

UCI Policies & Procedures

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UC IRVINE ADMINISTRATIVE POLICIES AND PROCEDURES

Business and Financial Affairs

General Administration

Sec. 700-17: Guidelines on Sexual Violence and Sexual Harassment

Responsible Office: Office of Equal Opportunity and Diversity (OEOD)

Revised: February 2020

References / Resources

- University of California
 - [Policy on Sexual Violence and Sexual Harassment \(http://policy.ucop.edu/doc/4000385/SVSH\)](http://policy.ucop.edu/doc/4000385/SVSH)
- Academic Personnel Manual
 - [APM-15 \(http://www.ucop.edu/academic-personnel/_files/apm/apm-015.pdf\)](http://www.ucop.edu/academic-personnel/_files/apm/apm-015.pdf) Faculty Code of Conduct
- UCI Implementation of UC Policies Applying to Campus Activities, Organizations, and Students (PACAOS)
 - [Code of Student Conduct 102.08 \(https://aisc.uci.edu/policies/pacaos/grounds-for-discipline.php\)](https://aisc.uci.edu/policies/pacaos/grounds-for-discipline.php)
 - [UCI Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework \(http://oeod.uci.edu/files/policies/UCI_SVSH_Student_Investigation_and_Adjudication_Framework_1_17_20201.pdf\)](http://oeod.uci.edu/files/policies/UCI_SVSH_Student_Investigation_and_Adjudication_Framework_1_17_20201.pdf)
- UCI Administrative Policies & Procedures
 - [Section 700-16 \(./pols/700-16.php\)](http://www.uci.edu/pols/700-16.php) Policy on Conflicts of Interest Created By Consensual Relationships
 - [Section 700-18 \(700-18.php\)](http://www.uci.edu/pols/700-18.php) Guidelines for Reporting and Responding to Reports of Discrimination and Harassment
- UCI Resources
 - UCI Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff, Non- Faculty Academic Personnel, Senate Faculty and Non-Senate Faculty
 - [Sexual Violence Prevention and Response \(http://soinfo.uci.edu/\)](http://soinfo.uci.edu/)

Contact: [Office of Equal Opportunity and Diversity \(OEOD\) \(http://www.oeod.uci.edu/\)](http://www.oeod.uci.edu/) at 949-824-5594 or [oeod@uci.edu \(mailto:oeod@uci.edu\)](mailto:oeod@uci.edu)

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A. University Policy

The University is committed to 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, activities and services can work and learn together in an atmosphere free of harassment, exploitation, or intimidation.

Sexual Violence, Sexual Harassment, Retaliation, and Other Behavior Prohibited by the University of California (UC) Policy on Sexual Violence and Sexual Harassment ("SVSH Policy") (<http://policy.ucop.edu/doc/4000385/SVSH>) and these Guidelines interfere with those goals. The University will respond promptly and effectively to reports of such conduct. This includes action to stop, prevent, correct, and, when necessary, discipline behavior that violates the SVSH Policy and these Guidelines.

B. Purpose and Scope

These Guidelines:

1. Implement the SVSH Policy (<http://policy.ucon.edu/doc/4000385/SVSH>) at UCI.
2. Detail the University's responsibilities and procedures related to Sexual Violence, Sexual Harassment, Retaliation, and Other Prohibited Behavior as those terms are defined in the SVSH Policy and these Guidelines (together, "Prohibited Conduct") in order to ensure an equitable and inclusive education and employment environment.
3. Define Prohibited Conduct and explain the administrative procedures UCI uses to resolve reports of Prohibited Conduct.
4. Apply to:
 - a. University students, employees, and third parties (such as contractors, vendors, visitors, guests, patients and volunteers); and
 - b. the UCI campus and the Medical Center.

C. Definitions

1. Consent

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

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

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

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

- a. The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- b. 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
- c. 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:
 - i. asleep or unconscious;
 - ii. unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
 - iii. 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.

2. Prohibited Conduct

a. Sexual Violence:

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

Note: This definition encompasses a broad spectrum of conduct, not all of which is Sexual Violence. So, the Title IX Officer must sometimes determine whether an allegation should be charged as Sexual Violence or Sexual Harassment. (See [FAQ #4 in the SVSH Policy \(https://policy.ucon.edu/doc/4000385/SVSH#page=24\)](#) for more information.)

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

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

- Overcoming the will of Complainant by:
 - **force** (the use of physical force or inducing reasonable fear of immediate or future bodily injury);
 - **violence** (the use of physical force to cause harm or injury);
 - **menace** (a threat, statement, or act showing intent to injure);

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

iii. Relationship Violence:

(a) Relationship Violence is:

- physical violence toward the Complainant or a person who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child or other relative), or
- intentional or reckless physical or non-physical conduct toward the Complainant or someone who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child or other relative) that would make a reasonable person in the Complainant's position fear physical violence toward themselves or toward the person with whom they have the close relationship, that is by a person who is or has been in a spousal, romantic, or intimate relationship with the Complainant, or who shares a child with the Complainant, and that is part of a pattern of abusive behavior by the person toward the Complainant.

(b) Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.

(c) 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).

(d) 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."

(e) Conduct by a party in defense of self or another is not Relationship Violence under the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>). If either party asserts that they acted in defense of self or another, the QFOD investigator will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.

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

b. Sexual Harassment:

i. Sexual Harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal, or physical conduct of a sexual nature when:

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

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

iii. These Guidelines implement the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>) 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 Part D.6 of these Guidelines.

c. Other Prohibited Behavior:

i. Invasions of Sexual Privacy.

- (a) 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;
- (b) Without a person's Consent, making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or
- iii. Using depictions of nudity or sexual activity to extort something of value from a person.

ii. Sexual intercourse with a person under the age of 18.

iii. Exposing one's genitals in a public place for the purpose of sexual gratification.

iv. 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 (<http://policy.ucop.edu/doc/4000385/SHSV>).

v. Engaging in Retaliation. **Retaliation** is an adverse action against a person based on their report or other disclosure of alleged Prohibited Conduct to a University employee or their participation in the investigation, reporting, remedial, or disciplinary processes provided for in 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 and coercion. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

3. **Complainant:** A person alleged, in a report to OEOD, to have experienced Prohibited Conduct.

4. **Confidential Resources:** The following employees who receive information about Prohibited Conduct in their confidential capacity:

- a. CARE Advocates,
- b. Ombuds,
- c. Licensed counselors in student counseling centers and in employee assistance programs,
- d. Any persons with a professional license requiring confidentiality (including health center employees but excluding campus legal counsel), or someone who is supervised by such a person.

Designation as a "Confidential Resource" under the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>) and these Guidelines only exempts a person from reporting to the Title IX Officer. It does not affect other mandatory reporting obligations under UC CANRA (Child Abuse and Neglect Reporting Act) Policy (<https://policy.ucop.edu/doc/4000603/CANRA>), the Clery Act as a Campus Security Authority (CSA) (<http://policies.uci.edu/policies/procs/905-50.php>), and other policies or laws that require reporting to campus or local law enforcement, or Child Protective Services.

