



URGE Complaints and Reporting Policy for
University of California, Merced and for University of California, Davis

This is what was found by UC Central Valley URGE Pod at (i) University of California, Merced (pages 1-5) and (ii) University of California, Davis (pages 6 - 8) on policies for handling complaints, the reporting process, resources, and possible outcomes. Some information was public; answers that were only found through follow up with contacts are noted.

(i) UNIVERSITY OF CALIFORNIA, MERCED

The links to the reporting policy at our organization are here:

- Office for the Preventing of Harassment and Discrimination, DVSP (<http://dsvp.ucmerced.edu>)
 - Information on reporting policies and resources: <http://dsvp.ucmerced.edu/reporting>
 - How to file a complaint at UC Merced: <http://dsvp.ucmerced.edu/report>
 - Reporting Retaliation: <http://dsvp.ucmerced.edu/resources/reporting-options/report-retaliation>
 - Reporting to Campus Administration: <http://dsvp.ucmerced.edu/node/17>
 - Discrimination resources: <http://dsvp.ucmerced.edu/discrimination-help>
 - Intolerance report form at UC System: https://ucsystems.ethicspointvp.com/custom/ucs_ccc/default.asp
 - Policies and Laws: <http://dsvp.ucmerced.edu/policies-laws>
 - UCOP SVSH Resources Hub (Includes documents regarding Title IX policies & procedures): <https://www.ucop.edu/title-ix/resources/index.html>
 - UC Sexual Violence & Sexual Harassment Policy: <https://policy.ucop.edu/doc/4000385/SVSH>
 - OPHD Policies & Procedures Webpage: <http://dsvp.ucmerced.edu/policies-laws>
- Department, Lab, Division, Advisor or Supervisor Policies
 - Graduate Division - Diversity and Inclusion:
 - <https://graduatedivision.ucmerced.edu/current-students/campus-resources/diversity-inclusion>
 - The above link includes link to policies, reporting, and various resources.
 - Campus Climate Study: <https://campusclimate.ucop.edu/>
 - Information on EEO Policies: <https://eeoaa.ucmerced.edu/information-resources/policies>

Designated individuals/positions involved in reporting/managing incidents:

Dania Matos

Associate Chancellor And Chief Diversity Officer

Equity, Diversity and Inclusion (EDI)

EMAIL: dmatos@ucmerced.edu

PHONE: 209-228-3510



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Director of Compliance

Title IX/EEO/AA

Office of Campus Compliance

University of California, Merced

msalvador2@ucmerced.edu

Phone: (209) 285-9510

Fax: (209) 228-4423

Questions regarding reporting/review

- **Can reports be made online?**

Yes, <https://uctitleix.i-sight.com/portal>. If the harassment is sexual in nature, the University's Sexual Violence and Sexual Harassment (SVSH) policy will apply. Local SVSH resource information can be found at <http://sexualviolence.universityofcalifornia.edu/get-help/index.html>.

- **Can reports be made anonymously?**

Yes, use "Anonymous" as First and Last name" on form

- **Who do in-person and online reports go to? Who has access to see reports?**

Not clear about in person vs. online. Names and/or positions or "Not publicly listed/Unknown" in some cases. For reporting through Title IX, the term "Staff" is mentioned for who will reach out to the reporter, "A member of the Title IX or Non-Discrimination Office staff will reach out to you with information on follow up steps." Assumed access is granted to Title IX officer, Michael Z. Salvador and assigned "Staff" to the case. "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."

- **What resources are available for individuals reporting?**

- Counselors or advocates, especially those of the same race, ethnicity, and gender.

- Confidential resources: <http://dsvp.ucmerced.edu/confidential-resources>

- Valley Crisis Center: 209-722-4357, a 24-hour hotline. Confidential.

- Campus CARE Advocate: http://sexualviolence.ucmerced.edu/Get_Help; Valara Villanueva, 209-386-2051. Confidential.



