respondent is a student.

Principles

- The administration of student discipline will be consistent with the [Student Conduct Code](#).
- When a student is found responsible for violating the SVSH Policy or other student conduct policies, the University will assign sanctions that are proportionate and appropriate to the violation, taking into consideration the context and seriousness of the violation. The University is also committed to providing appropriate remedial measures to the Complainant, as described in the SVSH Policy.
- When a student is found not responsible for violating the SVSH Policy and other student conduct policies, the University is committed to taking reasonable efforts to assist any student who has been disadvantaged with respect to employment or academic status as a result of the unsubstantiated allegations.
- Sanctions are designed to hold a student accountable for violating University standards of conduct and to promote personal growth and development. Sanctions also serve the purpose of stopping the Prohibited Conduct under the SVSH Policy and preventing its recurrence.
- The University recognizes that acts of Sexual Violence, Sexual Harassment, and other forms of Prohibited Conduct are contrary to its goals of providing an educational environment that is safe and equal for all students.
- University of California campuses are permitted to inform other UC campuses of a student's disciplinary record for violating the SVSH Policy and other student conduct policies.

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 violation; planned or predatory conduct; hate or bias based on the Complainant's membership or perceived membership in a protected group as defined in UC PACAOS.
- **Whether the conduct was aggravated,** as defined in the SVSH Policy.
- **Response following violation:** Voluntarily acknowledged wrongdoing at early stage of the process; failure to follow No-Contact Order; attempt to influence witnesses; obstructed or disrupted the process.
- **Disciplinary history:** Unrelated prior violations; related prior violations. A respondent's disciplinary history is cumulative. Past violations and sanctions will be considered and may increase any sanctions assigned.
- **Impact on others:** Input from the Complainant; protection or safety of the Complainant or the community.

Sanctioning Options

University sanctions for students are:

- **Dismissal from the University of California:** Termination of student status for an indefinite period. Readmission to the University shall require the specific approval of the Chancellor of the campus to which a dismissed student has applied. Readmission after dismissal may be granted only under exceptional circumstances.
- **Suspension from the University of California:** Termination of student status for a specified period of time with reinstatement thereafter certain, provided that the student has complied with all conditions imposed as part of the suspension and provided that the student is otherwise qualified for reinstatement. Violation of the conditions of Suspension or of university policies or campus regulations during the period of Suspension may be cause for further disciplinary action, normally in the form of Dismissal. A student may not transfer or register for courses at another campus or location of the University of California during the period of Suspension.
- **Exclusion from Areas of the Campus and/or from Official University Functions:** Exclusion of a student as part of a disciplinary sanction from specified areas of the

campus or other University owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions, when there is reasonable cause for the University to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

- **Loss of Privileges and/or Exclusion from Activities:** Exclusion from participation in designated privileges and activities for a specified period of time. Violation of any conditions in the written Notice of Loss of Privileges and Exclusion from Activities, or violation of university policies or campus regulations during the period of the sanction, may be cause for further disciplinary action, normally in the form of Probation, Suspension, or Dismissal.
- **Restitution:** A requirement for restitution in the form of reimbursement may be imposed for expenses incurred by the University or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who, alone, through group or concerted activities, participates in causing the damages or costs.
- **Probation:** A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to university standards of conduct. Conditions restricting the student's privileges or eligibility for activities may be imposed. Misconduct during the probationary period or violation of any conditions of the probation may result in further disciplinary action, normally in the form of Suspension or Dismissal.
- **Censure/Warning:** Written notice or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of university policies or campus regulations may be cause for further disciplinary action, normally in the form of Loss of Privileges and Exclusion from Activities, Disciplinary Probation, Suspension, or Dismissal.
- Other actions as set forth in university policy and campus regulations.

Note that for DOE Grievance Processes, sanctions may impose greater burdens on a Respondent found responsible for SVSH Policy violations; this contrasts with supportive measures, which may not be disciplinary or punitive and may not unreasonably burden a party.

When a student is suspended or dismissed due to violations of the Student Conduct Code, a notation that the discipline was imposed must be posted on the academic transcript.

Suspensions only appear on transcripts during the period of the sanction, while dismissals will remain permanently on the student's transcript.

Minimum Sanctions for Certain Conduct

Sanctions will be assigned as follows:

- Sexual Assault – Penetration or Sexual Assault – Contact that is aggravated as defined in the SVSH Policy will result in a minimum sanction of suspension for two calendar years.
- Sexual Assault – Penetration, Relationship 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.

See Section IX of [Appendix E](#) or [Appendix F](#) and [PACAOS Section 100.00 \(Policy on Student Conduct and Discipline\)](#) for details regarding this stage of the process.

Responding to Reports of Sexual Violence-Employee Respondents

This section summarizes information in the [SVSH Policy](#), [SVSH Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel](#) (Staff Response Procedures), and [SVSH Investigation and Adjudication Framework for Senate and Non-Senate Faculty](#) (Faculty Response Procedures). The SVSH Policy describes the initial assessment of reports and other information about response processes not covered in Staff and Faculty Response Procedures. The Staff and Faculty Response Procedures describe the University's procedures for resolving both non-DOE-Covered Conduct and DOE-Covered Conduct. For more information about UC Sexual Harassment and Sexual Violence Policies and Procedures, visit the SVSH Policies and Procedures page of the OPHD website at <https://ophd.ucmerced.edu/policies-laws>.

Initial Assessment

Upon receipt of a report of or information about alleged Sexual Violence, the Title IX Officer/OPHD will make an initial assessment in accordance with the SVSH Policy, which shall include making an immediate assessment concerning the health and safety of the Complainant and the campus community, and a determination of whether the alleged conduct is DOE-Covered Conduct, other Prohibited Conduct, or a combination.

The criteria for determining if Sexual Violence is DOE-Covered Conduct include the date of the conduct (on or after 8/14/20), the location of the Complainant at the time of conduct

(within the United States), and the location of the conduct (in a university program or activity). See [Appendix IV](#) of the SVSH Policy for information about DOE-Covered Conduct and the DOE Grievance Process.

If the alleged conduct is not DOE-Covered Conduct, OPHD will determine whether the report on its face alleges an act of Prohibited Conduct, and if so, whether the conduct is covered by the SVSH Policy. OPHD further assesses which policy to use, based on the date of the conduct, and which procedure to use, based on the Respondent's identity and relationship to the University (i.e., student, staff, non-faculty academic personnel, Senate faculty, non-Senate faculty, Regent).

Closure after Initial Assessment

The initial assessment may result in a determination that the reported conduct cannot be resolved through UCM's resolution processes, for example, if the alleged conduct is not Prohibited Conduct, if there is insufficient information to initiate a resolution process, or if there is not enough nexus between the conduct and UCM for UCM to address the conduct. In these situations, the Title IX Officer/OPHD will close the matter after initial assessment. When closing a matter after initial assessment, OPHD will take actions to prevent continuation or recurrence of the reported conduct or to otherwise address identified risks, when appropriate.

Supportive and Other Measures

The University will also consider and implement supportive and other measures as appropriate to protect the safety of the parties or the University community; to restore or preserve a party's access to a university program or activity; or to deter Prohibited Conduct, in accordance with the SVSH Policy.

In addition to supportive measures discussed in the SVSH Policy, OPHD may take other measures per other University policies to address safety concerns. OPHD, in consultation with the relevant Case Management Team, will determine if any other interim measures are warranted or required to protect the involved individuals and the campus community.

Investigatory leave of a PPSM-covered Respondent may be imposed in accordance with [PPSM 63](#). Investigatory leave of a non-faculty academic Respondent may be imposed in accordance with [APM150](#). Involuntary leave of a Senate faculty Respondent may be imposed in accordance with [APM-016](#). Investigatory leave of a non-Senate faculty Respondent may be imposed in accordance with [APM-150](#).

Written Rights & Options

OPHD will ensure that the Complainant, if their identity is known, is provided a written explanation of rights and available options as outlined in the SVSH Policy, including:

- How and to whom to report alleged violations, including law enforcement.
- Right to be assisted in notifying law enforcement or other campus offices, if the Complainant so chooses; and the right to decline to notify them.
- The rights of Complainants regarding orders of protection, No-Contact Orders, restraining orders, or similar lawful orders issued by criminal or civil courts, as well as the University's responsibilities to comply with such orders;
- The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order;
- Confidential and non-confidential resources, including access to counseling, health assistance, mental health assistance, victim advocacy, legal assistance, visa and immigration assistance, financial aid assistance, and other services available within both the University and the community.
- Information about options for, and available assistance to, a change to academic, living, transportation, and working situations, if the Complainant requests and if such options are reasonably available—regardless of whether the Complainant chooses to report the crime to law enforcement; and
- The range of possible outcomes for the report, including supportive and remedial measures and disciplinary actions, the procedures leading to such outcomes, and their right to make a DOE Formal Complaint.

Investigating and Resolving Reports of Prohibited Conduct

Provided the University has sufficient information to respond, and in accordance with the SVSH Policy, the University may resolve reports of alleged Prohibited Conduct by employee Respondents through Alternative Resolution, a Formal Investigation, a DOE Grievance Process, Other Inquiry, or a separate employee grievance or complaint process. Each of these is described below.

Alternative Resolution

An Alternative Resolution is not available when the Complainant is a student and the Respondent is an employee. Alternative resolution is also not available when an employee Respondent is alleged to have engaged in Sexual Violence (with the exception of Sexual Exploitation). In other cases, the Title IX Officer or a member of the OPHD team will, if appropriate, begin the process in consultation with other offices, depending on whether

the Complainant and Respondent are faculty, other academic appointees, staff, student employees, or students.

Alternative Resolution may include, among others:

- 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; and
- conducting a follow-up review to ensure that the resolution has been carried out effectively

Alternative Resolution may be especially useful when: an investigation is not likely to lead to a resolution; both parties prefer an informal process; or a case involves less serious allegations. The Title IX Officer has discretion to determine whether the complaint is appropriate for Alternative Resolution, to determine the type of resolution to pursue, and to stop the process at any time before its conclusion and move to a Formal Investigation or a DOE Grievance Process.

Participation in Alternative Resolution is voluntary. If Alternative Resolution is selected, the Title IX Officer will provide timely written notice to both parties of the allegations, and that: the Title IX Officer has begun the process, the process is voluntary and will terminate upon either party's request, termination may result in a Formal Investigation or DOE Grievance Process, they may be accompanied by an advisor throughout the process, the Title IX Officer will notify both parties of the process's outcome, and the process is private but not confidential (i.e., records from and information shared during the process may be considered in any subsequent resolution process).

Alternative Resolution will be completed promptly, typically within 30 to 60 business days of notifying the parties in writing of starting the process. However, the Title IX Officer may extend past 60 days for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required will depend on the specific circumstances, including the complexity of the allegations and the nature of the alleged conduct.

Once the parties have agreed to the terms of an Alternative Resolution, the University will not conduct a Formal Investigation or DOE Grievance Process unless the Title IX Officer determines that the respondent failed to satisfy the terms of the Alternative Resolution, or

that the Alternative Resolution was unsuccessful in stopping the Prohibited Conduct or preventing its recurrence.

Formal Investigation or DOE Grievance Process

In cases where Alternative Resolution is inappropriate or unsuccessful, OPHD 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.

- **Notification:** OPHD will notify the appropriate administrative authorities when a Formal Investigation or DOE Grievance Process is commenced. OPHD will be sensitive in its communication to protect the neutrality of the administrative authorities, as well as the privacy of the Complainant and Respondent. Thereafter, OPHD will ensure that the appropriate administrative authorities are regularly updated regarding the status of the Formal Investigation or DOE Grievance Process.
- **Notice of Investigation to Parties:** When a Formal Investigation or DOE Grievance Process will be conducted, OPHD will simultaneously send a written notice of the allegations being investigated, the policy provisions that may be violated, and the process being followed, to the Complainant and the Respondent.
- **Investigative Process:** The Title IX Officer will designate an investigator to conduct a fair, thorough, and impartial investigation. While the parties have the right to identify evidence and witnesses, the University bears the burden of proof and of gathering evidence sufficient to reach a determination regarding responsibility.