5. Interim, Remedial and Supportive Measures.

- a. Interim Measures: Services, accommodations, or other measures put in place temporarily after the OEOD receives a report of Prohibited Conduct to assist or protect the Complainant, the Respondent, or the University community. Interim measures may:
 - remain in place until the final outcome of a Resolution Process (see Part F. 5 of these Guidelines) or a subsequent disciplinary or appeal process;
 - change or terminate depending on the parties' evolving needs, as assessed by the Title IX Officer; or
 - become permanent as part of the resolution of a report.
- b. Remedial Measures: Services, accommodations, or other measures put in place as a result of a completed Resolution Process (see Part F. 5 of these Guidelines).
- c. Supportive Measures: Services, accommodations or other measures put in place to support a Complainant who is not involved in a Resolution Process (see Part F. 4 of these Guidelines).

Examples of services, accommodations, and other measures are in Appendix III of these Guidelines. The Title IX Officer will consult with the Complainant and, when appropriate, the Respondent, to identify suitable services, accommodations and other measures.

6. **OEOD/Office of Equal Opportunity and Diversity:** The UCI office in which UCI's Title IX Officer and team of Title IX investigators is located:

Hotline: 949 824-7037

Email: oeod@uci.edu

Hours: Monday through Friday, 8am to 5pm.

Campus:

- Phone: 949 824-5594
- Address: 103 MSTB, Irvine, CA 92697

Medical Center:

- Phone: 714 456-7469
- Address: City Tower, 333 City Blvd. West, Suite 200, Orange, CA 92868

Website: <http://www.oeod.uci.edu/>

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

8. **Respondent:** A person alleged, in a report to the OEOD, to have engaged in Prohibited Conduct.

9. **Responsible Employee:** Any University employee who is not a Confidential Resource. If a Responsible Employee learns, in the course of employment, that a student may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer/OEOD. This includes resident assistants, graduate teaching assistants, and all other student employees, when disclosures are made to them in their capacities as employees.

In addition, if any of the following people learn, in the course of employment, that any other person affiliated with the University may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer/OEOD:

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

Despite the above, Responsible Employees need not report possible Prohibited Conduct they learn of while attending a public awareness event, such as "Take Back the Night" (see FAQ #9 in the SVSH Policy (<https://policy.ucop.edu/doc/4000385/SVSH#page=25>)), or disclosed by someone while participating in human subjects research that has either been approved by an Institutional Review Board (IRB) or certified as exempt from IRB review (see FAQ #10 in the SVSH Policy (<https://policy.ucop.edu/doc/4000385/SVSH#page=26>)).

D. Guidelines

1. General

The University is committed to maintaining a community free of Sexual Harassment, Sexual Violence, Retaliation, and other behavior prohibited by the SVSH Policy (<https://policy.ucop.edu/doc/4000385/SVSH>) and these Guidelines (together, "Prohibited Conduct"). Prohibited Conduct violates the SVSH Policy and these Guidelines and may violate law. Any person can report conduct that may be Prohibited Conduct. The University will respond promptly and equitably to such reports. This includes appropriate action to stop, prevent, and remedy the Prohibited Conduct and, when necessary, to discipline the Respondent.

Discrimination based on sex (including gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation) violates law and other University policies even when it is not Prohibited Conduct. The University will respond promptly and equitably to reports of such behavior. Such conduct may contribute to the creation of a hostile work or academic environment based on sex. So, when determining whether a Complainant experienced a Hostile Environment as defined in the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>) and these Guidelines, the QEOD will consider other sex-based discrimination in combination with incidents of Sexual Harassment.

2. Guidelines Coverage

These Guidelines cover acts of Prohibited Conduct committed by University students, employees, and third parties (such as contractors, vendors, visitors, guests, patients and volunteers), and acts of Prohibited Conduct committed against students, employees and third parties, when the conduct occurs:

- a. on University property;
- b. in connection with University employment or in the context of a University employment or education program, activity or service (including, for example, University-sponsored study abroad, research, on-line courses, health services, or internship programs); or
- c. off University property and outside the context of a University employment or education program, activity or service, but has continuing adverse effects on—or creates a Hostile Environment for students, employees or third parties while on—University property or in any University program, activity or service.

Consistent with Section 101.00 of the Policy on Student Conduct and Discipline (<https://policy.ucop.edu/doc/2710530/PACAOS-100>), if and as specified in implementing campus regulations (<https://aisc.uci.edu/policies/pacaos/discipline-procedures.php>), these Guidelines may cover additional Prohibited Conduct by students that occurs off campus.

Not every report of Prohibited Conduct will result in a Resolution Process described in Part F.5 of these Guidelines, even if it is covered by these Guidelines. Rather, the Title XI Officer/QEOD will close some reports after making an initial assessment (see Part F.4 of these Guidelines.)

3. Conduct that Violates the SVSH Policy

The SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>) prohibits Sexual Violence, Sexual Harassment, Retaliation and Other Prohibited Behavior as defined in Section II of the of the SVSH Policy (<https://policy.ucop.edu/doc/4000385/SVSH#page=3>) and Part C of these Guidelines. Incidents that violate these Guidelines may occur between:

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

People may engage in Prohibited Conduct in person or through other means. This includes electronic media, such as the internet, social networks, cell phones, texts, and other devices or forms of contact.

4. Consensual Relationships

While romantic and sexual relationships between members of the University community may begin as consensual, Prohibited Conduct may occur within such relationships. So, the University will treat a report of Prohibited Conduct that occurs in the context of a consensual relationship as any other report.

Consensual romantic and sexual relationships between members of the University community may create conflicts of interest. So, such relationships between a student and a faculty member or other employee, or between employees, are also subject to other University policies, such as The Faculty Code of Conduct, APM-015.II.A.7 & 8 (http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf#page=6) and Sec 700-16: Policy on Conflicts of Interest Created By Consensual Relationships (<http://www.policies.uci.edu/policies/pols/700-16.php>).

5. Protection of Complainants, Respondents, and Witnesses

- a. **Amnesty:** To encourage reporting, the University will not discipline Complainants or witnesses for student conduct policy violations that occur around the time of alleged Prohibited Conduct unless the University determines the violation was egregious. Examples of egregious violations include conduct that risked someone's health or safety, or involved plagiarism, cheating, or academic dishonesty. Complainants may be particularly afraid to report Prohibited Conduct when alcohol, drugs, or other intoxicants were involved (for example, when there was underage drinking). This amnesty provision applies to alcohol- and drug-related student violations.

- b. **Retaliation:** The University prohibits Retaliation against someone for reporting or participating in a process under the SVSH Policy (see Section II.B.3.e.) (<http://policy.ucop.edu/doc/4000385/SHSV#page=6>) and these Guidelines (see Part C.2.c.v.)
- c. **Privacy:** The University must balance the privacy interests of people involved in a report of Prohibited Conduct against the need to gather information, ensure a fair process, and stop, prevent and remedy Prohibited Conduct. In this context, the University tries to protect people's privacy to the extent permitted by law and University policies. The University protects the privacy of personally identifiable information per all applicable state and federal privacy laws, and University policies.

6. Free Speech and Academic Freedom

The faculty and other academic appointees, staff, and students of the University enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution (<https://www.archives.gov/founding-docs/bill-of-rights-transcript#toc-amendment-i>) and Article I, Section I of the California Constitution (https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS§ionNum=SECTION%201&article=1). The SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>) and these Guidelines are intended to protect members of the University community from discrimination, not to regulate protected speech. The SVSH Policy and these Guidelines will be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.

The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of the SVSH Policy and these Guidelines will be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums (See APM-010 (https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-010.pdf) and 015 (https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf)).