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- Counseling and Psychological Services (CAPS): <https://counseling.ucmerced.edu>. Confidential.
- Office of the Ombuds safe space to talk. <https://ombuds.ucmerced.edu>. Confidential.
- Helpful flyer for Title IX reporting:
http://dsvp.ucmerced.edu/sites/dsvp.ucmerced.edu/files/documents/t9_reporting.pdf
- Automatic or requested investigation of potential impact on grades or evaluations
- Protection against retaliation or repercussions, accommodations for continuing work/courses, option for pass/fail or outside assessment.
- Reporting Resources Hub sponsored by the Students Response Team (SRT) & Behavior Intervention Team (BIT): <https://report.ucmerced.edu/>
- Resource to find information for all types of incidents that need to be reported (students of concern, employee wellbeing, mental health, violence, etc.)
Campus Advocacy, Resources, & Education (CARE) Office Printable Resource Sheets: <https://care.ucmerced.edu/resources/care-printable-resource-sheets>
Various resource sheets by topic (sexual violence, how to help a friend, etc.)

- **Involvement of Legal Authority. Are police included in the process? When and how?**
It depends on the nature of the incident. <http://dsvp.ucmerced.edu/resources/reporting-options/report-legal-authorities>. Individuals can call Campus CARE advocates and/or crisis center hotline prior to reporting to inquire involvement regarding legal authorities.
- **Privacy and Confidentiality.**
"The University tries to protect people's privacy to the extent permitted by law and University policies. The University otherwise keeps confidential the identities of parties, witnesses and those who report Prohibited Conduct, except as required by law or permitted by FERPA, and protects the privacy of personally identifiable information per all applicable state and federal privacy laws, and University policies."

Unanswered/unclarified questions regarding reporting/review:

- **Are reporting policies regularly reviewed? What is the process for changing policy?**
Policies currently are at the Office of President since the policies are being re-written. They looking at the new policies nearly every week because implementation will impact the local universities of the UC system.
- **Are the rates of reporting made publicly available (e.g. # of reports each year)?**
The reports are generated and looked at, but the statistics are not made publicly available.
- **What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?**

Confidential Resources: Contacting a confidential resource does not put UC Merced on formal notice

CARE (Campus Advocacy, Resources, & Education) Office: <https://care.ucmerced.edu/>



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- Campus Advocate Cell (Monday - Friday 9am - 5pm): 209-386-2051
 - Valley Crisis Center (After hours and weekends): 24-Hour Hotline 209-722-4357
 - Director (administrative questions after hours): 209-233-1746 or ycuriel2@ucmerced.edu
 - Our confidential CARE advocates provide confidential support and advocacy for those who have experienced sexual harassment and sexual violence. The CARE advocates can provide you with support, and explain your reporting options. If you choose to report, they can accompany you through the process. They can also help in other ways, like academic and housing accommodations, safety planning, and referrals to community resources.
 - CARE welcomes students, staff and faculty of all gender identities, sexual orientations, races/ethnicities, classes and abilities.
- Counseling and Psychological Services: 209-228-4266; <https://counseling.ucmerced.edu/>
- Counselors available to provide emotional support
- Office of the Ombuds: 209-228-4410; <https://ombuds.ucmerced.edu/>
- Neutral and informal problem-solving and conflict management resource

Administrative Reporting Options:

Office for the Prevention of Harassment & Discrimination (EEO/Title IX): 209-285-9510; <http://dsvp.ucmerced.edu/report>

Staff, faculty, student employees, and applicants for employment who believe they may have been sexually harassed can bring their concerns to the Title IX officer to investigate and attempt to resolve the situation

Office of Student Rights & Responsibilities (formerly known as Office of Student Conduct): 209-228-0069; <https://osrr.ucmerced.edu/>

Oversees the student disciplinary system for reports of suspected student misconduct, both academic and nonacademic (e.g., computer misuse, alcohol and other residence hall violations, theft, and conduct that threatens health and safety)

- **Are individuals accompanied by an advocate or someone from the organization?**
Depends on the need and nature of the case. Resources are available. Advocates can be assigned at the discretion of the office handling the case.
- **What are the outcomes or consequences for reported individuals?**
Follow-up by supervisor, training (bias, etc.), disciplinary action, termination.
- **Who decides the outcomes/consequences? What is the process?**
"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."
- **Compliance: Are reports tracked? How are they tracked? By who?**



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Yes. The Executive Officer at each location will designate the local management office that is responsible for monitoring, enforcing, and reporting policy compliance. The Senior Vice President – Chief Compliance and Audit Officer will periodically audit and monitor compliance with the Policy.