Overview: During the investigation, the Complainant and Respondent are provided an equal opportunity to meet with the investigator, submit information, and identify witnesses who may have relevant information. The investigator will meet separately with the Complainant, the Respondent, and any third-party witnesses who may have relevant information, and will gather other available and relevant information. The investigator may follow up with the Complainant or the Respondent as needed to clarify any inconsistencies or new information gathered during the course of the investigation. Disclosure of facts to persons interviewed will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be asked to maintain confidentiality when essential to protect the integrity of the investigation. The Complainant and the Respondent may have an advisor present when personally interviewed and at any related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by university policy or their collective bargaining agreement.

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 to meet the specific needs of a criminal investigation.

Evidence Review: Before the investigator concludes the investigation and finalizes a written report, both Complainant and Respondent will have an equal opportunity to review and respond in writing to the evidence that the investigator has deemed directly related, including evidence that weighs against finding a policy violation(s) and evidence on which the investigator does not intend to rely, whether obtained from a party or another source. This is true regardless of whether a party has participated in the investigation. This review will also include a summary of directly related statements made by the parties and any witnesses. The Title IX Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties. The Title IX Officer will designate a reasonable time for this review and response by the parties that, absent good cause found by the Title IX Officer, of at least 10 business days.

- **Updates to Parties:** The Title IX Officer will update parties on the status of the investigation upon request of either party and every 30 business days until the outcome, unless a party opts out of these communications in writing.
- **Investigative Report and Determination or Preliminary Determination:** Following the conclusion of the investigation, the Title IX investigator will prepare a written report. The written Investigative Report will include a statement of the allegations and issues, the statements of the parties and witnesses, and a summary of the evidence the investigator considered. The investigative report will include findings of fact. The report will also include the Title IX Officer's policy analysis and preliminary determination (in a DOE Grievance Process) or a determination (in a Formal Investigation) regarding whether, applying the preponderance of the evidence standard, there is sufficient evidence to conclude that the Respondent violated the SVSH Policy.

If the findings of fact in a Formal Investigation indicate that DOE-Covered Conduct occurred, OPHD will make a preliminary determination and notify the parties that the case will proceed as a DOE Grievance Process. If, instead, the report preliminarily determines that conduct charged as DOE-Covered Conduct in a DOE Grievance Process does not meet that definition, the Investigative Report will include analyses and preliminary determinations of both whether the respondent engaged in DOE-Covered Conduct and other Prohibited Conduct.

- **Notice of Investigative Outcome:** Upon completion of the Investigative Report, the Title IX Officer will send to the Complainant and the Respondent a written notice of investigation outcome regarding the preliminary determination or determination (whichever applies) of whether there was a violation of the SVSH Policy. The notice of investigation outcome will generally be accompanied by a copy of the Investigative Report, which may be redacted as necessary to protect privacy rights. The Title IX Officer or designee will also send the notice of investigation outcome and report to the appropriate administrative authority.
- **Timeframe for Completion of Investigation; Extension for Good Cause:** The notice of investigation outcome and accompanying Investigative Report will be issued promptly, typically within sixty (60) to ninety (90) business days of initiation of the Formal Investigation or DOE Grievance Process, unless extended by the Title IX Officer for good cause, with written notice to the Complainant and the respondent of the reason for the extension and the projected new timeline.

Other Inquiry

When a report is not closed after initial assessment yet is not appropriate for Alternative Resolution, a Formal Investigation, or a DOE Grievance Process, for example because there is no individual identifiable respondent over whom OPHD has jurisdiction, OPHD will conduct an inquiry to try to determine what occurred, and take prompt steps reasonably calculated to stop any substantiated conduct, prevent its recurrence, and, as appropriate, remedy its effects.

The extent of the inquiry and responsive steps will depend on the specific circumstances, such as:

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

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

Employee Grievance/Complaint Procedures

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

Resolution and Grievance Policies). Except as otherwise required by any Collective Bargaining Agreement, any such grievance or complaint will be forwarded to the Title IX Officer for processing, and the grievance or complaint procedure will be held in abeyance pending resolution under the SVSH Policy. After completion of the process, the grievance or complaint may be reactivated under the applicable grievance or complaint procedure.

Adjudication and Sanctioning-Employee Respondents

The following is an outline of UC Merced's adjudication process and sanctioning for employee (staff and faculty) Respondents.

This section summarizes information in the [SVSH Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel](#) (Staff Response Procedures), [SVSH Investigation and Adjudication Framework for Senate and Non-Senate Faculty](#) (Faculty Response Procedures), and other University disciplinary policies for staff and faculty. The Staff and Faculty Response Procedures describe the University's procedures for resolving both non-DOE-Covered Conduct and DOE-Covered Conduct. For more information about UC Sexual Harassment and Sexual Violence Policies and Procedures, visit the Policies and Procedures page of the OPHD website at <https://ophd.ucmerced.edu/policies-laws>.

Assessment and Consultation

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

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

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

See Section IV of the [Staff](#) or [Faculty](#) Response Procedures for details regarding this stage of the process.

Opportunity to Respond

The Complainant and the Respondent will have an opportunity to respond to the notice of investigation outcome and accompanying Investigative Report through an in-person meeting and/or a written statement submitted to the appropriate administrative authority. The parties will have five (5) business days after OPHD sends the Investigative Report to respond. The purpose of this response is not to challenge the factual findings in the Investigative Report or present new evidence, but to provide the Complainant and the Respondent with an opportunity to express their perspectives and address what outcome they wish to see including, for Complainant, remedies if applicable.

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

In the event that an investigation determines (in a Formal Investigation) or preliminarily determines (in a DOE Grievance Process) that a Respondent is responsible for violating the SVSH Policy, the Respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor's designee for review and approval. The Chancellor's designee consults with the Title IX Officer in review of the proposed resolution.

In the event the Chancellor's designee does not approve the proposed decision, they will send it back to the supervisor or other appropriate administrative authority for reconsideration and submission of a revised proposed decision. In the event the Chancellor's designee approves the proposed decision, they will inform the supervisor or other appropriate administrative authority who will take steps to implement (in a Formal Investigation) or inform OPHD and Human Resources or the Academic Personnel Office (in a DOE Grievance Process), the approved decision.

The Chancellor's designee and OPHD will also consider any remedies appropriate to protect or restore the Complainant's equal access to UCM's programs and benefits.

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

Peer Review Committee for Senate Faculty

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

The PRC will advise the Chancellor or the Chancellor's designee regarding how to resolve the matter. At the conclusion of a Formal Investigation, this will include advising on whether the Chancellor or the Chancellor's designee should pursue a formal charge for violation of the Code of Conduct or pursue an early resolution. In all cases, the PRC should provide advice on the appropriate discipline or other corrective or remedial measures.

The PRC is trained by OPHD on the SVSH Policy and Response Procedures, the application of a trauma-informed approach, and appropriate corrective measures. The PRC will be engaged in all cases where the Title IX investigation has determined or preliminarily determined that a Senate faculty Respondent has violated the SVSH Policy.

Consultation with Academic Personnel for Non-Senate Faculty

In the event that the investigation determines (in a Formal Investigation) or preliminarily determines (in a DOE Grievance Process) that a non-Senate faculty Respondent is responsible for violating the SVSH Policy, the Chancellor's designee will consult with the Academic Personnel Office. Such consultation will occur in all cases where the Title IX investigation has determined or preliminarily determined that the non-Senate faculty Respondent has violated the SVSH Policy.

Title IX Officer Consultation for Senate and Non-Senate Faculty

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

DOE Grievance Process-Hearing and Appeal

The DOE Grievance Process may include a fact-finding hearing and an option to appeal the Hearing Officer's finding.

After the assessment and consultation described above, the appropriate administrative authority will inform Human Resources or the Academic Personnel Office, and Title IX Officer, of the proposed decision and its rationale, and Human Resources, the Academic Personnel Office, or the Title IX Officer (whichever the campus designates) will notify the

parties. The parties will receive this notice within 15 business days of the notice of investigative findings and preliminary determination.

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

Opportunity to Accept the Preliminary Determination

Either party may accept the preliminary determination and proposed resolution within 20 business days of the notice of investigative findings and preliminary determination. Unless both parties accept the preliminary determination and proposed resolution within this time period, then the matter will proceed to a hearing to determine if a policy violation occurred. If both parties provide written acknowledgment that they accept the preliminary determination and proposed resolution during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and the appropriate administrative authority will impose the proposed resolution, including any discipline or corrective measures.

See Section IV.A of the DOE Addendum to the [Staff](#) or [Faculty](#) Response Procedures for details regarding this stage of the process.

Hearing Procedures

Unless both parties accept the preliminary determination and proposed resolution, there will be a fact-finding hearing before a single hearing officer (not the Title IX Officer) to determine whether the SVSH Policy was violated. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

See Section IV.B of the DOE Addendum to the [Staff](#) or [Faculty](#) Response Procedures for details regarding this stage of the process.

Notice of Determination

Within 15 business days of the hearing, the Complainant and Respondent will be sent written notice setting forth the Hearing Officer's determination on whether the SVSH Policy has been violated.

See Section IV.B.G of the DOE Addendum to the [Staff](#) or [Faculty](#) Response Procedures for details regarding this stage of the process.

Appeal Process

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

An appeal must be submitted within 10 business days following issuance of the notice of the Hearing Officer's determination. 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 3 business days, and supporting documentation from the other party as appropriate.

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

See Section IV.C of the DOE Addendum to the [Staff](#) or [Faculty](#) Response Procedures for details regarding this stage of the process.

Additional Assessment and Consultation for Staff

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

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

The Respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the

Chancellor's designee for review and approval. The Chancellor's designee will consult with the Title IX Officer on the appropriateness of the proposed decision before approving or disapproving it. In the event the Chancellor's designee does not approve the proposed decision, they will send it back to the supervisor or other appropriate administrative authority for reconsideration and submission of a revised proposed decision. In the event the Chancellor's designee approves the proposed decision, they will inform the supervisor or other appropriate administrative authority who will take steps to implement the approved decision. When the decision has been approved, it will be communicated to the parties along with the rationale within five business days of the decision being made.

Human Resources or the Academic Personnel Office will be consulted throughout the process.

See Section IV.D of the DOE Addendum to the [Staff](#) or [Faculty](#) Response Procedures for details regarding this stage of the process.

Additional Assessment and Consultation for Faculty

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

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

See Section IV.D of the DOE Addendum to the [Staff](#) or [Faculty](#) Response Procedures for details regarding this stage of the process.

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

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

See [Section V](#) of the Staff Response Procedures for details regarding this stage of the process.

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

In each case below, the decision to take the action will be communicated to the parties along with the rationale within five business days of the decision being made. Following approval by the Chancellor's designee (in a Formal Investigation) or final adjudication (in a DOE Grievance Process), the Respondent's supervisor will implement the approved decision in accordance with applicable PPSMs, including PPSM62 and PPSM-64.

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

Decision Approval and Implementation for Non-Faculty Academic Personnel

Following approval by the Chancellor's designee (in a Formal Investigation) or final adjudication (in a DOE Grievance Process), the Respondent's supervisor or other appropriate administrative authority will implement the approved action in accordance with APM-150. In each case below, the decision to take the action will be communicated to the parties along with the rationale within five business days of the decision being made.

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

with APM-150. In each case below, the decision to take the action will be communicated to the parties along with the rationale within five business days of the decision being made.