However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or State anti-discrimination laws.

7. Confidential Resources

People who have experienced Prohibited Conduct may speak confidentially with a Confidential Resource. Confidential Resources are not Responsible Employees and need not report information they receive while acting in their confidential capacity to the Title IX Officer/OEOD. Disclosures to Confidential Resources while they are acting in their confidential capacity are not "reports" under the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>) or these Guidelines and will not, alone, result in any formal University action.

See Part G of these Guidelines for a list of UCI Confidential Resources.

E. Compliance/Responsibilities

1. Title IX Officer/Office of Equal Opportunity and Diversity (QEOD)

The UCI Chancellor has designated that the Title IX Officer/OEOD is responsible for monitoring, enforcing, and reporting compliance with the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>) and these Guidelines.

a. Title IX Officer/QEOD Responsibilities

The responsibilities of the Title IX Officer include, but may not be limited to, the following duties:

- i. Coordinate compliance with Title IX, including investigations, reports and remedies.
 - ii. Coordinate with other responsible units to ensure that Interim Remedial and Supportive Measures determined necessary by the Title IX Officer are provided.
 - iii. Coordinate with other responsible units to ensure that UCI Sexual Violence and Sexual Harassment prevention education and training programs are offered and provided, as required by the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>).
 - iv. Provide educational materials to promote compliance with the SVSH Policy and familiarity with UCI reporting procedures.
 - v. Provide training for University employees who are responsible for reporting or responding to reports of Prohibited Conduct. Provide and track training for investigators and other key members of the Title IX Officer's staff per guidelines issued by the Systemwide Title IX Office.
 - vi. Respond promptly and equitably to reports of Prohibited Conduct according to the SVSH Policy.
 - vii. Keep records of reports of Prohibited Conduct, and any actions taken in response to reports, including records of investigations, resolutions, and disciplinary action, per University records management policies.
 - viii. Identify and address any patterns or systemic problems that arise during the review of Prohibited Conduct reports.
 - ix. Post on the Sexual Violence website (<http://soinfo.uci.edu/>) the names and contact information of the Title IX Officer.
- b. Designate persons who can offer confidential consultations, without reporting the incident to the Title IX Officer/OEOD, to any member of the University community seeking information, or advice about making a report of Prohibited Conduct. UCI will post information about how and where to contact Confidential Resources on its web site. People who consult with such Confidential Resources will be advised that their discussions in these settings are not considered actual

reports of Prohibited Conduct and that without additional action by the person, these discussions will not result in any formal action by the University to resolve their concerns.

- c. Establish an independent, confidential Advocacy Office for addressing Sexual Violence called CARE: Advocacy Office for Sexual and Gender-Based Violence and Misconduct. (<https://care.uci.edu/>).
- d. Provide a "Respondent Services Coordinator" (<https://whcs.uci.edu/campus-social-worker/respondent-services>) who facilitates fair and equitable services for the Respondent.
- e. Establish a response team model consisting of two teams:
 - i. A Case Management Team (CMT) which maintains consistent coordination of reported Sexual Violence cases, ensures all cases are addressed promptly and equitably, and ensures the response is trauma-informed; and
 - ii. A Coordinated Community Review Team (CCRT) responsible for a campus collaborative approach to preventing and addressing Sexual Violence. The CCRT serves in an advisory capacity to campus leadership and community members about best practices in policies, education, prevention and response to Sexual Violence.
- f. Provide mandatory annual training and education about Prohibited Conduct and how such conduct can be reported, to all students, faculty, other academic appointees, and staff per applicable State and federal law, and University policies.
- g. Offer primary prevention programs and awareness campaigns to the University community to promote ongoing awareness of Sexual Violence. These campaigns will include, but are not limited to, education about the definition of consent, consensual relationships, options for bystander intervention, trauma-informed approaches, and risk reduction awareness information. These programs are to promote behaviors that foster healthy and respectful relationships while also encouraging a safe environment for bystanders to intervene in a potential case of Sexual Violence.
- h. Follow University established and approved processes for investigation, adjudication, and discipline.
 - i. Provide comprehensive, regular training with a trauma-informed perspective for people responsible for responding to reports of Prohibited Conduct, including Advocacy and Respondent services, Alternative Resolution and Formal Investigation processes, and the hearing, remedy, discipline and appeal processes.
 - j. Publicize a UCI-specific process for reporting incidents of Prohibited Conduct.
- k. Provide written explanation of rights and available options as outlined in the SVSH Policy. (<http://policy.ucop.edu/doc/4000385/SVSH>) including:
 - i. How and to whom to report alleged violations.
 - ii. Options for notifying law enforcement and campus authorities; the right to be assisted by campus authorities in notifying law enforcement, if the Complainant so chooses; and the right to decline to notify such authorities.
 - iii. The rights of Complainants regarding orders of protection, no contact orders, restraining orders, or similar orders issued by criminal or civil courts, as well as the University's responsibilities to comply with such orders.
 - iv. The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order.
 - v. Counseling, health assistance, mental health assistance, victim advocacy, legal assistance, visa and immigration assistance, and other services available within both the University and the community.
 - vi. Options for, and available assistance to change 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 alleged conduct to law enforcement.
 - vii. Applicable procedures for institutional disciplinary action.
- l. Distribute and post the SVSH Policy. (<https://policy.ucop.edu/doc/4000385/SVSH>) and these Guidelines to students, faculty, other academic appointees and staff, by such means as websites, student information boards, student handbook, faculty handbook and staff websites and information boards and during training and student orientation.

2. Additional Enforcement Information

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

3. Noncompliance

Engaging in Prohibited Conduct, defined in these Guidelines, is governed by these Guidelines and the Policy on Student Conduct and Discipline. (<https://aisc.uci.edu/policies/pacaos/discipline-procedures.php>); Personnel Policies for Staff Members (<https://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html>) 62 (<https://policy.ucop.edu/doc/4010411/PPSM-62>), 63 (<https://policy.ucop.edu/doc/4010412/PPSM-63>), & 64 (<https://policy.ucop.edu/doc/4010413/PPSM-64>), pertaining to discipline and separation matters; The Faculty Code of Conduct (APM-015). (http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf) and University Policy on Faculty Conduct and the Administration of Discipline (APM-016). (http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-016.pdf)

016.pdf); Non-Senate Academic Appointees/Corrective Action and dismissal (APM-150) (http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-150.pdf); and as applicable, collective bargaining agreements, and other policies and procedures. See Section VI of the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV#page=22>) and Appendices J & K. Other non-compliance with the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>) and these Guidelines may result in educational efforts, employment consequences, or educational consequences up to and including informal counseling, adverse performance evaluations, corrective actions, and termination.

F. Procedures

Procedures for Reporting and Responding to Reports of Prohibited Conduct

This is an overview of the procedures UCI uses to respond to reports of Prohibited Conduct. While the Title IX Officer/OEOD has responsibility for oversight of the reporting and response processes, other UCI offices 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 below as "the parties."