- **Are repeated complaints escalated to a disciplinary board? What is the process?**
Insufficient information found at the time this document was produced, 2/2021
- **What resources are available to groups raising issues or proposing changes?**
Office of the Ombuds: 209-228-4410; <https://ombuds.ucmerced.edu/>
Neutral and informal problem-solving and conflict management resource
- **Petitions of # signatures trigger a town hall, meeting with organizational leadership, or policy change.**
Insufficient information found at the time this document was produced, 2/2021
- **What is the follow-up process for town halls and meetings?**
Insufficient information found at the time this document was produced, 2/2021
- **Working groups or committees with power to change or propose changes to policy.**
Insufficient information found at the time this document was produced, 2/2021
- **Cultural surveys, regular or only after wide-spread reports or high-profile incidents.**
Insufficient information found at the time this document was produced, 2/2021
- **Leadership proactively asks students and/or staff for input on how to improve.**
Insufficient information found at the time this document was produced, 2/2021

APPENDIX

OPHD Complaint Form
CARE Resources Sheet
CARE Support a Survivor
Responsible Employee FAQ



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(ii) UNIVERSITY OF CALIFORNIA, DAVIS

The links to the reporting policy at our organization are here:

- Organization, Company, University Policies
<https://academicaffairs.ucdavis.edu/complaint-processes-and-resources>
- Department, Lab, Division, Advisor or Supervisor Policies
<https://watershed.ucdavis.edu/content/cws-code-conduct>

Questions regarding reporting/review

- **Are reporting policies regularly reviewed? What is the process for changing policy?**
According to [UCOP](#), all Policy Owners are required to review their policies every 5 years, at minimum
- **Are the rates of reporting made publicly available (e.g. # of reports each year)?**
UC Davis has produced a [compliance and policy annual report for 2018-2019](#)
- **What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism? Who are the designated individuals/positions for reporting incidents?**
At the Center for Watershed Sciences at UC Davis you can report incidents to your supervisor or any principal investigator (PI) within CWS. They will help you and point you to resources, but there is no formal complaint process within CWS.
Complaints are made through the Harassment & Discrimination Assistance Prevention Program at UC Davis.
- **Can reports be made online? Yes**
Where? <https://hdapp.sf.ucdavis.edu/report-incident>
Anonymously? Yes
- **Who do in-person and online reports go to? Who has access to see reports?**
There is a Compliance and Policy Department that handles reports. The staff list of people who handle reports is available here: <https://compliance.ucdavis.edu/compliance-and-policy-contacts>
- **Are police included in the process? When and how? Are individuals accompanied by an advocate or someone from the organization?**
According to HDAPP police are not included in the process, but you can make a complaint to the police department if you want.
Individuals can have an advisor or advocate if they would like. There are advocates available through UC Davis services for sexual harassment complainants and respondents.



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- **What are the outcomes or consequences for reported individuals?**

According to the [UC Davis reporting policy](#), the outcome depends on whether or not an alternative resolution or a formal resolution is pursued, and on the type of conflict.

- For an alternative resolution, there are a number of possible outcomes, including separation, targeted educational programs, or some form of negotiated disciplinary action.
- For a formal resolution, a formal investigation takes place. If the investigator determines University policy was violated, the University will impose disciplinary action, which could be anything from written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the University ([link](#)).

- **Who decides the outcomes/consequences? What is the process?**

The University determines whether or not to use an alternative resolution, even if one or both parties choose not to participate.

If alternative resolution is pursued, the Director of the HDAPP or the Discrimination Complaint Coordinator coordinates the process of resolution. If no resolution is found, a formal resolution will be triggered.

For formal resolutions, the Chief Compliance Officer chooses an investigator to conduct a full investigation of the incident. This investigator determines whether University policy was violated. If they find it was violated, the University chooses the most appropriate University official to implement actions to resolve complaint.

- **Are reports tracked?**

Yes, all steps taken to encourage or resolve complaints, and any agreement reached is reported by the HDAPP Director

- **Are repeated complaints escalated to a disciplinary board? What is the process?**

No -- But the report of any formal investigation can be used in repeated incidences.

- **What resources are available for individuals reporting?**

Counselors or advocates, especially those of the same race, ethnicity, and gender.

There are many resources for employees and students that are entirely confidential, not included in your complaint report, and won't result in action towards the report unless requested. Resources are available here <https://hdapp.sf.ucdavis.edu/resources>.