- **No Further Action:** The supervisor or other appropriate administrative authority may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval.
- **Informal Resolution:** The supervisor or other appropriate administrative authority may propose an informal resolution, which may include discipline and/or other corrective or remedial measures. The proposed informal resolution and its terms will be reviewed by the Chancellor for approval. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action. Note that informal resolution is not available when the Complainant is a student nor when the Prohibited Conduct is a type of Sexual Violence (other than Sexual Exploitation). Informal resolution may not include a nondisclosure agreement.
- **Notice of Intent:** The supervisor or other appropriate administrative authority may propose to issue a notice of intent instituting dismissal or other corrective action. The proposed terms of the notice of intent shall be reviewed by the Chancellor's designee for approval. Following the provision of a notice of intent, corrective action or termination will be implemented.

Timeframe for Implementation of Decision; Extension for Good Cause

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

Process Following Action Taken

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

Decision on Sanctions for Senate Faculty

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

See [Section V](#) of the Faculty Response Procedures for details regarding this stage of the process. The Vice Provost for Administration Resolution serves as the Chancellor's Designee for these matters.

1. Decision by Chancellor's Designee

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

The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the Respondent no later than three (3) years after the Chancellor is deemed to have known about the alleged violation. For an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any academic administrator at the level of department chair or above, or the campus Title IX Office.

- **No Formal Discipline:** The Chancellor's designee may determine to resolve the matter without taking any formal disciplinary action. The parties will be informed of this decision and the rationale within five business days.
- **Early Resolution:** The Chancellor's designee can enter into an early resolution with the Respondent. An early resolution can be achieved at any time prior to the final imposition of discipline. The proposed early resolution and its terms will be reviewed by the Chancellor for approval. Note that early resolution is not available when the Complainant is a student nor when the Prohibited Conduct is a type of Sexual Violence (other than Sexual Exploitation). Early resolution may not include a nondisclosure agreement. Once the Respondent has agreed to the terms of early resolution, the Chancellor or Designee will inform Complainant of their terms and rationale within five business days.
- **Charge Filed with Academic Senate Committee on Privilege & Tenure:** The Chancellor's designee can take steps to propose discipline and file a charge with the Academic Senate's Committee on Privilege & Tenure without first pursuing early resolution, or if the Respondent does not agree to early resolution. Both parties will be notified simultaneously of the charge being filed.

2. Timeframe for Decision; Extension for Good Cause

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

3. Process Following the Filing of a Senate Charge

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

Decision on Sanctions for Non-Senate Faculty

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

See [Section VI](#) of the Faculty Response Procedures for details regarding this stage of the process. The Vice Provost for Administration Resolution serves as the Chancellor's Designee for these matters.

1. Decision by Chancellor's Designee

Following consultation with the Title IX Officer and Academic Personnel Office, and in accordance with APM-150, the Chancellor's designee shall decide what action to take to resolve the matter. The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the Respondent no later than three (3) years after the Chancellor is deemed to have known about the alleged violation. For an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any

academic administrator at the level of department chair or above, or the campus Title IX Officer.

- **No Disciplinary Action:** The Chancellor's designee may determine to resolve the matter without taking any formal disciplinary action. The parties will be informed of this decision and the rationale within five business days.
- **Informal Resolution:** The Chancellor's designee can pursue an informal resolution, which may include discipline and/or other corrective or remedial measures. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action. The proposed informal resolution and its terms will be reviewed by the Chancellor for approval. Note that informal resolution is not available when the Complainant is a student nor when the Prohibited Conduct is a type of Sexual Violence (other than Sexual Exploitation). Informal resolution may not include a nondisclosure agreement. Once the Respondent has agreed to the terms of resolution, the Chancellor or Designee will inform Complainant of the terms and their rationale within five business days.
- **Notice of Intent:** The Chancellor's designee can issue a notice of intent instituting dismissal or other corrective action in accordance with *APM-150*.

2. Timeframe for Decision; Extension for Good Cause

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

3. Process Following the Provision of a Written Notice of Intent

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

Disciplinary Procedures from Staff and Faculty Policies

The following are the University's disciplinary procedures pursuant to relevant faculty and staff policies:

The Faculty Code of Conduct (APM-015) and Policy on Faculty Conduct and the Administration of Discipline (APM-016)

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

- **Written Censure:** A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor. Written censure is to be distinguished from an informal written or spoken warning, and must be delivered confidentially to the recipient and maintained in a designated personnel file or files indefinitely or for a lesser period of time specified in the writing. An informal written or spoken warning is not an official disciplinary action.
- **Reduction in Salary:** Reduction to a lower salary without a change in rank or step. The authority to reduce the salary of any faculty member rests with the Chancellor. This authority may not be redelegated. The amount and duration of the reduced salary shall be specified.
- **Demotion:** Reduction to a lower rank or step with a corresponding reduction in salary. Demotion as a disciplinary action should be imposed in a manner consistent with the merit based system for advancement. Generally, demotion is an appropriate sanction when the misconduct is relevant to the academic advancement process of the faculty member. The authority to reduce the rank of a faculty member who does not have tenure or security of employment rests with the Chancellor. The authority to reduce, within rank, the step of any faculty member to a lower step rests with the Chancellor. This authority may not be redelegated. Authority for demoting a faculty member with tenure or with security of employment to a lower rank, also with tenure or with security of employment, rests with the President, on recommendation of the Chancellor. Demotion of a faculty member with tenure or with security of employment to a lower rank without tenure or security of employment is not an option.

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

The Vice Provost for Administrative Resolution serves as the Chancellor's Designee.

Prior to the imposition of any disciplinary sanction(s) as described above, the Chancellor may waive or limit any or all disciplinary sanction(s) on the condition that the Respondent faculty member performs some specified action(s) designed to address the harm and/or to prevent future harm. Such actions may include, but are not limited to, monetary restitution, repayment of misappropriated resources, compliance with a commitment not to repeat the misconduct, or other acts to make whole the injury caused by the faculty member's professional misconduct or to prevent future misconduct. If the imposition of a disciplinary sanction is waived, the subsequent failure to perform the required act or otherwise comply with the conditions of the waiver will immediately subject the faculty member to the implementation of the underlying sanction without an additional hearing. The authority to determine whether the faculty member has complied with the conditions of the waiver rests with the Chancellor. The Chancellor may designate a fixed time period for compliance with the terms of the waiver, after which the authority to impose discipline will lapse. If a faculty member disputes the Chancellor's determination, the faculty member may grieve under applicable faculty grievance procedures.

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

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

A disciplinary action against a faculty member holding an administrative title may proceed in two parts. One part involves the removal of an administrative title or other administrative action under procedures established by The Regents and the administration. Such action need not adhere to the disciplinary procedures set forth in this policy. The other part involves the proposed imposition of any type of disciplinary sanction set forth in this policy, which must proceed in accordance with the procedures for discipline outlined in the *Faculty Code of Conduct* and the applicable Senate Bylaws and Divisional rules. The removal of the administrative title or other administrative action does not preclude or require the imposition of a disciplinary sanction under this policy. Administrative incompetence does not in itself constitute a violation of the *Faculty Code of Conduct*.

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

This policy applies to all academic appointees who are not members of the Academic Senate. Student academic appointees not covered by an MOU are subject to this policy to the extent that corrective action or dismissal are based solely upon their employment relationship with the University. Non-Senate faculty appointees are also subject to the standards set forth in the *Faculty Code of Conduct*. Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, dereliction of duty, or violation of university policy. Corrective action or dismissal may be instituted and implemented by the department chair, unit head, supervisor, or other appropriate administrative authority in accordance with campus procedures. Campus procedures shall outline appropriate consultation requirements for corrective action and dismissal.

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

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

The procedures for corrective action are as follows:

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

- **Extension of Time:** Upon written request and prior to the expiration of any time limit stated in this policy, the Chancellor may grant extensions, as appropriate.

The procedures for dismissal of a non-Senate faculty appointee are as follows:

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

Personnel Policies for Staff Members

PPSM-62: Corrective Action

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

- **Written Warning:** Generally, at least one written warning will be given to an employee prior to proceeding with any other corrective action; however, no written warning will be needed if the corrective action is a result of misconduct or work performance that an employee knows or reasonably should have known was unacceptable. The written warning must describe how the employee failed to meet acceptable conduct or work performance standards.
- **Corrective Salary Decrease:** An employee may be subject to a temporary or permanent corrective salary decrease when removal from the workplace is not appropriate, yet discipline is warranted.

- **Suspension:** An employee may be subject to removal from the workplace and suspended for a defined period of time without pay. For exempt employees, suspension without pay must be imposed in a minimum increment of one workday.
- **Demotion:** An employee may be subject to a temporary or permanent demotion for disciplinary reasons.

PPSM-63: Investigatory Leave

An employee may be placed on an investigatory leave, with or without prior written notice, to permit the University to review or investigate actions including, but not limited to dishonesty; theft or misappropriation of University property; insubordination; violation of federal or state law; exploitation, intimidation, discrimination, or harassment; acts endangering employees, students, visitors, or other University constituents; sexual violence, sexual harassment, or other prohibited behavior; or any other conduct which warrants removing the employee from the work site to conduct a University investigation.

Employees placed on investigatory leave must be notified in writing no later than three (3) working days after commencement of the leave if the written notice is not provided when the leave commenced. The written notice must include the reason(s) for the leave and the expected duration. Such leaves may be extended by written notice to the employee. It should also direct the employee to remain available to speak with and provide information to the University investigator upon request. Such leaves may be extended by written notice to the employee.

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

PPSM-64: Termination of Career Employees

- **Professional and Support Staff:** Regular status professional and support staff may be terminated from employment because of misconduct or failure to maintain appropriate work performance standards. Normally, termination is preceded by corrective action unless immediate dismissal is warranted.
- **Managers & Senior Professionals:** Managers and senior professionals (Manager 3 and Below and Equivalent Positions) who hold career appointments may be terminated when, in management's judgment, the needs or resources of the department or the performance or conduct of the employee do not justify the continuation of the employee's appointment.
- **Managers & Senior Professionals:** Managers and senior professionals (above Manager 3 and Equivalent Positions) who hold career appointments serve at the

discretion of the Chancellor and may be terminated at will and at any time with or without cause.

Sanctioning and Investigatory Leave for Represented Employees

The bargaining units for employees represented by a union have separate employment contracts that include provisions covering corrective action and discipline as well as investigatory leave. For more information about the unions representing University of California and UC Merced professionals, visit:

<http://ucnet.universityofcalifornia.edu/labor/bargaining-units/>.

XIII. HEOA Victim Notification

Per the Higher Education Opportunity Act (HEOA), UC Merced will, upon written request, disclose to the alleged victim/survivor of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by UC Merced, against a student who is the alleged perpetrator of such crime or offense. If the alleged victim/survivor is deceased as a result of such crime or offense, the next of kin of such victim/survivor shall be treated as the alleged victim/survivor for purposes of this paragraph.

XIV. Registered Sex Offender Information

A. Sex Offenders Registered in California

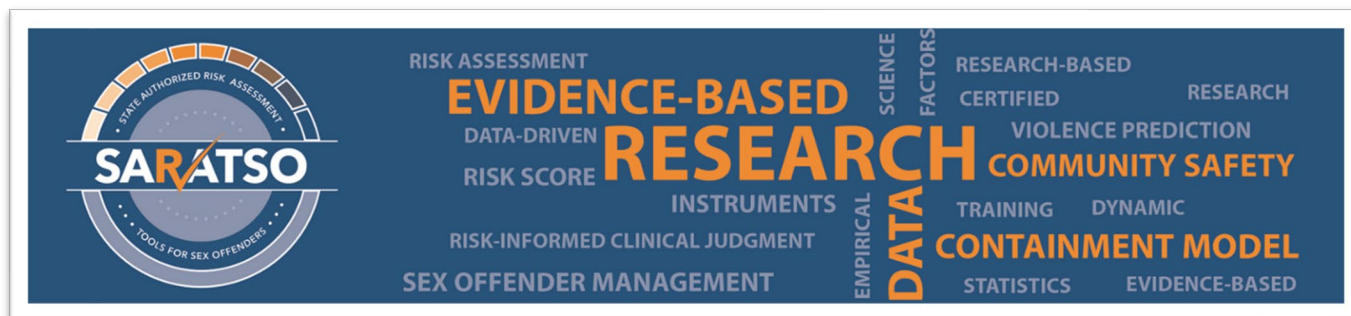
The State of California requires sex offenders to register with the local (city or county) law enforcement agency in the jurisdiction in which they reside. Local law enforcement agencies then provide this information to the State. Information on registered sex offenders anywhere in California, can be accessed on the sex offender tracking page of the California Department of Justice website: www.meganslaw.ca.gov. This database can be searched by a sex offender's full name, address, city, county, and zip code. It provides detailed personal profile information on each registrant. The map application can be used to search for any location/neighborhood in California.