Type of Respondent	UCI Framework	UC Systemwide Framework
Student	UCI Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework (http://oeod.uci.edu/files/policies/UCI_SVSH_Student_Investigation_and_Adjudication_Framework_1_17_20201.pdf), and UCI Implementation of UC Policies Applying to Campus Activities, Organizations, and Students (PACAOS) (https://aisc.uci.edu/policies/pacaos/index.php).	Appendix E: Sexual Harassment Student Adjudication Framework (https://policy.ucop.edu Appendix-E)
Faculty member	UCI Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff, Non-Faculty Academic Personnel, Senate Faculty and Non-Senate Faculty	UC Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Senate and Non-Senate Faculty (https://sexualviolence.universityofcalifornia.edu/files/documents/Faculty-SVSH-Investigation-and-Adjudication-Framework-and-Flowcharts.062917.pdf)
Staff member or non-faculty academic employee	UCI Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff, Non-Faculty Academic Personnel, Senate Faculty and Non-Senate Faculty	UC Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel (https://sexualviolence.universityofcalifornia.edu/files/documents/Staff-NEAP-SVSH-Investigation-and-Adjudication-Framework-and-Flowcharts.062917.pdf)

- If there is a question about the predominant role of the Respondent, the Title IX Officer/OEOD will determine which procedure applies based on the circumstances (such as which role predominates in the context of the Prohibited Conduct). Where a Respondent is both a student and an employee, the Respondent may be subject to discipline applicable to both students and employees.
- Where the Respondent is a third party, the Title IX Officer/OEOD 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 the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV>). 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), the Title IX Officer/OEOD may respond per Part E.5.d of these Guidelines.

1. Reporting

Any person can report Prohibited Conduct, including anonymously. They can report to the Title IX Officer/OEOD, to any Responsible Employee, or to another appropriate office such as the Academic Personnel Office, Student Affairs, Office of the Provost, or Human Resources Office. The person or office that receives the report must forward it to the Title IX Officer/OEOD. If the person to whom a report normally would be made is the Respondent, reports may be made to another Responsible Employee or directly to the Title IX Officer/OEOD. Upon receipt of a report of Prohibited Conduct from a Responsible Employee, the Title IX Officer/OEOD will attempt to contact the Complainant, if known, to inform them of their rights, options, and resources.

For Sexual Violence reporting options see Part I. Reporting Options.

2. Timelines for Making Reports

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

3. Initial Assessment of a Report / Immediate Health and Safety

As soon as practicable after receiving a report, the Title IX Officer/OEOD will make an initial assessment, including a limited factual inquiry when appropriate, to determine:

- whether the report on its face alleges an act of Prohibited Conduct as defined in Section II of the SVSH Policy (<http://policy.ucop.edu/doc/4000385/SHSV#page=2>) and Part C.2 of these Guidelines; and

- if so, whether the Prohibited Conduct is covered by the SVSH Policy, as described in [Part D.2 of these Guidelines](#).

The Title IX Officer/OEOD may consult with other offices as necessary. This may include Academic Personnel Offices for complaints involving faculty and other academic appointees, with Student Affairs Offices for complaints involving students, and with Human Resources or Employee and Labor Relations Offices for complaints involving staff.

The Title IX Officer/OEOD, in coordination with the Case Management Team (see [Part E.1.e of these Guidelines](#)), and in consultation with the [Complainant](#) when possible, will:

- make an immediate assessment of the health and safety of the Complainant and the campus community,
- determine and oversee interim measures that are immediately necessary (including no contact orders), and
- provide to the Complainant a written explanation of rights and reporting options (including the right to report to the police), and available campus and community resources.

Also see UCI Responsibilities in [Part E.1.k of these Guidelines](#) and [Appendix III](#). The Title IX Officer/OEOD will also inform the Complainant of the range of possible outcomes of the report, including [Interim Remedial and Supportive Measures](#) and disciplinary actions, and of the procedures leading to such outcomes.

4. Closure After Initial Assessment

Not all reports the Title IX Officer/OEOD receives are reports of [Prohibited Conduct](#) that can be resolved through a Resolution Process described below. This includes reports for which the Title IX Officer determines that:

- even if true, the alleged conduct is not Prohibited Conduct;
- the conduct is not covered by [Part D.2 of these Guidelines](#);
- there is not enough information to carry out a Resolution Process (for example, the identities of the people involved);
- a [Complainant's](#) request that no Formal Investigation occur can be honored (see [Part E.5.b of these Guidelines](#)); or
- there is not enough nexus between the conduct and the University to carry out a Resolution Process (for example, the conduct did not occur in the context of a University program, activity, or service, and involved only third parties).

Should the Title IX Officer/OEOD close such matters, the Title IX Officer/OEOD will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. Such steps may include, for example, offering resources and supportive measures to the Complainant and providing targeted preventive education (including to the [Respondent](#)) and training programs.

When the reported conduct is not [Prohibited Conduct](#) (such as [Stalking](#) or harassment of a non-sexual nature), the Title IX Officer/OEOD will, if appropriate, refer the matter to another office for review and resolution.

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

- where and in what context the [Prohibited Conduct](#) allegedly occurred (meaning whether there is a connection between the conduct and University property or a University program, activity or service);
- whether the [Complainant](#) or [Respondent](#) were University community members when the Prohibited Conduct allegedly occurred;
- whether the Complainant or Respondent were University community members at the time of the report; and
- whether there is information indicating an ongoing threat to the University community.

5. Overview of Resolution Processes

Reports of [Prohibited Conduct](#) that are not closed after the Title IX Officer's/OEOD's initial assessment may be addressed through Alternative Resolution, Formal Investigation, a separate employee grievance or complaint process, or Other Inquiry. Each of these is described below.

a. Alternative Resolution:

After an initial assessment of the alleged facts, the Title IX Officer/OEOD may begin an Alternative Resolution process. The Title IX Officer/OEOD 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 other responses:

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

Alternative Resolution may be especially useful when:

- a Formal Investigation is not likely to lead to a resolution;
- both parties prefer an Alternative Resolution 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.

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

- the Title IX Officer/OEOD has begun the process;
- the process is voluntary and will end upon either party's request;
- termination may result in Formal Investigation (see Part F.5.b of these Guidelines);
- they may be accompanied by an advisor and/or support person throughout the process; and
- the Title IX Officer/OEOD will notify both parties of the process's outcome.

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

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

Once the parties have agreed to the terms of an Alternative Resolution, the University will not conduct a Formal Investigation unless the Title IX Officer/OEOD 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/OEOD will keep records of all reports and conduct addressed through Alternative Resolution.

b. **Formal Investigation:**

The Title IX Officer/OEOD will begin a Formal investigation when they decide not to close a report after their initial assessment and either (i) an Alternative Resolution Process and Other Inquiry are not appropriate, or (ii) the parties do not agree to participate in Alternative Resolution or it ends before they agree on terms. The Title IX Officer/OEOD may coordinate the investigation with other offices, depending on the identities of the Complainant and Respondent (that is, faculty, other academic appointees, staff, or students.)

If the Complainant does not want a Formal Investigation, the Title IX Officer will seriously consider this preference. However, the Title IX Officer may determine an investigation is necessary to mitigate a risk to the campus community. If the Title IX Officer/OEOD begins a Formal Investigation despite the Complainant's request, the Title IX Officer/OEOD will provide the Complainant with all information required by the SVSH Policy and these Guidelines unless the Complainant states in writing that they do not want it.

If the Title IX Officer/OEOD does not begin a Formal Investigation, they will inform the Complainant that this limits possible remedies. The Title IX Officer/OEOD will nonetheless provide measures as appropriate and consistent with Complainant's privacy and the absence of a Formal Investigation.