- Automatic or requested investigation of potential impact on grades or evaluations.
Students can file a grade grievance with the Grade Change Committee, if they feel a clerical or procedural error was made and bear the burden of proof. If the alleged procedural error is due to discrimination or arbitrary treatment the student can file a complaint through campus grievance procedures. <https://registrar.ucdavis.edu/records/grades/changes>
- Protection against retaliation or repercussions, accommodations for continuing work/courses, option for pass/fail or outside assessment.



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- Retaliation is not allowed against complainants and whistleblowers, but there isn't much information on options for pass/fail or outside assessment.
- **What resources are available to groups raising issues or proposing changes? What is the follow-up process for town halls and meetings?**

Academic researchers (postdocs, staff researchers, junior and assistant specialists) are represented by a Union, local 5810, which goes to the bargaining table and hosts town halls to address issues amongst employees represented by the Union.

As far as other issues brought forward by students, staff, or faculty, there is not a direct link or place for issues to be taken up. Most changes that have been made on campus are through student and employee activism which seeks support and recognition from campus leadership, although this often does not happen.

University of California and UC Merced policies prohibit discrimination/harassment/retaliation on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition, genetic information, ancestry, marital status, age, sexual orientation, citizenship or status as a covered veteran. (Nondiscrimination & Affirmative Action Policy: <http://policy.ucop.edu/doc/4000376/NondiscrimAffirmAct>)

Every member of the community should be aware that the University prohibits sexual violence and sexual harassment, retaliation, and other prohibited behavior ("Prohibited Conduct") that violates law and/or University policy. The University will respond promptly and effectively to reports of Prohibited Conduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Violence and Sexual Harassment. (Sexual Violence and Sexual Harassment Policy: <http://policy.ucop.edu/doc/4000385/SVSH>)

Staff, faculty, students, and applicants for employment who believe they may have been discriminated/harassed/retaliated against are encouraged to bring their concerns to the EEO/AA/Title IX Officer to investigate and attempt to resolve the complaint.

Name: _____ Date: _____

Phone: _____ Email Address: _____

Affiliation: ☐ Staff ☐ Faculty ☐ Applicant ☐ Student ☐ Student Employee

DETAILS OF COMPLAINT *(Please check all appropriate items):*

Sexual Violence/Harassment

- ☐ Sexual Harassment
- ☐ Dating Violence
- ☐ Domestic Violence
- ☐ Sexual Assault
- ☐ Stalking
- ☐ Other Sexual Violence

Discrimination

- ☐ Age
- ☐ Ancestry
- ☐ Citizenship
- ☐ Color
- ☐ Disability
- ☐ Gender
- ☐ Gender Expression
- ☐ Gender Identity
- ☐ Genetic Information
- ☐ Marital Status
- ☐ Medical Condition
- ☐ National Origin
- ☐ Pregnancy
- ☐ Race
- ☐ Religion
- ☐ Sex
- ☐ Sexual Orientation
- ☐ Veteran Status

Other

- ☐ Hostile Work Environment
- ☐ Retaliation
- ☐ Other:

Date(s) most recent or continuing discrimination/harassment/retaliation took place (month, day & year):

Clearly state your complaint. Describe each incident of alleged discrimination/harassment separately. For each action provide the following information: 1) Name of individual(s) who discriminated/harassed; 2) what happened; 3) where it happened; 4) witnesses (if any); and 5) Why you believe the discrimination/harassment situation took place. (Please attach additional pages as necessary)

What would you consider to be a successful or acceptable outcome and/or resolution to your complaint?

I certify that this information is correct to the best of my knowledge.

Signature of Complainant

Date

CONTACT INFORMATION

[Michael Salvador](#)
Director, EEO & Title IX Officer
Office for the Prevention of
Harassment & Discrimination
University of California, Merced
Phone: (209) 285-9510

MAIL COMPLAINT TO:

Attn: Michael Z. Salvador
Office for the Prevention of Harassment &
Discrimination
University of California, Merced
5200 North Lake Road Merced, CA 95343

OR EMAIL COMPLAINT TO:

msalvador2@ucmerced.edu

OR FILE COMPLAINT ONLINE:

<http://dsvp.ucmerced.edu/report>

Resource & Referral Options

in response to SEXUAL VIOLENCE including sexual harassment, sexual assault, dating/domestic violence and stalking

Confidential Resources

Contacting a confidential resource does not put UC Merced on formal notice.