The California Department of Justice is required by law to post static risk assessment scores for sex offender registrants who are eligible to be scored. For information relating to risk assessments, recidivism rates, eligibility, and scoring, visit the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) website at <https://saratso.org>. Information found on this website is based on data provided by SARATSO-trained and -certified local law enforcement agencies and other criminal justice entities.

If you have information concerning a registrant who is in violation of their registration requirements, or if you believe that a listed address is inaccurate, you should notify your local law enforcement agency or the California Department of Justice.

- **California Department of Justice (DOJ):**

- (916) 227-4974
- meganslaw@doj.ca.gov



SARATSO is an evidence-based, state authorized risk assessment tool used for evaluating sex offenders.

B. UC Merced – Registered Sex Offender Information

A sex offender who is enrolled at UC Merced (UCM) as a student; is a full-time or part-time UCM employee, with or without compensation; or is carrying on a vocation at UCM for more than 14 days or for an aggregate period exceeding 30 days in a calendar year, must register with the UC Merced Police Department (UCMPD) within 5 working days of commencing enrollment or employment. This includes employment whether or not financially compensated, volunteered, or performed for government or educational benefit. The registrant shall also notify UCMPD within 5 working days of ceasing to be enrolled or employed at UCM or ceasing to carry on a vocation at UCM.

Registration of UC Merced-affiliated sex offenders must be conducted at the UC Merced Police Department at the Police Trailer on Services Lane. Persons required to register must do so in person, during normal business hours (generally Monday through Friday, 8:00 a.m. - 5:00 p.m., except holidays). Registrations will be handled by appointment only. Please call (209) 228-2677 to schedule an appointment.

Information regarding UC Merced-registered sex offenders is available to members of the campus community at the UCMPD station, by appointment only. Before being provided any information by UCMPD, a member of the campus community who requests that information shall sign a statement, on a form provided by the Department of Justice, stating that they are not a registered sex offender, that they understand the purpose of the release of information is to allow members of the campus community to protect themselves and their children from sex offenders, and that they understand it is unlawful to use information

obtained to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant. The signed statement shall be maintained in a file at UCMPD for a minimum of five years.

XV. Non-Sex Based Stalking

UC Merced prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking as defined by the Clery Act. This section provides an overview of the administrative procedures UC Merced uses to respond to reports of non-sex-based stalking for students and employees. The administrative procedures UC Merced uses to respond to reports of sex-based stalking, sexual assault, dating violence, and domestic violence for students and employees are covered in Section, “*Sexual Violence Prevention and Response*”.

A. Definition of Non-Sex Based Stalking

Sex-based stalking is stalking of a sexual, romantic or other sex-based nature or motivation, as defined in the SVSH Policy. All other stalking is referred to as non-sex-based stalking for the purposes of the Annual Security Report. The following are Violence Against Women Act (VAWA) crime definitions per the Clery Act and applicable University policy definitions. See Local Jurisdiction Definitions of VAWA Crimes for California Penal Code crime definitions.

VAWA Stalking Definition per the Clery Act

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.
- For the purposes of this definition—
 - *Course of conduct* means two or more acts, including, but not limited to, acts 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 a person’s property.
 - *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim/survivor.
 - *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking Definition per the UCM Interim Student Conduct Code, Section 102.10

Stalking is defined as behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for their safety, or the safety of their family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose. See also [Policies Applying to Campus Activities, Organizations and Students \(PACAOS\) 100.00, Section 102.10](#).

Stalking Definition per The Abusive Conduct in the Workplace Policy

UC's Abusive Conduct in the Workplace Policy does not specifically define stalking of any kind, but it does describe behavior that may reach the threshold for Clery stalking, and it uses the same reasonable person standard as the Clery Act. Abusive Conduct is defined as harassing or threatening behavior that is sufficiently severe, persistent, or pervasive conduct in the Workplace that 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. The conduct creates an environment, whether intended or not, that a reasonable person would find to be intimidating or offensive and unrelated to the University's legitimate educational, employment, and business interests.

Stalking Definition per The Faculty Code of Conduct (APM-015)

While faculty policies do not specifically define stalking, APM-015 provides guidance for "unacceptable conduct," which includes "Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities." See [APM-015, Section II.C.4](#).

Stalking Definition per Personnel Policies for Staff Members (PPSM) 63 and 64

PPSM policies do not specifically define non-sex-based stalking, but they do cover "violations of federal or state law" or "acts endangering employees, students, visitors, or other University constituents." See [PPSM-63: Investigative Leave, Section III.B](#) and [PPSM 64: Termination and Job Abandonment, Section VII.4](#).

B. Reporting Options

Any member of the University community may make reports of non-sex-based stalking to:

- a manager or supervisor
- Office of Student Rights and Responsibilities (OSRR): <https://osrr.ucmerced.edu/>
- Office of Academic Personnel (APO): <https://academicpersonnel.ucmerced.edu/>

- Employee Labor & Relations (ELR): <https://hr.ucmerced.edu/hr-units/employee-labor-relations>
- UC Merced Police Department (UCMPD): <https://hr.ucmerced.edu/hr-units/employee-labor-relations>
- Whistleblower Hotline: (800) 403-4744 universityofcalifornia.edu/hotline
- Abusive Conduct reporting (for alleged abusive conduct): complete an Abusive Conduct Complaint Intake Form at <https://forms.gle/JuvUxLXyXW66ChFZ7>

Clery Act and Other Public Records: Publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without including personally identifying information (PII) about the victim/survivor. UC Merced does not publish the name of crime victims/survivors as part of its Clery Act-mandated reporting (including annual crime statistics that are disclosed in compliance with the Clery Act), nor does it include PII regarding victims/survivors in the Daily Crime and Fire Log. In addition, UC Merced policy regarding access to public records may require disclosure of certain information concerning the report of non-sex-based stalking. In such cases, every effort is made to redact or limit the record as appropriate to protect the privacy of all parties and witnesses. UCMPD has various policies and procedures to ensure that PII about a victim/survivor is not included in publicly available record-keeping.

C. University Response Overview to Reports of Non-Sex Based Stalking

The following is an outline of UC Merced’s adjudication process and sanctioning related to non-sex-based stalking for students and employees, as defined in “*Reporting Options*” section, on the previous page. Administrative handling of non-sex-based stalking varies according to the affiliation of the accused (i.e., student, staff, or faculty). Reports will be investigated by UCMPD, Office of Student Rights and Responsibilities, Office of Academic Personnel, or Employee & Labor Relations, as appropriate.

The [Student Code of Conduct \(PACAOS 100\)](#) prohibits stalking, which is defined in Section 102.10 as “...behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonable determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose.”

OSRR responds to reports of stalking following the conduct process, which complies with *PACAOS 100* (see Section 103.00, Student Conduct Investigation and Resolution

Procedures). The process provides due process for students who may be sanctioned for violations.

Effective January 1, 2026, UC PACAOS 100, [Appendix H](#) describes the minimum procedural requirements for all campuses when conducting a formal hearing into alleged social misconduct such as non-sex-based stalking:

- **Initial Assessment.** As soon as practicable after receiving a report alleging student misconduct, and typically within 30 business days from receipt of all necessary information, OSRR shall conduct a preliminary assessment to determine whether the report falls within the scope of these procedures and whether the allegations, if true, may constitute a policy violation.
- **Notice of Allegations.** If a policy violation may have occurred, the student will receive a written Notice of Allegations, which will include information related to the procedures for resolution. The student shall be informed of the alleged misconduct, the specific policy or policies allegedly violated, and of the opportunity to review the information submitted that is directly related to whether a policy violation has occurred. A copy of the campus implementing regulations implementing these procedures shall be provided to the student. A student charged with a violation of the Policy on Student Conduct and Discipline, shall be informed of their right to an Advisor when they receive the Notice of Allegations.
- **Interim Actions.** Consistent with *PACAOS 107.00*, the University may take Interim Actions before a final determination of an alleged violation.
- **Advisors.** At all stages of this process, the student has the right to an Advisor. A student may select an Advisor of their choosing or request the University to provide them one. The Advisor may be any person (including an advocate, attorney, friend, or parent), except a person with information relevant to the alleged policy violation.
- **Investigation Process.** Allegations of misconduct will be investigated by OSRR or their designee. The OSRR Administrator will offer a meeting for the purpose of explaining the alleged violation(s), discussing information that was received in relation to the allegation(s), and providing the student with an opportunity to respond to the allegation(s) and to present any information that may assist in investigation and resolution of the case. The OSRR Administrator will review the facts and information available and shall determine, based on the preponderance of the evidence, whether it is more likely than not the student violated University policy. All investigations shall be concluded promptly, generally within 60 to 90 business days of issuing a Notice of Allegations, unless there is good cause for an extension. The investigation timeframe is concluded when an Administrative

Resolution has been issued by OSRR. The investigation timeframe may also be concluded if an Alternative Resolution process is initiated.

- **Extension of Timelines.** The OSRR Administrator or designee may extend any timelines contained in these procedures for good cause shown and documented. Good cause is defined for purposes of these procedures as significant or unforeseen circumstances that impede completion of the process within the projected timeframe.
- **Resolution Pathways.** The following resolution pathways are available generally as an outcome of the Student Conduct Investigation Process. A determination on which resolution pathway will be followed will typically be made within the 60 to 90 business day investigation timeframe.
 - *Closure – No Responsibility or Insufficient Information.* If the OSRR Administrator’s determination is that the student is not responsible for violating University policy, or if there is insufficient information to make a determination, OSRR will notify the student accordingly and may issue an Advisory Notice or take no further action.
 - *Alternative Resolution.* At any point during the process, OSRR may offer an Alternative Resolution option (e.g., mediated dialogue, restorative justice, educational agreement), subject to the following conditions:
 - The student does not dispute the facts relevant to whether the policy violation occurred, and/or acknowledges responsibility;
 - All involved parties who are willing to participate in any process, including any impacted individuals, consent in writing to participate. The OSRR Administrator will determine who is an “involved party.”

Not all allegations are eligible for Alternative Resolution. The OSRR Administrator or designee is responsible for making the final decision regarding whether or not Alternative Resolution is appropriate and may change their determination if additional information is received.

Upon acceptance of the Alternative Resolution Agreement, the student waives the right to a hearing and appeal. The Agreement will be in writing and likely include educational or restorative components. Records of Alternative Resolution will be maintained as a non-disciplinary record (unless otherwise agreed to within the resolution plan), but failure to accept the Agreement or to comply with the terms of the Agreement may lead to a cancellation of the Alternative Resolution Agreement and a return to the investigation and/or resolution process.

OSRR will complete the Alternative Resolution process typically within 30 to 60 business days of notifying the student in writing of the beginning of the process. However, OSRR may extend past 60 business days for good cause.