When the Title IX Officer/OEOD begins a Formal Investigation, they will give the parties a written summary of the allegations, the procedures that will be followed, available resources, and the SVSH Policy.

- i. **Timeframe.** The Title IX Officer/OEOD will complete the investigation promptly, typically within sixty (60) to ninety (90) business days of notifying the parties in writing of the charges. However, the Title IX Officer may extend the timeframe past 90 days for good cause. The Title IX Officer/OEOD will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required depends on the specific circumstances, including the complexity of the matter and the severity and extent of the alleged conduct. The Title IX Officer/OEOD will consider, approve, and communicate extensions.
If the police are also investigating the alleged conduct, the Title IX Officer/OEOD will coordinate with the police but must nonetheless act promptly without delaying the investigation until the end of the criminal investigation.
- ii. **Disclosure of Information.** The investigation generally includes interviews with the parties and any witnesses, and a review of evidence. The Title IX Officer/OEOD will share information with witnesses only as reasonably necessary to conduct a fair and thorough investigation. They will also counsel witnesses about keeping information learned through the investigation private to protect both the people involved and the integrity of the investigation. They will inform witnesses that relevant information they provide and their identities will likely be disclosed to the Complainant and Respondent.
- iii. **Right to an Advisor.** The Complainant and Respondent may have an advisor and/or a support person present when they are interviewed and at meetings. Other witnesses may have an advisor and/or support person present at the discretion of the Title IX Officer/OEOD or as required by University policy or a collective bargaining agreement.
- iv. **Academic Freedom/Merit.** When the investigation implicates academic merit or academic freedom, the Title IX Officer/OEOD will consult with the appropriate academic officer for relevant academic judgment.
- v. **Initiation of Investigation by University.** The Title IX Officer may choose to begin and conduct a Formal Investigation without a Complainant when there is, for example:
 - information indicating an ongoing threat to the University community;
 - a pattern of alleged sexually harassing conduct or Sexual Violence toward multiple people by the same Respondent that would, in the aggregate, create a Hostile Environment (as defined in the SVSH Policy) for a reasonable person; or
 - allegations of Prohibited Conduct covered by the SVSH Policy and these Guidelines in the public realm (such as reports in the news or social media).
- vi. **Administrative Closure.** The Title IX Officer may close a Formal Investigation before completing it if they determine that a significant change in circumstances has so substantially impaired the investigation that they cannot reach reasonably reliable

conclusions about whether Prohibited Conduct occurred. The Title IX Officer/OEOD will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. They will also offer resources and supportive measures to the parties.

c. Grievance/Complaint Procedures for Employees:

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 or complaint must meet all of the requirements, including time limits for filing, under the applicable complaint resolution or grievance procedure listed in Appendix I: Applicable Resolution and Grievance Procedures. Any such grievance or complaint will be forwarded to the Title IX Officer/OEOD for processing under the SVSH Policy and these Guidelines, and the grievance or complaint procedure will be held in abeyance pending resolution under the SVSH Policy, unless the applicable collective bargaining agreement provides otherwise. After completion of the process under the SVSH Policy, the grievance or complaint may be reactivated under the applicable grievance or complaint procedure.

d. Other Inquiry:

When a report is not closed after initial assessment yet is not appropriate for a Resolution Process or Formal Investigation because there is no individual identifiable Respondent over whom the Title IX Officer/OEOD has jurisdiction, the Title IX Officer/OEOD 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.

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

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

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

The Title IX Officer/OEOD will complete the inquiry promptly (typically within 60 days, unless extended for good cause), take appropriate action to remedy the concerns raised and notify the Complainant of the outcome.

e. Notifications and Documentation:

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

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

6. The Formal Investigation Report and Outcome

If a Formal Investigation is conducted, an investigator designated by the Title IX Officer will prepare a written report that includes:

- the factual allegations and alleged Guideline violations;
- statements of the parties;
- a summary of the evidence;
- an explanation of why any proffered evidence was not considered;
- credibility determinations when appropriate;
- findings of fact; and
- an analysis of whether these Guidelines were violated.

The report will also include the OEOD's determination of whether the Respondent violated the SVSH Policy. However, when the Respondent is a student, the determination is only preliminary. (See UCI Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework (http://oeod.uci.edu/files/policies/UCI_SVSH_Student_Investigation_and_Adjudication_Framework_1_17_20201.pdf.) In determining whether the SVSH Policy was violated, the investigator will apply the Preponderance of Evidence standard.

At the end of the investigation, the Title IX Officer/OEOD will simultaneously provide the parties the Investigation Report. The report may be redacted to protect privacy (see APM-160 and other University policies governing privacy). The Title IX Officer/OEOD will also inform the parties in writing of the outcome of the investigation and its rationale, and of any available appeal rights.

When the Respondent is a student, the Title IX Officer/OEOD will inform the parties of their right to contest the investigator's preliminary determination and have a hearing to determine whether the SVSH Policy was violated.

7. Remedy

- a. If the Title IX Officer/OEOD finds Prohibited Conduct, the University will take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects. For examples of available remedial measures, see Appendix III.

- b. If the remedy has not already been provided, the Title IX Officer/OEOD will oversee its implementation in consultation with appropriate administrators.

8. Discipline

- a. The Title IX Officer/OEOD will forward the Investigation Report (with attachments) to the appropriate administrator responsible for possible further action, including discipline.
- b. Any member of the University community who is found to have engaged in Prohibited Conduct may be subject to disciplinary action, up to and including dismissal per the applicable University disciplinary procedure or other policy.
- c. At the end of any disciplinary proceeding the Complainant and the Respondent will be contemporaneously informed in writing of:
- the outcome, including the final determination regarding the alleged offense, any discipline, and the rationale for the results;
 - any available appeal rights and procedures; and
 - any subsequent change to the results and when results become final.

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

G. Confidential Resources

The following entities are UCI Confidential Resources:

1. **Campus Assault Resource and Education (CARE)** (<http://www.care.uci.edu/>) is a primary source for information, crisis intervention and follow-up support regarding Sexual Assault, Sexual Harassment, Relationship Violence and Stalking for students, staff, and faculty. CARE can assist with accommodations to housing, academic accommodations, financial aid, VISA status, workplace accommodations, and information on No Contact Orders and Stay Away Orders. CARE, in collaboration with an in-office Waymakers Victim Advocate, coordinates accompaniment services for Complainants to the police, evidentiary exams and the court system. CARE can also provide accompaniment and support to complainants going through an OEOD investigation or adjudication process. CARE is available Monday through Friday, 8am to 5pm. Address: G320 Student Center, Irvine, CA 92697 Phone: (949) 824-7273. <http://www.care.uci.edu/> (<http://www.care.uci.edu/>)
2. **Office of the Ombudsman** (<http://ombuds.uci.edu/>), provides a safe and comfortable environment to discuss complaints, concerns or problems confidentially. The ombudsman acts as an independent, impartial resource. The Office of the Ombudsman does not serve as an office of notice or record for the University. The office does not conduct formal investigations nor does it maintain or keep records. If the ombudsman deems it proper, the ombudsman will refer visitors to the office most appropriate for their concern or complaint. The Office of the Ombudsman serves all students, faculty, staff and administrators of the UCI community – both on the main campus and at the medical center. The Office of the Ombudsman is available Monday through Friday, 8am to 5pm. Address: 205 MSTB, Irvine, CA 92697 Phone: (949) 824-7256. <http://ombuds.uci.edu/> (<http://ombuds.uci.edu/>)
3. **Licensed counselors** in:
 - a. **Counseling Center** (<http://www.counseling.uci.edu/>): offers free and confidential short-term and crisis counseling by licensed mental health providers to all UCI students on an urgent basis, or by appointment. The Counseling Center also offers certain free and confidential psychiatric services. Referrals to off-campus psychotherapeutic and psychiatric providers are also available through the Counseling Center. The Counseling Center is available Monday through Friday, 8am to 5pm. Address: 203 Student Services 1, Irvine, CA, 92697 Phone: (949) 824-6457. <http://www.counseling.uci.edu/> (<http://www.counseling.uci.edu/>)
 - b. **Employee Assistance Program (EAP)** (<http://www.wellness.uci.edu/facultystaff/eap/introduction.html>): is a free confidential service that can help UCI employees with personal or work-related issues. This service, staffed by experienced clinicians, is available 24 hours a day, 365 days a year. Phone: (844) 824-3273. <http://www.wellness.uci.edu/facultystaff/eap/introduction.html> (<http://www.wellness.uci.edu/facultystaff/eap/introduction.html>)
 - c. **Faculty & Staff Support Services** (<https://whcs.uci.edu/faculty-staff-support-services>): provides consultative services and support to resolve behavioral health issues, serves as a primary crisis intervention resource to facilitate and coordinate appropriate resources, provides time-limited case management for individual employees, and develops and implements instructional training and materials to assist in the promotion of mental well-being for all faculty and staff. Support is offered for a wide range of issues including: work related stress, relationship/couples issues, family problems, depression, anxiety, or other emotional problems, grief and loss, alcohol, drug and other addictions, consultations and training services for faculty and staff management. Meetings are by appointment only. Phone: (949) 824-5208. <https://whcs.uci.edu/faculty-staff-support-services> (<https://whcs.uci.edu/faculty-staff-support-services>)
 - d. **Waymakers** (<https://waymakersoc.org/>) is an Orange County community resource that provides certified sexual assault counselors twenty-four hours a day, seven days a week via a rape crisis hotline, and to police departments and hospitals, and through two rape crisis centers. Comprehensive and confidential services are provided to victims of rape and other sexual assaults, sexually abused children, and their family members. Waymakers programs are also available to help provide victims of dating and domestic violence apply for a temporary restraining order, explore options for safe housing, assist in accessing counseling services for themselves and their children, and to provide support during criminal justice system proceedings. Address: 1221 East Dyer Rd. Suite 120, Santa Ana, CA 92705. Phone: (949) 831-9110 (949) 250-0488. <https://waymakersoc.org/> (<https://waymakersoc.org/>)
 - e. **Human Options** (<http://humanoptions.org/contact/>) provides assistance to victims of domestic and dating violence and their families. Human Options provides emergency shelter and long term assistance for battered women and children who are in a dangerous situation due to an abusive relationship. Human Options provides emergency shelter and transitional living programs, including: safe housing,

counseling, legal advocacy, case management and job readiness training for abused women and their children. Human Options provides long-term support to help rebuild lives through the Children and Families Counseling Center. They additionally provide a domestic violence hotline at 1-877-854-3594. <http://humanoptions.org/contact/> (<http://humanoptions.org/contact/>)

- f. **Laura's House** (<http://humanoptions.org/contact/>) is an Orange County community resource that provides emergency shelter to women and children leaving domestic violence situations. They also provide counseling and legal support to the whole family, batterers intervention program (52 week, court mandated), outreach and education to the community on the effects and prevention of domestic violence. They have a crisis hotline support, legal services, and transitional housing. They also provide support for survivors of stalking and information on technology abuse. Hotline: (866) 498-1511. On-line chat: Text "HEART" to (949) 484-8440 to chat with an advocate online. <https://www.laurashouse.org/> (<https://www.laurashouse.org/>)

4. Any persons with a professional license requiring confidentiality (including health center employees but excluding campus legal counsel), or someone who is supervised by such a person.

H. Other Resources

The following entities are also UCI resources:

1. **Campus Social Worker** (<http://www.whcs.uci.edu/csw/>) is responsible for providing private support for individual students, staff, or faculty during a medical, physical, familial and/or emotional crisis. The Campus Social Worker can help develop an action plan to coordinate and monitor the delivery of services to help students meet their goals. The Campus Social Worker can mobilize necessary campus and community resources to maximize the person's physical, social, and/or emotional well-being. The Campus Social Worker also helps students navigate their relationships and responsibilities with UCI academic and administrative departments. Meetings are by appointment only. Phone: (949) 824-1418. <http://www.whcs.uci.edu/csw/> (<http://www.whcs.uci.edu/csw/>)

For students to visit the campus social worker, they need a referral from a staff or faculty member. To make an appointment to speak to the campus social worker, please let an investigator know and OEOD can make you a referral.

2. **Respondent Services Coordinator (RSC)** (<http://www.chs.uci.edu/rs/>) is the designated individual on campus who can help student, staff, and faculty respondents understand their rights if they have been accused of sexual harassment or sexual violence, including sexual assault, relationship violence or stalking. The Respondent Services Coordinator can explain and help navigate the investigation and adjudication processes, including accompanying respondents to meetings with the investigator, formal hearings, assist with securing interpreter/translation services, make referrals to campus and community resources, such as psychological counseling, legal services (including help understanding and complying with protection orders), alternate housing, academic changes and other needs. Meetings are by appointment only. Phone: (949) 824-5208. <http://www.chs.uci.edu/rs/> (<http://www.chs.uci.edu/rs/>)

I. Immediate Assistance for Cases of Sexual Violence

1. Seek immediate support services.

These UCI on-campus and off-campus resources are for persons who have experienced Sexual Violence, persons who have been accused of Sexual Violence, witnesses, and support persons.

- a. **UCI Police Department (UCIPD)** (<http://www.police.uci.edu/>) provides a timely response for staff, students, faculty, and members of the community experiencing Sexual Violence on campus. (For Sexual Violence off campus, local police should be contacted.) In addition, the police can arrange for medical evidentiary examinations in order to provide admissible evidence when the person reporting the Sexual Violence desires prosecution through the criminal justice system. The UCIPD encourages the University community, including students, to immediately contact them by dialing 911 or (949) 824-5223 to report Sexual Violence. The preservation of evidence is essential to the successful prosecution of Sexual Violence. UCIPD personnel have been specially trained in the proper handling, identification, collection and preservation of such evidence. The UCIPD is available 24 hours a day, seven days a week. Address: 410 E. Peltason Dr., Irvine, CA 92697 Phone: (949) 824-5223 or 911.
- b. **Student Health Center** (<http://www.shs.uci.edu/>) can provide on-campus medical attention to students experiencing Sexual Violence. It is important to note that any health center or physician treating the victim of a violent crime is obligated by law to report the crime to the police. The Student Health Center is available during normal business hours. Address: 501 Student Health, Irvine, CA 92697 Phone: (949) 824-5301.
- c. See also [Part G Confidential Resources](#).