CARE OFFICE

CARE welcomes students, staff and faculty of all gender identities, sexual orientations, races/ethnicities, classes and abilities.

TEL: 209-228-4147

CAMPUS ADVOCATE

Lynna Cano

TEL: 209-386-2051

WEB: care.ucmerced.edu

GENERAL EMAIL: ucmcare@ucmerced.edu

LOCATION: Kolligian Library 107

After hours and on weekends contact:

VALLEY CRISIS CENTER

TEL: 209-722-4357 (24-HOUR HOTLINE)

WEB: valleycrisiscenter.org

LOCATION: 1960 P St. in Merced

COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS) students only

TEL: 209-228-4266 (24-HOUR HOTLINE)

WEB: counseling.ucmerced.edu

LOCATION: Wellness Center

INSIGHT EMPLOYEE ASSISTANCE PROGRAM employees only

TEL: 800-422-5322

WEB: insighteap.com

OFFICE OF OMBUDS

TEL: 209-228-4410

WEB: ombuds.ucmerced.edu

LOCATION: Student Services, Building 213

Campus Administration Reporting

The goal is to prevent, correct, and when necessary, to discipline behavior that violates the UC Policy on Sexual Harassment and Sexual Violence.

OFFICE FOR THE PREVENTION AND DISCRIMINATION/TITLE IX

Michael Z. Salvador

TEL: 209-285-9510 | **EMAIL:** Msalvador2@ucmerced.edu

WEB: dsvp.ucmerced.edu

One can also report to any UC Merced manager or supervisor.

OFFICE OF STUDENT RIGHT AND RESPONSIBILITY

TEL: 209-228-0069

WEB: ostr.ucmerced.edu

LOCATION: Granite Pass 167

These entities are obligated to notify the Title IX officer.

Legal Authorities Reporting

Survivors have the legal right to have an advocate present when reporting to police.

Police officers are available to answer questions, take reports, and refer to appropriate jurisdiction, depending on where the crime took place.

UC MERCED DEPARTMENT OF PUBLIC SAFETY

TEL: 911 (EMERGENCY) or 209-228-2677 (NON-EMERGENCY)

WEB: police.ucmerced.edu

Medical Assistance

Please note that medical staff must report sexual or domestic violence to law enforcement, but that does not mean a survivor has to file a report if they do not want to. Patients have a right to a support person at a medical exam. The Campus Advocate can provide assistance with this process and provide transportation and accompaniment to the exam.

Forensic Exam: To obtain a free forensic exam also known as a Sexual Assault Response Team (SART) exam, contact the campus advocate, Valley Crisis Center, or UC Merced Police Department (UCMPD). The forensic exam collects evidence for a criminal investigation. The exam is time sensitive and it can have evidentiary value. Clothing worn during the assault may also have evidence if the survivor chooses to proceed with a criminal investigation.

Jane Doe SART kit: This kit is collected like a regular SART exam. However, the survivor does not need to identify themselves and can remain anonymous until they want to proceed with the investigation process. UCMPD will store the kit until the survivors decide to press charges. UCMPD can store clothing while a survivor decides if they want to move forward with an investigation. For more information, contact the Campus Advocate.

UC MERCED STUDENT HEALTH CENTER

students only

TEL: 209-228-2273

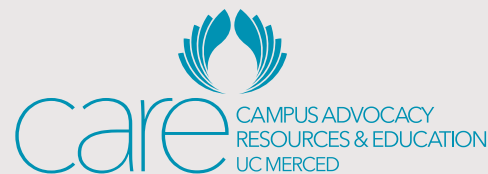
WEB: health.ucmerced.edu

Staff and faculty members can contact their health care provider.

CARE: Campus Advocacy, Resources and Education

Yesenia Curiel, *Director*
209-233-1746

OFFICE HOURS:
Monday – Friday | 9 a.m. to 5 p.m.



Supporting Survivors of Sexual Violence: A Step by Step Guide

One in four women, one in six men, and nearly half of those that do not identify with the gender binary, will experience sexual violence in their lifetimes. It is not your role to in any way investigate the incident, but rather ensure that the student has all of the information in order to make a decision about their next steps.