- *Administrative Resolution.* If the OSRR Administrator has determined that the student is responsible for violating University policy, OSRR will determine what sanction and/or University action should be taken and will issue an Administrative Resolution.
 - If the student accepts the Administrative Resolution, the outcome is final, and no hearing or appeal will follow.
 - If the student does not accept the Administrative Resolution and:
 - a. The Administrative Resolution does not include suspension or dismissal, the student may elect to appeal the Administrative Resolution finding(s) and/or sanction(s) within 10 business days of the issuance of the Administrative Resolution, via written communication to the designated appeal body identified in campus implementing regulations. The student may appeal on the grounds described in this section. The appeal should identify the reason(s) why the student is challenging the Administrative Resolution under one or more of the following: i. new information not available at the time of the investigation, the absence of which can be shown to have materially affected the outcome; ii. there was procedural error in the process that materially affected the outcome; iii. the proposed sanction is disproportionate given the findings of fact.
 - b. The Administrative Resolution includes suspension or dismissal, the student may elect to contest Student Conduct's determination of responsibility by proceeding to a Formal Hearing. Within 5 business days of the issuance of the Administrative Resolution, the student must indicate via written communication to Student Conduct or their designee if they wish to contest Student Conduct's determination of responsibility.
- If the Administrative Resolution includes suspension or dismissal, and the student accepts responsibility for the policy violation, but wishes to

appeal the sanction (suspension or dismissal), they may submit a written appeal on only one ground, that the proposed sanction is disproportionate given the findings of fact. Within 5 business days of the issuance of the Administrative Resolution, the student must indicate via written communication to OSRR or their designee if they wish to accept responsibility for the policy violation, but appeal the sanction. The student will have an additional 5 business days to submit their written appeal to OSRR or their designee, identifying the reason(s) why the student is challenging the proposed sanction.

- When an appeal is permitted under the procedures outlined above, the implementation of sanctions will be deferred pending the outcome of the appeal. OSRR may submit a written response to the designated appeal body within 7 business days of receiving a copy of the appeal. Absent good cause for an extension, the appeal body will issue a written decision to the student within 20 business days of receiving the appeal and all related documents. The decision of the appeal body is final.
- Following the issuance of the Administrative Resolution, if the student does not respond within the timelines listed above, the outcome is final, and no hearing or appeal will follow.
- *Formal Hearing.* When the outcome of the Administrative Resolution includes suspension or dismissal, and the student has contested OSRR's determination of responsibility, the case will proceed to a formal hearing. Campus implementing regulations shall provide the following minimum procedural standards to assure the student a fair hearing:
 - Written notice (via the Notice of Allegations or subsequent Administrative Resolution), including a brief statement of the factual basis of the charges, the University policies or campus regulations allegedly violated, and the time and place of the hearing, no less than 10 business days before the hearing;
 - The opportunity for a fair hearing where the University will bear the burden of proof, and at which the student will have the opportunity to present documents and witnesses and to question witnesses presented by the University;
 - A record of the hearing; a written decision based upon the preponderance of evidence, that includes a summary of the relevant facts and a conclusion for each alleged policy violation, sanctions, if applicable, and information about the right to appeal, within 20 business days of the hearing.
 - An appeals process that requires a student dissatisfied with the written decision and who wishes to challenge it to submit an appeal in writing to the

designated appeal body within 10 business days of the hearing outcome notice. The student may appeal via written communication to the designated appeal body identified in campus implementing regulations. The student may appeal on the grounds described in this section. The appeal should identify the reason(s) why the student is challenging the hearing body decision under one or more of the following:

- new information not available at the time of the hearing, the absence of which can be shown to have materially affected the outcome;
- there was procedural error in the process that materially affected the outcome;
- the proposed sanction is disproportionate given the findings of fact.

When an appeal is permitted under the procedures outlined above, the implementation of sanctions will be deferred pending the outcome of the appeal. OSRR may submit a written response to the designated appeal body within 7 business days of receiving a copy of the appeal. Absent good cause for an extension, the appeal body will issue a written decision to the student within 20 business days of receiving the appeal and all related documents. Once issued, the decision of the appeal body is final.

- **Sanctions.** Sanctions for students relating to incidents of non-sex-based stalking could include any of the following:
 - Suspension or Dismissal and/or Other University Actions
 - Other University Actions include but are not limited to: Alternative Resolution, Advisory Notice, Educational conversation.

For incidents charged before January 1, 2026, UC PACAOS 100, Section 103.11 describes the minimum procedural standards for all campuses when conducting a formal hearing into alleged social misconduct, including non-sex-based stalking:

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

- d. An appeals process.

Sanctions for students relating to incidents of non-sex-based stalking occurring prior to January 1, 2026 are set forth in PACAOS 105.01-0-16: Warning/Censure, Disciplinary Probation, Loss of Privileges and Exclusion from Activities, Suspension, Dismissal, Exclusion from areas of the campus or from official University Functions, Interim Suspension, Restitution, Revocation of Awarding of Degree, Other University Actions, such as monetary fines, community service, or holds on requests for transcripts, diplomas, or other student records to be sent to third parties, as set forth in campus regulations.

- The [University of California Abusive Conduct in the Workplace policy](#) applies to employees, unpaid interns, and third parties.

Procedures for investigating and resolving complaints.

[UCM Interim Procedures for Abusive Conduct in the Workplace](#), implementing the UC Policy on Abusive Conduct in the Workplace. The Responsible Office and the specific procedures for investigating and resolving complaints of Abusive Conduct depend on the Respondent's position in or relationship to the University.

- Reports about Senate Faculty Respondents: Senate Faculty reports are addressed in accordance with APM – 015 and – 016, Senate Bylaws, and this procedure. The Chancellor's Designee under these policies and has responsibility for handling complaints about Senate faculty.
- Reports about All Other Employees: Employee and Labor Relations (ELR), in Human Resources, is the Responsible Office for reports about PPSM-covered staff as well as represented staff and other employees (other than academic personnel). ELR also handles PPSM 70 complaints by staff.
- The Ethics & Compliance Office (E&C) and Locally Designated Official (LDO) have responsibility for whistleblower and discrimination reports received via the systemwide EthicsPoint hotline, which may also receive abusive conduct reports. The LDO conducts and coordinates, with the Responsible Office, formal investigations.
- OPHD receives reports of Prohibited Conduct under the SVSH Policy and Anti-Discrimination Policy, which reports may also/instead be reports of Abusive Conduct. OPHD will coordinate with the Responsible Office in addressing such reports.

Corrective and Remedial Measures

The preponderance of the evidence standard is applied. In investigations under the Abusive Conduct Policy. Noncompliance may result in remediation, educational efforts, and/or employment consequences up to and including informal counseling, adverse performance evaluations, corrective action/discipline, and termination. The Abusive Conduct Policy does not supplant disciplinary processes described in the APM or Academic Senate Bylaws or regulations.

For policy-covered staff employees, corrective action/discipline is governed by Personnel Policies for Staff Members [62 \(Corrective Action\)](#), [63 \(Investigatory Leave\)](#), and [64 \(Termination and Job Abandonment\)](#); [Personnel Policies for Staff Members-II 64 \(Termination of Appointment\)](#), which applies to Senior Management Group (SMG) employees; and as applicable, other policies and procedures.

For academic appointees, formal corrective action/discipline is governed by [APM-015 \(The Faculty Code of Conduct\)](#), [APM - 016 \(University Policy on Faculty Conduct and the Administration of Discipline\)](#), [APM - 150 \(Non-Senate Academic Appointees/Corrective Action and Dismissal\)](#), and as applicable, other policies and procedures.

For represented employees, formal corrective action/discipline is governed by collective bargaining agreements.

Reports under the Abusive Conduct Policy that allege stalking will be addressed in accordance with the applicable investigation and adjudication framework under the SVSH Policy, to ensure compliance with VAWA including notifications to parties and timelines¹⁰.

XVI. Illegal weapons

In accordance with California Penal Code §626.9 and §626.10, as well as Title 5 California Code of Regulations §100015, individuals are prohibited from possessing various weapons, including firearms; explosives; instruments that expel metal projectiles, such as a bb or pellet; specified knives; and/or any item that may be construed as such, on the premises of the University or in any building under its control.

California state law and UC Merced policy prohibit the possession or control of any firearms, deadly weapons, explosive devices, nunchakus, metal knuckles, shurikens, Billy clubs (5 CCR §100015), saps, or any other deadly weapons or prohibited knives, while in

¹⁰ Non-sex-based stalking is not prohibited by the SVSH Policy, however, the investigation frameworks associated with the SVSH Policy may be used for investigations under the Violence Prevention in the Workplace Policy.

any UC Merced property or facility, except as required in the lawful course of business or as authorized by the UCMPD Chief of Police. Anyone found in violation of the University's policies will be subject to the disciplinary policies and procedures applicable to students, staff, and faculty, and/or criminal prosecution by the appropriate jurisdiction.

A weapon is anything that could be used to hurt another person. Weapons include guns, knives, and any available object that could be used to hurt another person. Specifically, California Penal Code section 626.9 (the Gun Free School Zone Act of 1995) prohibits any person from bringing or possessing a firearm on the grounds of a University of California campus, or any property owned or operated by the University of California, without written permission. Similarly, California Penal Code section 626.10 prohibits any person who brings or possesses any dirk, dagger, ice pick, or knife having a fixed blade longer than 2.5 inches upon the grounds of the University of California. Moreover, the possession of an undetectable firearm, cane gun, wallet gun, zip gun, belt buckle knife, blackjack, or other "generally prohibited weapon" is prohibited by law. Under California Penal Code section 417, it is illegal for any person to exhibit a firearm or any deadly weapon in a rude, angry, or threatening manner, or unlawfully use the same in any fight or quarrel. Any person found to be in violation of a weapons law is subject to arrest, prosecution, and imprisonment. Some exceptions include law enforcement personnel, honorably retired peace officers, or a member of the military forces of California or the United States who is engaged in the performance of their duties.

Pursuant to California Penal Code sections 22810(e) (1) and 22810(e)(2), pepper spray must be less than 2.5 ounces and must also display a clear warning label. Use of pepper spray for any purpose other than immediate self-defense is unlawful.

Individuals are encouraged to report weapons violations to UCMPD immediately by dialing 911 or (209) 228-2677. It is important to provide a description and location of the individual carrying a weapon. UC Merced has and will continue to investigate any threat to the safety of the University in order to protect all members of the University community and their guests.

UC Merced policy also prohibits individuals from use, possession, sale, or manufacture of any dangerous weapons on University properties or at official University functions, except as expressly permitted by law. Anyone found in violation of the University's policies shall be subject to the disciplinary policies and procedures applicable to students and employees, and/or criminal prosecution by the appropriate jurisdiction.

XVII. Policies and Prevention Programs on Alcohol and Drugs

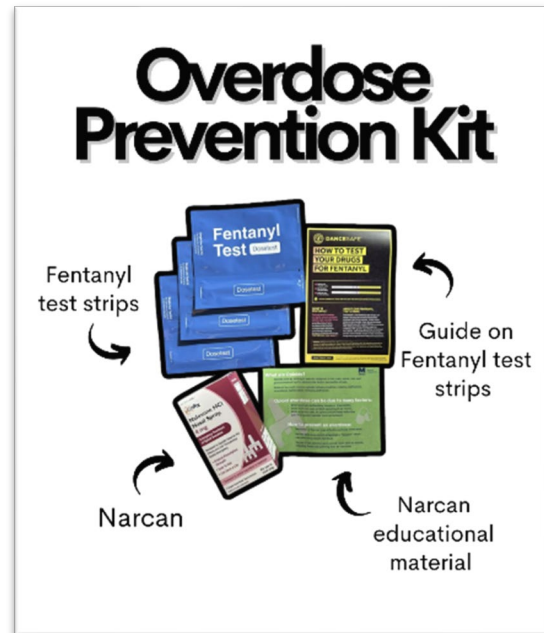
UC Merced provides comprehensive alcohol and drug prevention initiatives, programs, and services that focus on policy, environmental management, education and prevention, sanctions, treatment, recovery, research, and assessment. In addition, in accordance with the Drug Free Schools and Communities Act, UC Merced annually provides every employee and student with a notification regarding its prevention programs.