2. **Request a Sexual Assault Forensic Exam** (with or without an Administrative Investigation or Police Report) by contacting [Waymakers](#). A Sexual Assault Complainant (<700-17.php#complainant>) has the option to have a Sexual Assault Forensic Exam (commonly referred to as a "rape kit" or "rape exam") conducted. No police report is required. The exam is conducted at only one facility in Orange County: Anaheim Regional Medical Center. This option is available for up to 96 hours after the Sexual Assault occurred by contacting [local police](700-17.php#ucipd) (<700-17.php#ucipd>) or [Waymakers](#). The Sexual Assault Nurse Examiner interviews the Complainant, collects any physical evidence from the Sexual Assault, and stores evidence in a secure location using a case number without the Complainant's name or contact information. Physical evidence will be held for a period of 18 months, and then it will be destroyed. This will not trigger an investigation; therefore, no action will be taken against the [Respondent](700-17.php#respond) (<700-17.php#respond>) as the result of this report.

If the Complainant changes their mind and wants to make an investigative report to law enforcement, the Complainant will sign a release allowing for the release evidence to the police. Waymakers staff are available to assist individuals with this process.

3. **Seek medical attention.** Health providers can examine and treat physical injuries and provide pregnancy tests and testing for sexually transmitted diseases. The Student Health Center (700-17.php#shc) provides medical care for all registered students. Employees may obtain medical attention through their medical provider.

It is important to note that any health center or physician treating the Complainant of a violent crime is obligated by law to report the crime to the police. Student Health Center and UCI Medical Center do not conduct Sexual Assault Forensic Exams. University will protect the privacy (700-17.php#privacy) of individuals involved in a Report to the extent possible under law and University policy.

J. Reporting Options for Cases of Sexual Violence

UCI encourages the timely reporting of all Sexual Violence. UCI's first responsibility in responding to such reports is attending to the needs of the individuals involved (for example, the Complainant (700-17.php#complain), the Respondent (700-17.php#respond), and potential witnesses). UCI is also committed to ensuring that both individuals alleging a violation of the SVSH Policy (https://policy.ucop.edu/doc/4000385/SVSH) and these Guidelines and accused of violating them are treated fairly by the University. All reports of Sexual Violence are taken with the utmost seriousness; individuals will be provided a fair process and referred to appropriate services for assistance.

Persons who have been the subject of Sexual Violence may exercise any or all of the following options:

1. Report Sexual Violence to the UCI Police Department (UCIPD) (http://www.police.uci.edu/).

Although it is never too late to file a police report, it is highly recommended to report Sexual Violence as soon as possible in order to allow for the collection of evidence. When a report is made to the UCIPD, an investigating officer trained in Sexual Violence cases will be dispatched to the scene and will explain the police procedures. If it is determined that a Sexual Assault Forensic Exam is advisable, the police will assist with transportation and contacting the Sexual Assault Nurse Examiner, who will conduct the exam. The officer will inform the Complainant that they have the right to have a support person present during the investigative interview. Detectives will assist with the investigation and proper evidence collection. Waymakers staff are available to accompany the individual.

At the conclusion of the police investigation, the case may be forwarded to the prosecutor's office for review. The prosecutor's office makes the final decision whether to criminally prosecute the Respondent. If the prosecutor does not move forward with the complaint, the Complainant may request that a representative from Waymakers accompany them to the prosecutor's office for a meeting to discuss the decision.

A Complainant may make a police report or participate as a witness in the court proceedings at their own discretion.

If a Complainant chooses to file a police report, the Victim/Witness Assistance Program, funded by the State of California, is available free of charge. Its services include counseling, court escort, advocacy and financial assistance.

If the Sexual Violence occurred off-campus, the Complainant may file a report with the appropriate police department. UCIPD can provide assistance with connecting the Complainant to the appropriate jurisdiction to handle criminal matters outside of UCI.

2. Report Sexual Violence to the Office of Equal Opportunity and Diversity (http://www.oeod.uci.edu/).

The Complainant may request an administrative investigation from the OEOD, whether or not a report has been filed with the police.

UCI encourages all persons who have experienced Sexual Violence to report the offense as soon as possible after its occurrence, in order for appropriate and timely action to be taken. All University Responsible Employee (700-17.php#responsible)s must notify OEOD as soon as possible after receipt of a report or knowledge of Prohibited Conduct.

OEOD will perform fact-finding and, when appropriate, complete a fact-finding report, including a finding of whether there is reasonable cause to believe that the SVSH Policy (https://policy.ucop.edu/doc/4000385/SVSH) and these Guidelines have been violated. The fact-finding report and finding will be submitted to a University official with the authority to implement the actions necessary to resolve the complaint, generally the Office of Student Conduct in the case of students and the appropriate supervisor in the case of employees. In addition, OEOD may propose interim remedies (700-17.php#sectionapp11) for both parties, such as adjustments to on-campus housing assignments or class schedules, or alternative work arrangements for employees.

Appendix I: Applicable Complaint Resolution and Grievance Policies

Academic Personnel

Members of the Academic Senate
Non-Senate Academic Appointees
Exclusively Represented Academic Appointees

UC Senate Bylaw 335
(https://senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart3.html#b335)
APM - 140 (https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-140.pdf)
Bargaining Units & Contracts
(http://ucnet.universityofcalifornia.edu/labor/bargaining-units/index.html)

Students:

Policies Applying to Campus Activities, Organizations and Students, Section 110.00 (https://policy.ucop.edu/doc/2710531/PACAQS-110)

UCI Code of Student Conduct
 (<https://aisc.uci.edu/policies/pacaos/appeals-and-grievances.php>)

Staff Personnel

Senior Managers
 Staff Personnel
 Exclusively Represented Staff Personnel

PPSM-II-70 (<https://policy.ucop.edu/doc/4010580/PPSM-II-70>)
 PPSM-70 (<https://policy.ucop.edu/doc/4010417/PPSM-70>)
 Bargaining Units & Contracts
 (<https://ucnet.universityofcalifornia.edu/labor/bargaining-units/index.html>)

All members of the University community:

The UC [Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities \(Whistleblower Policy\)](http://policy.ucop.edu/doc/1100171/Whistleblower) (<http://policy.ucop.edu/doc/1100171/Whistleblower>) protects the reporting and investigation of violations of State or federal laws or regulations, including [Sexual Harassment](#).

All University employees and applicants for employment:

The University's [Whistleblower Protection Policy](http://policy.ucop.edu/doc/1100563/WPP) (<http://policy.ucop.edu/doc/1100563/WPP>) provides a complaint resolution process for employees and applicants for employment who have been subjected to [Retaliation](#) as a result of having made a protected disclosure under the [Whistleblower Policy](http://policy.ucop.edu/doc/1100171/Whistleblower) (<http://policy.ucop.edu/doc/1100171/Whistleblower>) or refused to obey an illegal order. See [UCI Sec. 700-06: Guidelines for Reporting Improper Activities and Guidelines for Filing Complaints of Retaliation for Reporting Improper Activities \(700-06.php\)](#).