Step 1

Determine if there is an immediate risk—if you witness the incident happening, if the perpetrator is in the room or nearby or if the person feels unsafe at this moment—please call UC Merced Police at (209) 228-2677 or 911

Step 2

If someone discloses, try to make sure they are in a comfortable environment. Try to minimize the number of people around / who are able to hear; For example, *"Do you want to talk about this outside? Do you mind if I close the door?"* and let them know that you are a responsible employee with certain reporting duties; for example, *"As a Staff/Faculty Member, I have to report instances of sexual assault, domestic violence, or stalking. However, I only have to tell them the information you decide to share. You do not have to say or do anything you don't want to—what you do next is up to you"*

Step 3

If they decide to share more, listen attentively and empathetically; for example, *"Thank you for sharing that with me,"* *"This must be difficult for you, take your time..."*

Step 4

Avoid asking details about the incident—You do not need to know specifics in order to support them. Instead focus any questions on what the student would like to do moving forward, for example, *"Do you know what next steps you would like to take (if any)?"* *"Are you familiar with the different resources on campus?"*

Step 5

Remind them of the different Confidential and Reporting Resources on Campus and ask if they want you to walk with them to the appropriate office etc.

Confidential Resources

CARE--KL 107

Confidential Campus Advocate (209) 386-2051
CARE.ucmerced.edu

Counseling and Psychological Services (CAPS)
(209)-228-4266

Valley Crisis Center 24 hour Hotline
(209) 722-4357

Use for nights and weekend advocacy

Reporting Resources

Office of Campus Compliance

Office for University Title IX Investigations (209)285-9510
DSVP.ucmerced.edu/submit-complaint

UC Merced Police

Reporting Crimes to Law Enforcement (209) 228-2677

Step 6

Take Care of yourself—you can call the Campus Advocate to process. Allow yourself time and space to process

Ways for Faculty and Staff to Engage in Violence Prevention

Add CARE Information to your syllabus • Encourage attendance at Events • Offer Content Warnings • Allow CARE to give an announcement in your class or staff meeting • Connect with CARE Staff to learn more or get involved

CARE Director--Yesenia Curiel--YCuriel2@ucmerced.edu



RESPONSIBLE EMPLOYEES FREQUENTLY ASKED QUESTIONS

What if I experience sexual misconduct?

If you have experienced sexual violence, sexual assault, sexual harassment, dating/domestic violence or stalking, you can file a report or complaint. Or, if you choose not to, know that we have support services available for you. Learn more about your options [here](#).

What is the purpose of the SVSH Policy?

UC's [Policy on Sexual Violence and Sexual Harassment](#) ("SVSH Policy") addresses UC's responsibilities and procedures with regard to sexual violence, sexual harassment, retaliation, and other behavior prohibited by the policy (collectively, "Prohibited Conduct") to help ensure an equitable and inclusive education and employment environment.

Who is covered by the SVSH Policy?

The SVSH Policy applies to all UC employees and students, at all UC locations, including campuses and medical centers, and to all UC programs and activities.

What constitutes "Prohibited Conduct" under the SVSH Policy?

Prohibited Conduct includes sexual assault, relationship violence, stalking, sexual harassment, indecent exposure, invasions of sexual privacy, and sexual intercourse with a minor. For more detailed definitions of Prohibited Conduct, please refer to Section II.B. of the SVSH Policy.

Which UC employees are required to report sexual violence or sexual harassment to the Title IX Officer and are considered "Responsible Employees"?

Any UC employee who is not specifically identified as a confidential resource in the SVSH Policy is a "Responsible Employee" required to report Prohibited Conduct to the Title IX Office. There are different reporting responsibilities, depending on whether the incident involves a student or a non-student:

| Who May Have Experienced SVSH Prohibited Conduct? | Who Has a Reporting Obligation as a Responsible Employee? |
|---|--|
| A student (undergraduate, graduate, or professional) | All UC employees who are not designated as "confidential resources" (defined below). This includes managers and supervisors, all faculty (including faculty advisors), all staff, and student employees. Responsible Employees include both represented and non-represented employees. |
| Any other person affiliated with the UC (all patients are persons affiliated with the UC) | Faculty members, managers and supervisors, including Deans, Department Chairs, and Directors of Organized Research Units, Academic Personnel, and Human Resources Administrators who are not designated as confidential. They must promptly notify the Title IX Officer if they receive, in the course of employment, a report of Prohibited Conduct from any other person affiliated with the UC. |

Failure to comply with the SVSH Policy's Responsible Employee reporting obligations could result in disciplinary action up to and including dismissal or termination of employment.