A. University of California Policy on Substance Abuse

The [University of California Policy on Substance Abuse](#) recognizes dependency on alcohol and other drugs as a treatable condition and offers programs and services for University employees and students with substance dependency problems. Employees (including student employees) and students are encouraged to seek assistance, as appropriate, from Employee Support Programs, health centers, and counseling or psychological services available at university locations or through referral. Information obtained regarding an employee or student during participation in such programs or services will be treated as confidential, in accordance with Federal and State laws.

The University strives to maintain campus communities and workplaces free from illegal use, possession, or distribution of alcohol or of controlled substances, as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code §812, and by regulation at 21 Code of Federal Regulations §1308. Unlawful manufacture, distribution, dispensing, possession, use, or sale of alcohol or controlled substances by university employees and students in the workplace, on university premises, at official university functions, or on university business is prohibited.

UCMPD has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.



Overdose Prevention Kits available at the Health Promotions Office.

In addition, employees and students shall not use illegal substances or abuse legal substances in a manner that impairs work performance, scholarly activities, or student life.

Employees found to be in violation of this Policy, including student employees if the circumstances warrant, may be subject to corrective action, up to and including dismissal, under applicable university policies and labor contracts, or may be required, at the discretion of the University, to participate satisfactorily in an Employee Support Program.

Students found to be in violation of this Policy may be subject to corrective action, up to and including dismissal, as set forth in the [University of California Policies Applying to Campus Activities, Organizations, and Students](#) and in campus regulations, or may be required, at the discretion of the University, to participate satisfactorily in a treatment program.

Special Requirements for Employees Engaged on Federal or State Contracts and Grants

The Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the California Drug-Free Workplace Act of 1990 require that University employees directly engaged in the performance of work on a Federal or State contract or grant abide by the *University of California Policy on Substance Abuse* as a condition of employment.

Employees working on Federal contracts and grants shall notify the University within five calendar days if they are convicted of any criminal drug statute violation occurring in the workplace or while on University business. This requirement also applies to all indirect charge employees who perform support or overhead functions related to the Federal contract or grant and for which the Federal government pays its share of expenses, unless the employee's impact or involvement is insignificant to the performance of the contract or grant. The University is required to notify the Federal contracting or granting agency within ten calendar days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in available counseling, treatment, and approved substance-abuse assistance or rehabilitation programs within thirty calendar days of having received notice of such conviction.

B. University of California and UC Merced Policies on Substance Abuse by Students

The [Policies Applying to Campus Activities, Organizations and Students \(PACAOS\)](#) is a compendium of University-wide policies relating to student life. Section 100.00 describes the University's policy on student conduct and discipline. Relevant provisions include:

102.00 Grounds for Discipline: Chancellors may impose discipline for the commission or attempted commission (including aiding or abetting in the commission or attempted commission) of the following types of violations by students, as well as such other violations as may be specified in campus regulations:

- **102.17 Controlled Substances:** Unlawful manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances, identified in federal and state law or regulations.
- **102.18 Alcohol:** Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, University policy or campus regulations. This includes underage alcohol consumption.

There are also related campus guidelines for students living off-campus.

Fraternity & Sorority Life Handbook states that students and members of recognized student organizations will set good examples and will:

- Support and actively promote an environment that encourages healthy life choices, supports peer accountability, and connecting students with appropriate resources on and off campus healthy life choices.
- Will understand and abide by all inter/national policies, applicable umbrella organization policies and all University policies and procedures regarding the use of alcohol and drugs during fraternity/sorority functions.
- will not use or serve alcohol or drugs at any recruitment activity or event.
- will not distribute promotional clothing, specialty items or other consumer items, which utilize a university trademark, symbol or logo in combination with an alcoholic beverage or drug trademark, symbol or logo, regardless of whether such promotional items are free or for sale, or if the trademark, symbol or logo is similar, alluding to, or represent alcoholic beverages or drugs.
- will not produce advertisements where alcohol or drugs are mentioned or alluded to.
- The use of mock drinking games, mock tails, or activities related to drinking, where non-alcoholic beverages or other items are substituted for alcohol beverages are not encouraged by FSL without specific educational value being demonstrated. Any chapter wishing to utilize these activities for programming will meet with the Health Promotions Coordinator to discuss the education components of the proposed program.

- The production, possession, distribution, sale and/or use of any illegal drugs or controlled substances at any fraternity/sorority event, activity or meeting are prohibited.
- All chapters and members will participate in required programming, as defined in a Appendix C: FSL Required Programming.

In addition to any penalties resulting from violating local, state, and/or federal laws, any student who violates University policy is subject to disciplinary action, including sanctions as outlined in the *UCM Student Handbook*. Disciplinary actions range from warning/censure and disciplinary probation to loss of privileges (such as living on campus) and exclusion from activities, suspension, or dismissal from the University.

C. University of California, Merced on Substance Abuse in the Workplace

UC Merced follows the University (systemwide) Policy on Substance Abuse. The following summarizes key provisions of the *Substance Abuse in the Workplace* policy.

The University strives to maintain a workplace free from the illegal use, possession, or distribution of controlled substances (as defined by law). Unlawful manufacture, distribution, dispensation, possession, or use of controlled substances by university employees in the workplace or on university business is prohibited. In addition, employees shall not use illegal substances or abuse legal substances in a manner that impairs the performance of assigned tasks.

Employees found to be in violation of this policy may be subject to corrective action, up to and including dismissal, pursuant to applicable university policies and collective bargaining agreements, or may be required, at the discretion of the university, to participate satisfactorily in a treatment program in conjunction with the INSIGHT Employee Assistance Program (EAP).

D. Alcohol and Drug Laws and Sanctions

There are numerous federal, state, and local statutes and ordinances relating to the manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol. These statutes impose legal sanctions for both felony and misdemeanor convictions related to violations of applicable laws and ordinances. This is not intended to be a comprehensive list of all applicable laws. Moreover, laws may change over time. Individuals are expected to be aware of current federal, state, and local laws.

Federal Laws Governing Controlled Substances:

- The manufacture, sale, or distribution of all scheduled (illicit) drugs constitutes a felony. (21 USC 841). Scheduled drugs are listed in Scheduled I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulations (21 CFR 1308.11 through 1308.15).
 - Scheduled drugs include the various narcotics, barbiturates, amphetamines, cocaine, cannabis, hallucinogens, and synthetic drugs, e.g., PCP, MPT, MDMA (21 USC 812). Simple possession of controlled substances can be punished by civil fines of up to \$10,000 per violation and a jail sentence (21 USC 844, 844a).
- Distribution or possession with intent to distribute a controlled substance on university property requires a sentence enhancement of up to twice the prescribed sentence for the original offense, and at least twice the prescribed amount of parole time. This provision also calls for a mandatory sentence of not less than one year in prison for any offense except possession of less than 5 grams of marijuana (21 USC 845a).
- Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits from all federal programs including student grants and loans, except some long-term drug treatment programs (21 USC 853a).
- Aliens convicted of violation of any law or regulation of a state, the United States, or a foreign country are subject to deportation and exclusion from entry to the United States (8 USC 1182, 1251).
- Persons who are health care providers are barred from receiving payment from federal insurance programs upon conviction of a criminal offense involving distribution or dispensing a controlled substance (5 USC 8902a).
- Property including vehicles, vessels, aircraft, money, securities, or other things of value which are used in, intended for use in, or traceable to transactions that involve controlled substances in violation of federal law are subject to forfeiture to the United States (21 USC 881).

California Laws Regarding Controlled Substances:

California law regarding controlled substances is in many respects similar to federal law. One set of sanctions, however, of which we should be aware is that most professionals subject to licensing under the Business and Professions Code are subject to discipline, up to and including loss of license, for conviction of offenses involving controlled substances.

California Laws Governing Alcohol:

- No person may sell, furnish, give, or cause to be sold, furnished, or given away, any alcoholic beverage to a person under the age of 21, and no person under the age of 21 may purchase alcoholic beverages (Cal. Business and Professions Code 25658).
- It is unlawful for any person under the age of 21 to possess alcoholic beverages on any street or highway or in any place open to public view. (Cal B&P Code 25662)
- It is a misdemeanor to sell, furnish, or give away an alcoholic beverage to any person under the age of 21 (Cal. B&P Code 25658) or to any obviously intoxicated person (Cal. B&P Code 25602).
- It is a misdemeanor to sell alcoholic beverages any place in the state without a proper license from the Department of Alcoholic Beverage Control (Cal. B&P Code 23301).
- It is unlawful for any person to drink while driving, or to have an open container of an alcoholic beverage in a moving vehicle.
 - With a blood alcohol level of .08 or higher, a driver is presumed under the influence of alcohol. Between .05% and .08% a person may be found guilty of driving under the influence.
 - The California Attorney General has offered the opinion that operating a bicycle on a highway while intoxicated is a violation of Vehicle Code 21200(b). This law provides that bicyclists enjoy the same rights, but are subject to the same regulations as motor vehicle operators.

UC Guidance on Use and Possession of Marijuana on UC Property:

The University of California prohibits the use, possession and sale of marijuana in any form on all university property, including university-owned and leased buildings, housing, and parking lots. Marijuana is also not permitted at university events or while conducting university business.

On November 8, 2016, California voters passed Proposition 64 legalizing the use of recreational marijuana among people over the age of 21. It is important to understand that Prop. 64 does not change UC policy; marijuana remains prohibited on all university property and at all university events, except for approved academic research.

Academic research involving marijuana may be conducted at the university to the extent authorized under both federal and state law; such research must be conducted in compliance with all applicable regulations and policies, including but not limited to federal registration and licensing requirements administered by the U.S. Drug Enforcement Agency and applicable to research use of controlled substances.

Notwithstanding Proposition 64, using, distributing, and possessing marijuana remains illegal under federal law. The federal Controlled Substances Act criminalizes possession and distribution of controlled substances, including marijuana, with a limited exception for certain federally approved research. The Drug Free Schools and Communities Act and the Drug Free Workplace Act require that UC, as a recipient of federal funding, establish policies that prohibit marijuana use, possession, and distribution on campus and in the workplace.

Violating the university's policies may be grounds for discipline or corrective action, which may include required participation in a treatment program, with a maximum penalty of dismissal (for students) or termination (for employees).

Local Codes and Ordinances:

Although there is some variation from one local jurisdiction to another, nearly all have some control over the public consumption of alcohol. The following are typical prohibitions, and are found in the City of Merced Code of Ordinances (Chapter 10):

- It is unlawful for any person to consume any beer, wine, or alcoholic beverage, or any beverage containing beer, wine or alcoholic liquor, nor in:
 - Any sidewalk, parkway, street, or alley;
 - Any public park except as provided in Section 10.28.070 of this Code;
 - Any public parking lot or other public property; and
 - Any private parking lot, open or designated for use by the public or patrons of the owner or tenant.

E. Health Risks Associated with Substance Abuse

Substance abuse may result in a wide spectrum of extremely serious health and behavioral problems. Substance abuse results in both short- and long-term effects upon the body and mind. There are specific health risks related to alcohol and drug use, and there are general health risks related to impairment and addiction. Alcohol and drugs are toxic to the body's systems. In addition to the problem of toxicity, contaminant poisonings often occur with illegal drug use. HIV (AIDS) infection associated with intravenous drug use is a prevalent hazard.

Acute health problems may include heart attack, strokes, and sudden death, which, in the case of some drugs such as cocaine, can occur after first-time use. Long-lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, bleeding, destruction of brain cells, permanent memory loss, infertility, impotency, immune system impairment, kidney failure,

cirrhosis of the liver, and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects, causing hyperactivity, neurological abnormalities, and developmental difficulties.

Safety and Performance

A person who is mentally or physically impaired because of drug or alcohol use may behave in careless and unsafe ways. In addition, substance abuse may noticeably affect a student's performance, which may, over time, decline in quality.