Appendix II: University Disciplinary Policies and Procedures

The following are the University's disciplinary policies and procedures:

Applicable to:	UCI Procedures	UC Systemwide Policies & Procedures
Student	<p>UCI Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework (http://cead.uci.edu/files/policies/UCI_SVSH_Student_Investigation_and_Adjudication_Framework_1_17_20201.pdf) sets forth UCI's procedures for resolving complaints of sexual violence and sexual harassment where the parties are both students, including the discipline of students found in violation of SVSH Policy (https://policy.ucop.edu/doc/4000385/SVSH).</p> <p>See also, UCI implementation of Policy on Student Conduct and Discipline (https://aisc.uci.edu/policies/pacaos/discipline-procedures.php)</p>	<p>Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework (https://policy.ucop.edu/doc/1100171/Whistleblower) of the Policy on Student Conduct and Discipline (https://www.uci.edu/affairs/policies/pacaos/html) procedures for resolving complaints where the parties are both students. See also, Policy on Student Conduct and Discipline (https://policy.ucop.edu/doc/1100171/Whistleblower)</p>
Faculty member	<p>UCI Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff, Non-Faculty Academic Personnel, Senate Faculty and Non-Senate Faculty</p>	<p>The Faculty Code of Conduct (APM-015) (https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf), as approved by the Assembly of the Academic Senate and by The Regents, establishes the ethical and professional standards which University faculty are expected to observe.</p> <p>Because the forms of unacceptable behavior listed in APM-015 also apply to Sexual Violence or Sexual Harassment, a violation of the SVSH Policy (https://policy.ucop.edu/doc/4000385/SVSH) may be a violation of APM-015. The University Policy on Faculty Conduct and the Administration of Discipline (APM-016) (https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-016.pdf), as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.</p> <p>The Sexual Violence and Sexual Harassment Senate and Non-Senate Faculty Adjudication Framework</p>

		<p><u>Faculty Adjudication Framework</u> https://sexualviolence.universityofcalifornia.edu/files/documents/Faculty-SVSH-Investigation-and-Adjudication-Framework-and-Flowcharts.062917.pdf) sets forth the University's procedures for resolving complaints of Sexual Violence and Sexual Harassment where the Respondent is a member of the University faculty.</p>
<p>Non-Senate academic appointee</p>	<p>UCI Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff, Non-Faculty Academic Personnel, Senate Faculty and Non-Senate Faculty</p>	<p>Provisions of the <u>Policy on Non-Senate Academic Appointees/Corrective Action and Dismissal (APM-150)</u> (https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-150.pdf) (non-exclusively represented academic appointees) and <u>collective bargaining agreements</u> (https://ucnet.universityofcalifornia.edu/labor/bargaining-units/index.html) (exclusively represented academic appointees) allow for corrective action, investigatory leave, or dismissal for conduct which violates University policy.</p> <p>The <u>Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel</u> (https://sexualviolence.universityofcalifornia.edu/files/documents/Staff-NEAP-SVSH-Investigation-and-Adjudication-Framework-and-Flowcharts.062917.pdf) sets forth the University's procedures for resolving complaints against non-Senate academic appointees subject to APM-150.</p>
<p>Staff member</p>	<p>UCI Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff, Non-Faculty Academic Personnel, Senate Faculty and Non-Senate Faculty</p>	<p>Provisions of the <u>Personnel Policies for Staff Members</u> (https://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html) (applicable to non-exclusively represented staff employees), and <u>collective bargaining agreements</u> (https://ucnet.universityofcalifornia.edu/labor/bargaining-units/index.html) (applicable to exclusively represented staff employees) prohibit conduct that violates <u>SVSH Policy</u> (https://policy.ucop.edu/doc/4000385/SVSH) and provide for disciplinary action for violating University policy.</p> <ul style="list-style-type: none"> • <u>PPSM-62: Corrective Action</u> (https://policy.ucop.edu/doc/4010411/PPSM-62) • <u>PPSM-63: Investigatory Leave</u> (https://policy.ucop.edu/doc/4010412/PPSM-63) • <u>PPSM-64: Termination and Job Abandonment</u> (https://policy.ucop.edu/doc/4010413/PPSM-64) • <u>PPSM-II-64: Termination of Appointment</u> (https://policy.ucop.edu/doc/4010578/PPSM-II-64) <p>The <u>Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel</u> (https://sexualviolence.universityofcalifornia.edu/files/documents/Staff-NEAP-SVSH-Investigation-and-Adjudication-Framework-and-Flowcharts.062917.pdf) sets forth the University's procedures for resolving complaints where the Respondent is University personnel other than faculty.</p>

Appendix III: Interim, Remedial, and Supportive Measures

When determining Interim, Remedial, and Supportive Measures, the Title IX Officer will assess how much the University can protect the parties' privacy while also ensuring the measures are effective. The Title IX Officer will explain to the parties any limits on protecting their privacy.

In determining interim measures specifically, the Title IX Officer will tailor the measures to the circumstances of each case, reevaluate the effectiveness and need for the measures as circumstances change, minimize burdens on the parties, and avoid depriving the parties of educational and employment opportunities as much as practicable. In addition to Interim, Remedial and Supportive Measures, the Title IX Officer may take other actions to stop reported conduct, prevent its escalation or recurrence, and address its effects.

Examples of services, accommodations, and other available measures include:

i. Campus Services Generally:

Academic, employment, and other support including tutoring, counseling, disability services, health and mental health services, family planning services, survivor advocacy, housing assistance, legal assistance, referral to employee assistance program, information about the right to report a crime to campus or local law enforcement, and written materials prepared by the Title IX Officer pursuant to V.B of the SVSH Policy.

ii. Measures Available to Employees, Including Academic, Staff and Student Employees:

Change to a different workstation, schedule, work location, unit, department, or position for which the employee is qualified provided that, in the case of a Complainant the change is voluntary and equitable.

iii. Training and Education of the Respondent:

The Respondent may be required to undergo training, including Sexual Harassment prevention training, anger management training, and periodic refresher classes.

iv. Campus Services Modified:

- If a campus service is not generally available or a fee is imposed, access may be arranged or fees waived when appropriate.
- Comprehensive, holistic survivor services including additional medical, counseling and academic support services.
- Any other accommodations or interim measures that are reasonably available once a Complainant has requested them.

v. Additional Educational Measures for Students:

- Change advisors, composition of dissertation committee, class sections and similar schedule adjustments.
- Arrange extra time to complete academic requirements of a class or program, or to re-take a class or withdraw from a class, without an academic or financial penalty if the University delayed such accommodations after it reasonably should have known of the violation.
- Review any disciplinary actions taken against the Complainant subsequent to the alleged violation to determine whether there is a causal connection between the violation and the Complainant's misconduct.

vi. No Contact Options:

- Complainant and Respondent Options:
 - The Title IX Officer will ensure the parties have been notified of options to avoid contact and assist them in changing, as appropriate, living, transportation, dining, and working situations, or academic and extracurricular activities;
 - Assist the parties in applying for no contact orders; and
 - Arrange for escort services to ensure that the parties can move safely to work, classes, and activities.
- Respondent's Restrictions:
 - Allow the Complainant to take regular sections of courses while arranging for the Respondent to take the courses online or through independent study;
 - Moving the Respondent to a different residence hall or work space;
 - Forbidding the Respondent to participate in specific athletic or extracurricular events or social clubs (including fraternities or sororities);
 - Requiring that the Respondent observe no contact orders from the Complainant for a period of time (up to the Complainant's graduation or other departure from the campus) via work scheduling or class changes;
 - Prohibiting the Respondent from attending classes for a period of time, transferring the Respondent to another campus, or putting the Respondent on investigatory leave; and
 - Excluding the Respondent from the campus or workplace.
- **Other Measures Devised by the Title IX Officer or Other Administrator.**

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