Who may qualify as a “confidential resource”?

Under the SVSH Policy, confidential resources include UC employees with a professional license requiring confidentiality (including health center employees but excluding campus legal counsel), or employees they supervise, licensed counselors in student counseling centers, and faculty and staff/employee assistance program staff, **who receive reports of Prohibited Conduct while acting in their confidential capacity**. The SVSH Policy exempts confidential resources from reporting to the Title IX office but not from other mandatory reporting obligations under CANRA (Child Abuse and Neglect Reporting Act) and other policies or laws that require reporting to campus or local law enforcement or Child Protective Services.

When am I acting in my confidential capacity and therefore exempt from Title IX reporting duties?

An employee may act as a confidential resource in some contexts and not in others. It depends on whether he or she is acting in a confidential capacity when receiving a report of Prohibited Conduct. For example, UC employees who are licensed medical or mental health professionals (e.g., Student Health and Counseling center directors; medical school department chairs, deans, and faculty members; medical center department chairs, clinical service chiefs, and faculty) would be considered confidential resources if they received information about Prohibited Conduct *in the context of providing care to a patient*. In the Medical Centers, well-being committees and their members are confidential resources when performing committee activities. (Under these circumstances, employees acting under their supervision, such as clinic or committee staff, would be considered confidential resources, as well.) However, outside of the patient care context, these individuals (and their supervisees) would not be confidential resources and would be subject to Responsible Employee reporting requirements under the SVSH Policy.

I am a Responsible Employee. How do I fulfill my obligation?

When an individual discloses a possible incident of Prohibited Conduct, you should inform the individual that you are a Responsible Employee who must report any information the individual shared with you to the Title IX Office. As a Responsible Employee, you must contact your [campus Title IX office](#) as soon as possible and share whatever information you have, including the names of any individuals involved, their contact information, and any details of the incident. (See response below regarding the information that may be disclosed to the Title IX office when the incident involves a patient.) As a Responsible Employee, you should report to the Title IX office even if you are unsure that the incident actually occurred or whether it constitutes Prohibited Conduct. If your job responsibilities ordinarily would require you to investigate a report of disruptive behavior or intervene or resolve the issue, consult with counsel before taking any steps to assure compliance with all applicable laws and policies.

Must I report sexual violence or sexual harassment even when the misconduct involves a patient?

Yes, if you learn the information in your role as a Responsible Employee. See above or consult the definition of “confidential resources” in the SVSH policy for exceptions relevant to licensed health care providers who learn information in connection with their treatment of a patient.

Doesn't HIPAA preclude such reporting to Title IX when the misconduct involves a patient? What if the relevant information is subject to additional privacy protections (e.g., mental health, substance abuse, communicable diseases)?

In general, health and medical privacy laws do not preclude reporting to Title IX when the alleged misconduct involves a patient. Pursuant to UCOP's [HIPAA Administrative Requirements Policy](#), the Title IX office is considered a part of the University's “covered component,” and as such, is subject to HIPAA's regulations and UC's systemwide HIPAA policies. HIPAA Administrative Requirements Policy p. 2-3. As a part of the covered component, Title IX Office personnel must be trained on systemwide HIPAA policies and any relevant local procedures necessary to perform their assigned job functions, and must take appropriate measures to protect the privacy of protected health information (PHI), in any form.

If you have any concerns about disclosing PHI or information subject to additional privacy protections to the Title IX office without the written authorization of the complainant or respondent, seek guidance from your local legal counsel or HIPAA privacy officer. While you await guidance, the incident should be reported to your Title IX office in an anonymized manner that protects the identity of the patient.

Where can I find more information and resources on the SVSH Policy and my reporting obligations as a Responsible Employee?

For additional information, please see UC's policy on [Sexual Violence and Sexual Harassment](#), UC's policy on [Reporting Child Abuse and Neglect](#) (CANRA), [UC's Sexual Violence Prevention & Response website](#), and local bylaws and policies that govern individual campuses' internal reporting obligations. Campuses that wish to develop local guidance are requested to consult the Office of General Counsel or the Systemwide Title IX Office.