Detailed information and literature about the health risks associated with substance abuse are available from UCM Student Health Services and the Counseling Center.

F. Alcohol, Tobacco, and Other Drug Prevention Programs and Resources

UCM recognizes that substance abuse is treatable and offers a variety of confidential programs and resources to assist those with substance abuse problems. Information disclosed by a student or employee will be considered confidential, in accordance with federal and state laws and University policies. These programs include:

- 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.
 - Please visit the [UCM EAP Employee Assistance Program](#) webpage to learn more about the benefits offered.
- 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.
- **Counseling and Psychological Services (CAPS):** Free, confidential counseling services to registered UCM students. To schedule an appointment, contact 209-228-4266 or stop by the Counseling Center located on the second floor of Health and Athletics. CAPS also provides group support, crisis care services, well-being workshops and consultation services. After hours crisis support is also available by dialing 209-228-4266 #1.
- **Student Health Services:** The mission of Health Services is to help each student strive for maximum physical and emotional health while pursuing their academic and personal goals at UC Merced. Health Services is committed to providing the highest quality primary health care, in combination with health education and wellness promotion through caring, accessible and affordable services. 209-228-2273
- **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).
- **Merced County Behavioral Health and Recovery Services:** provides culturally and linguistically appropriate patient-centered care which track substance abuse as a chronic condition rather than an acute condition. Their **Substance Use Disorder Services Helpline** is available 24/7 by dialing 888-334-0163. For additional information visit <https://www.countyofmerced.com/78/Behavioral-Health-Recovery-Services>.

XVIII. Violence Against Women Act (VAWA)- Related Definitions

A. Local Jurisdiction Definitions of VAWA Crimes

The following are definitions of Violence Against Women Act (VAWA) offenses and VAWA-related terms, as stated in California Penal Codes.

California penal code does not have a formal definition of dating violence. However, provisions for Domestic Violence do cover dating violence.

Consent (Definition under California Penal Code §261.6):

- In [rape] 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.
- A current or previous dating or marital relationship is not sufficient to constitute consent if consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a.
- This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

Consent (Definition under California Penal Code §261.7): In [rape] prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim/survivor 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.

Domestic Violence (Definition under California Penal Code §273.5):

- A person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim/survivor described in subdivision (b) is guilty of a felony....
- Subdivision (a) shall apply if the victim/survivor 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 someone with whom the offender has, or previously had, an engagement or dating relationship (per California Penal Code §243(f)(10), “Dating relationship” means frequent, intimate

associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations).

- (4) The mother or father of the offender's child.
- Holding oneself out to be the spouse of the person with whom one is cohabitating is not necessary to constitute cohabitation as the term is used in this section.
- 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 normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.
- 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.

Domestic Violence (Definition under California Penal Code §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 relationship,...(per California Penal Code § 243(f)(10), "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations).

Domestic Violence (Definition under California Penal Code §13700(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 spouses, (5) the continuity of the relationship, and (6) the length of the relationship.

Incest (Definition under California Penal Code §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.

Oral Copulation (Definition under California Penal Code §287(a)): Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

Rape (Sexual Intercourse) (Definition under California Penal Code §261):

- Rape is an act of sexual intercourse accomplished under any of the following circumstances:
 - 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.
 - 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.
 - If a person is prevented from resisting by any intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.
 - If a person is at the time unconscious of the nature of the act, and this is known to the accused.
 - As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim/survivor meets any one of the following conditions:
 - Was unconscious or asleep.
 - Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
 - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
 - If a person submits under the belief that the person committing the act is someone known to the victim/survivor other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
 - If the act is accomplished against the victim's/survivor's will by threatening to retaliate in the future against the victim/survivor or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.

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

- If the act is accomplished against the victim’s/survivor’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim/survivor or another, and the victim/survivor has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
- As used in this section,
 - “Duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim/survivor, and the victim’s/survivor’s relationship to the defendant, are factors to consider in appraising the existence of duress.
 - “Menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

Rape (Definition under California Penal Code §263): Any sexual penetration, however slight, is sufficient to complete the crime.

Sexual Battery (Definition under California Penal Code §243.4):

- 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.
- 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.
- Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim/survivor is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.

- Any person who, for 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.
- (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.
(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/survivor.
- 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.
- As used in this section, the following terms have the following meanings:
 - "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
 - "Sexual battery" does not include the crimes defined in Section 261 [Rape] or 289 [Incest].
 - "Seriously disabled" means a person with severe physical or sensory disabilities.
 - "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
 - "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
 - "Minor" means a person under 18 years of age.

Sodomy (Definition under California Penal Code §286): 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.

Stalking (Definition under California Penal Code §646.9):

- 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 their safety, or the safety of their immediate family, is guilty of the crime of stalking,...

- 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,...
- 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.
- For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”
- For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for their safety or the safety of their 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.”
- For the 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 18U.S.C. § 2510(12).

Statutory Rape (Definition under California Penal Code §261.5):

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

- A person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony.

XIX. Hazing Prevention

The Stop Campus Hazing Act requires institutions of higher education to define hazing, including providing procedures for reporting and investigating hazing, and provide research-informed prevention training and programming to campus constituents. The University of California Merced prohibits hazing by any Student, Staff, Academic Appointee, or Volunteer.

[Matt's Law \(SB 1454\)](#) amended the [California Penal Code](#) to allow for felony prosecutions when serious injuries or deaths result from hazing rites. The bill increases the severity of charges for some hazing rituals, from misdemeanors to felonies, and for the first time gives prosecutors the ability to seek hazing charges against non-students.



These Paws Don't Haze. Report Hazing Incidents.

[California AB 2193: Hazing: educational institutions: prohibition and civil liability: reports and resources](#) expressly prohibits a person from being subjected to hazing in any program or activity conducted by an educational institution. Beginning January 1, 2026, this bill additionally authorizes a former, current, or prospective student, against whom hazing is directed and who has suffered injury as a result, to commence a civil action against an educational institution if (1) the institution has direct involvement in the hazing practice of the organization, or knew or should have known of the hazing practice and failed to take reasonable steps to prevent the hazing practice, (2) the organization involved in the hazing is affiliated with the educational institution at the time of the alleged hazing incident, and (3) the alleged hazing incident occurred on or after January 1, 2026. The bill requires the Regents of the University of California, on or before June 30, 2026, and annually thereafter, to report to the appropriate policy committees of the Legislature the number of hazing incidents that constituted a violation of the institution's policy prohibiting hazing and whether the violation was affiliated with a student organization, as specified.

Under the federal [Stop Campus Hazing Act](#), Hazing is now a Clery reportable crime. This act defines hazing and requires institutions to provide Annual Security Reports, including information on reporting and investigation processes, and comprehensive hazing prevention programming, as well as Campus Hazing Transparency Reports to the campus.

Hazing is against university policy.

- The University of California [Clery Act Policy – Campus Safety Reporting](#) was revised, effective January 1, 2025, to reflect the amendments to the Stop Campus Hazing Act, enacted on December 23, 2024. The definition of Clery Crimes is revised to include hazing, and the responsibility of UC Locations to develop and implement hazing prevention and awareness programs is added.
- The [Abusive Conduct in the Workplace Policy](#), which covers all University employees, unpaid interns, and third parties, was recently amended to add a definition of hazing and clarify that hazing constitutes a form of Abusive Conduct in accordance with the federal and California Stop Campus Hazing Acts.
- University of California Policy on Hazing – [Policies Applying to Campus Activities, Organizations and Students \(PACAOS\)](#) 102.12 states the following:
 - 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
 - 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
 - the person knew or should have known was likely to cause serious bodily injury.
- There are no Tribal laws related to Hazing that are applicable at UC Merced.

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/survivors 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.

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.

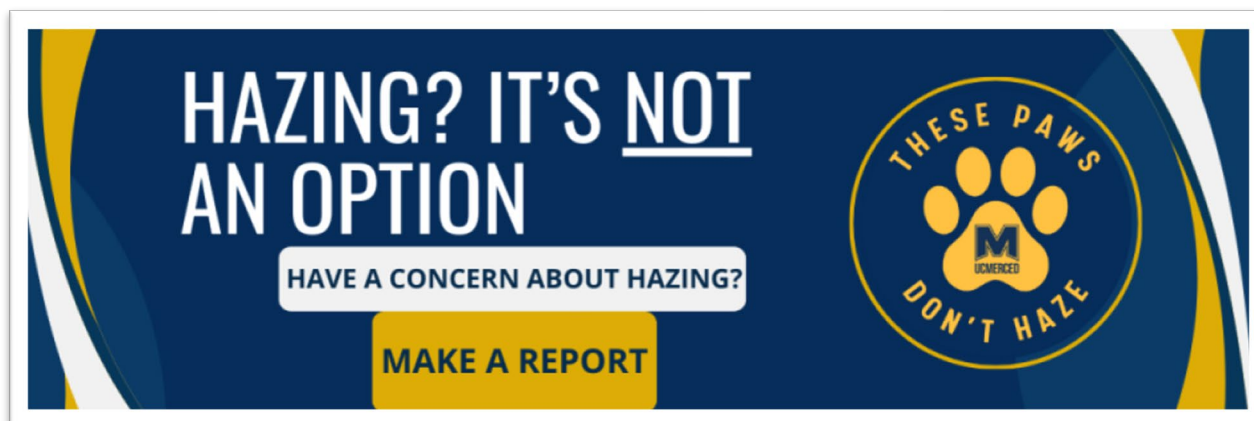
Sanctions

If based on a preponderance of the evidence, it is determined that hazing or another policy violation more likely than not occurred, appropriate outcomes will be imposed in accordance with the PACAOS Standards, the UC Merced Code of Student Conduct, and other applicable University of California sanctioning guidelines.

Possible outcomes include, but are not limited to:

- 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

Employees found responsible for Hazing will be disciplined in accordance with applicable personnel policies or Collective Bargaining Agreements.



Report Hazing concerns.

XX. Clery Act Crime Statistics

A. Clery Act Geography

The Clery Act mandates the collection, classification, and reporting of crime reports for alleged crimes that occurred on University-affiliated property. Buildings and property that are considered “University-affiliated” are broken down into categories known as “Clery Act geography.” The following are descriptions of Clery Act geographic locations.

- **On-Campus:** (i) any building or property owned or controlled by UC Merced or the UC Regents 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 (ii) any building or property that is within or reasonably contiguous to the area identified in (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.
- **On-Campus Student Housing Facilities (subset of the On-Campus category):** any student housing facility that is owned or controlled by UC Merced or the UC Regents, or is located on property that is owned or controlled by UC Merced or the UC Regents, and is within the reasonably contiguous geographic area that makes up the 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 campus.
- **Non-Campus Building and Property:** (i) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) any building or property owned or controlled by UC Merced or the UC Regents 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. Non-campus locations fall within the jurisdiction, protection, and reporting responsibility of different law enforcement agencies (in different cities, counties, states, and/or countries), depending on where the buildings and property are located. At least annually, the UC Merced Police Department makes a good faith effort to identify all geographic locations that fit within the non-campus Clery geography definition and request Clery crime statistic data from all outside law enforcement agencies that have jurisdiction over those non-campus locations.

B. Clery Act Crime Definitions

The Clery Act applies the crime definitions from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program when classifying and counting Clery crimes. The definitions for murder/non-negligent manslaughter, manslaughter by negligence, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, weapons law violations, drug law violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" of the UCR Program. The definitions of fondling, incest, and statutory rape are from the "National Incident-Based Reporting System (NIBRS) Data Collections Guidelines" of the UCR Program. The definitions of hate crimes are from the FBI's Uniform Crime Reporting "Hate Crime Data Collection Guidelines and Training Manual." The definitions of dating violence, domestic violence, and stalking (for purposes of Clery Act crime statistics reporting) are from the Violence Against Women Act of 1994 Code of Federal Regulations 668.46(a). It should be noted that Clery crime definitions used for compiling Clery crime statistics are different than California state crime definitions that may be used by law enforcement authorities and prosecutorial agencies as well as UC Merced administrative policy definitions for certain crimes.

The Clery crime definitions and counting rules are as follows:

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime is counted as a murder/non-negligent manslaughter. One offense per victim/survivor is counted.

Manslaughter by Negligence: The killing of another person through gross negligence. Any death caused by the gross negligence of another is counted as Manslaughter by Negligence. One offense per victim/survivor is counted.

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without consent of the victim/survivor, including instances where the victim/survivor is incapable of

giving consent. Attempted sexual assaults of the following types are counted as statistics of crime. This definition includes male and female victims/survivors.

- **Rape:** 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/survivor. The crime is included as Rape, regardless of the age of the victim, if the victim/survivor did not consent or if the victim/survivor was incapable of giving consent. This definition includes any gender of victim/survivor or perpetrator. One offense per victim/survivor is counted.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim/survivor, including instances where the victim/survivor is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. One offense per victim/survivor is counted.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. One offense per victim/survivor is counted.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. One offense per victim/survivor is counted.

Robbery: The 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/survivor in fear. In any instance of Robbery, one offense for each distinct operation (i.e., incident) is counted, including attempts. The number of victims/survivors robbed, the number of those present at the robbery, and the number of offenders are not counted.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury (includes attempts and whether or not an injury has occurred). This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. One offense per victim/survivor is counted. If a number of persons are involved in a dispute or disturbance, and the aggressors cannot be distinguished from the victims/survivors, the number of persons assaulted are counted as the number of offenses. Assaults or attempts to kill or murder, poisoning (including the use of date rape drugs), assault with a dangerous or deadly weapon, maiming, mayhem, assault with explosives, and assault with disease are counted as aggravated assaults.

Burglary: The unlawful entry of a structure to commit a felony or a theft (this definition excludes burglary/thefts from vehicles). An incident must meet three conditions to be classified as a burglary: (1) there must be evidence of unlawful entry (trespass). Both

“forcible entry” and “unlawful entry - no force” are counted. This means that the person did not have the right to be in the structure at the time the incident occurred; (2) the unlawful entry must occur within a structure (a structure is defined as having four walls, a roof, and a door); and (3) the structure was unlawfully entered to commit a felony or theft. One offense per each distinct operation is counted. Burglaries in individual student rooms are considered separate offenses. For burglaries in suites, each bedroom and the common area in a student housing suite is considered a separate dwelling. The burglary of an academic structure is counted as one offense, regardless of the number of interior rooms entered or items stolen if the rooms were all burglarized during the same time frame.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. This applies to any self-propelled vehicle that runs on land surface and not on rails (includes all joy-riding incidents and attempts). One offense for each stolen vehicle is counted.

Arson: Any 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. (includes attempts). One offense for each distinct incident of Arson is counted. All of the evidence for any fire not known to be accidental (such as a cooking fire) must be considered by the institutional official designated to make such determinations.

Hazing: 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—

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- 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—
 - whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
 - causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - causing, coercing, or otherwise inducing another person to perform sexual acts;

- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- 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.

Domestic Violence: A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim, (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) 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.

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 shall be determined based on the reporting party's statement and with consideration for: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence.

Stalking: Engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

- *Course of conduct* means 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 a person's 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 Crime: A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Bias is a preformed negative opinion or attitude toward a group of persons based on their perceived identity. Although there are many categories of bias, under the Clery Act, only the following eight categories are reported: race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. Before an incident can be classified as a Hate Crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias.

Hate Crimes include the following offenses that are motivated by bias: Murder, Non-negligent Manslaughter, Sexual Assault (Rape, Fondling, Incest, Statutory Rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson, plus the Additional Crimes listed below. Hate crimes are not reported for Dating Violence, Domestic Violence, Stalking, or Arrests/Disciplinary Referrals for Liquor, Drug, and Weapons law violations.

Additional Crimes that only apply to Clery statistics when there are sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias:

- **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving 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 of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Law Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic

substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). All drugs, without exception, that are illegal under local or state law where the institution is located is considered a drug law violation. All illegally obtained prescription drugs are considered drug law violations as well.

Weapons Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

C. Clery Act Crime Statistics, Sources, and Unfounded Crime Reports

Pursuant to Clery Act requirements, the UC Merced Police Department (UCMPD) is charged with the responsibility to collect, classify, and report crime statistics to the U.S. Department of Education as well as current and prospective students and employees. Clery crimes are reported to the Department of Education via a web-based online reporting tool and to the campus community in the Annual Security Report (ASR) by October 1 of each year.

This section of the ASR contains Clery crime statistic data that have been compiled from the 2023, 2024, and 2025 calendar years. Crime statistic data under the Clery Act are disclosed based on where a crime occurs, the types of crimes that were reported, and the year in which the crimes were reported.

Some crimes are not directly reported to the police. As such, by collecting crime statistic data through other established channels, UC Merced is able to obtain a more accurate picture of crimes occurring on UC Merced property, campus-adjacent public property, and other campus-affiliated properties. Clery crime statistic data are collected from non-law enforcement campus personnel identified as Campus Security Authorities (CSAs) as well as outside law enforcement agencies who have jurisdiction over certain campus-affiliated locations classified as “non-campus buildings and property.” Clery Act crime statistic data have been compiled from UCMPD Police records, CSA reports, and other law enforcement agencies with jurisdiction over UC Merced Clery reporting geography.

A crime is deemed to have been “reported” for Clery Act purposes when a witness, victim, third party, or offender (regardless of that person’s affiliation with UC Merced) brings such allegation of crime to the attention of law enforcement or a CSA. In turn, UC Merced

discloses Clery-reportable crimes in the statistical portion of this ASR regardless of whether the crimes have been investigated by the police, and regardless of whether a finding of guilt or responsibility has been assigned or any case has been forwarded/assigned to the District Attorney's office.

Clery Act Crimes

Clery reportable crime statistic data include the number of each of the following crimes that occurred on or within the UC Merced Clery Act Geography that have been reported to UCMPD or other CSAs:

- **Primary Crimes:** (1) Murder and Non-negligent manslaughter (criminal homicide); (2) Manslaughter by Negligence (criminal homicide); (3) Rape; (4) Fondling;(5) Incest; (6) Statutory Rape; (7) Robbery; (8) Aggravated Assault; (9) Burglary; (10) Motor Vehicle Theft; and (11) Arson; (12) Hazing.
- **Hate Crimes:** Any of the above-mentioned offenses under "Primary Crimes," with the exception of Manslaughter by Negligence; as well as any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by one of the following categories of bias: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity.
- **Violence Against Women Act (VAWA) Offenses:** Any incidents of Domestic Violence, Dating Violence, and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes.)
- **Arrests and Referrals for Disciplinary Action:** (1) Arrests for liquor law violations, drug law violations, and weapons law violations; and/or (2) Persons affiliated with UC Merced who are referred for campus disciplinary action for liquor law violations, drug law violations, and weapons law violations.

Unfounded Crime Reports

UC Merced is required to include in the Department of Education's web-based survey and the ASR statistics the total number of crime reports that were "unfounded" and subsequently withheld from crime statistics during each of the three most recent calendar years. A Clery crime reported to UCMPD may not be withheld from the Clery crime statistics data based on a determination by a court, coroner, jury, prosecutor, or other similar non-campus official. However, a reported crime may be subsequently withheld from the crime statistics if sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of a full investigation and

evidence, have made a formal determination that the crime report is false or baseless and therefore unfounded.

It is important to note that the recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, or the failure to make an arrest does not unfound a crime report. For Clery Act purposes, the determination to unfound a crime can be made only when the totality of available information specifically indicates that the report was false or baseless.

UC Merced Clery Criminal Offense 2025 Statistics						
Offenses	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Buildings or Property	Public Property	Total
Murder/ Non-negligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Negligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2025	9	7	0	0	9
	2024	6	6	0	0	6
	2023	9	6	0	0	9
Fondling	2025	3	3	0	0	3
	2024	3	3	0	0	3
	2023	0	0	0	0	0
Incest	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	2	2	0	0	2
Robbery	2025	1	1	0	0	1
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Aggravated Assault	2025	1	1	0	0	1
	2024	4	2	0	0	4
	2023	0	0	0	0	0
Burglary	2025	4	3	1	0	5
	2024	5	3	1	0	6
	2023	2	1	1	0	3
Motor Vehicle Theft*	2025	64	0	0	0	64
	2024	30	0	0	0	30
	2023	8	0	0	0	8
Arson	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	13	13	0	0	13
	2024	0	0	0	0	0

Hazing*	2023	0	0	0	0	0
	2022	0	0	0	0	0
VAWA Offenses						
Offenses	Year	On-Campus Property	On- Campus Student Housing Facilities	Non-Campus Buildings or Property	Public Property	Total
Domestic Violence*	2025	27	23	0	0	27
	2024	8*	8*	0	0	8*
	2023	10*	10*	0	0	10*
Dating Violence	2025	6	5	0	0	6
	2024	2	2	0	0	2
	2023	2	2	0	0	2
Stalking	2025	12	2	0	0	12
	2024	8	4	0	0	8
	2023	1	0	0	0	1
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	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	1	1	0	0	1
Disciplinary Referrals: Liquor Law Violations*	2025	0	0	0	0	0
	2024	1	0	0	0	1
	2023	2	0	0	0	2
Arrests: Drug Law Violations	2025	1	0	0	0	1
	2024	1	0	0	0	1
	2023	2	1	0	3	5
Disciplinary Referrals: Drug Law Violations	2025	3	3	0	0	3
	2024	26	20	0	0	26
	2023	65	29	0	0	65
Arrests: Weapons Law Violations	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	1	1	0	0	1
Disciplinary Referrals: Weapons Law Violations	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	1	1	0	0	1
UC Merced Unfounded Crime Statistics						
	2025	0 unfounded crime				

Unfounded	2024	0 unfounded crime
	2023	1 unfounded crime
UC Merced Clery Hate Crime Statistics		
Hate Crimes	2025	There were no hate crimes reported.
	2024	There were no hate crimes reported.
	2023	There were no hate crimes reported.

* The crime statistics reported for 2024 and 2023 have been updated and revised following a review of institutional records. The review of records found information that required updates to reflect incidents being reported. The revisions are as follows:

The Domestic Violence count was 7 in 2024 and has been changed to 8

The Dating Violence count was 0 in 2024 and has been changed to 2

The Disciplinary Referrals: Drug Law Violations count was 52 in 2024 and has been changed to 26

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

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

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

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

***Motor Vehicle Theft (MVT)** includes all motorized vehicles, including e-bikes and e-scooters. This has been the primary attributor to MVT. In 2025, 53 of the motor vehicle thefts were e-scooters, 8 were e-bikes, 1 e-longboard, 1 golf cart, and 1 vehicle. In 2024, 26 of the motor vehicle thefts were e-scooters, 1 e-bike, 1 e-skateboard, 1 golf cart, and 1 vehicle. In 2023, 5 of the motor vehicle thefts were e-scooters, 1 e-bike, 1 golf cart, and 1 vehicle.

***Hazing** statistics are reported beginning with calendar year 2025. Prior year statistical reporting is was not applicable, as hazing was not a Clery-reportable crime category prior to 2025.

***Domestic Violence (DV)**. DV's are counted based on the circumstances of each incident. When one party is determined to have acted in self-defense, the incident is counted once. When self-defense is not supported by the available information, each qualifying offense may be counted separately.

***Disciplinary Referrals: Liquor Law Violation**. UC Merced uses Business and Professional Code 25662 when determining which referrals to count. Possession inside a residence is not a violation of this specific statute. In addition, DUI's and drunkenness are not included.