

Written Notice of Reporting Options, Rights & Resources for UC San Diego Employees: Sexual Assault, Dating Violence, Domestic Violence, and Stalking

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Glossary of Terms

CARE at SARC – Campus Advocacy, Resources, and Education at the Sexual Assault Resource Center is the University’s confidential survivor support and prevention education office for sexual assault, dating violence, domestic violence, and stalking. CARE at SARC provides free and confidential survivor support, crisis intervention, safety planning, case management and accompaniment for UC San Diego students, staff, and faculty who are victims of sexual assault, relationship violence, and stalking.

Complainant – any person who files a report of sexual violence, dating violence, domestic violence, or stalking; or any person who has been the alleged subject of such prohibited conduct.

Supportive and Mitigating Measures – individualized support services provided by the University to help any person who has been subject to sexual violence, dating violence, domestic violence, or stalking, participate in campus life at the University and continue with their studies or work; or steps taken by the University to ensure a complainant has equal access to its education programs and activities before the final outcome of an investigation.

OPHD – the Office for the Prevention of Harassment & Discrimination is the University’s Title IX office and provides administrative options (including investigations, if applicable) for persons who have been the alleged subject of prohibited conduct, including, but not limited to, sexual violence, dating violence, domestic violence, or stalking.

Petitioner – any person who presents a formal, written application to a court, officer, or legislative body that requests action on a certain matter.

Reporting Party – any person who files a report of sexual violence, dating violence, domestic violence, or stalking.

Respondent – a person alleged to have engaged in prohibited conduct and about whom a report of sexual violence, dating violence, domestic violence, or stalking is made.

Victim or Survivor – used interchangeably and meaning any person who has experienced sexual violence, dating violence, domestic violence or stalking. “Victim” is most commonly used in the criminal justice system process. “Survivor” is typically used in the context of advocacy and support services.

This document is intended to summarize laws, policies, and procedures. It does not alter or modify any policy, law, or procedure. Nor does this document create, confer, alter, or modify the legal status or legal rights of any person.

Resources

1. **Resources for Victims/Survivors**

The following is a list of on-campus and off-campus resources that offer a variety of services in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas.

CARE at SARC can serve as a referral source or support with any of these resources if requested.

On-Campus Resources (in alphabetical order):

Service Provider	Types of Services	Contact
Academic Personnel Services	Provides proactive problem-solving for departments and divisions in situations involving issues of faculty conduct, faculty performance, and faculty complaints about discrimination or treatment. This program serves campus administrators seeking resolution for academic personnel performance, attendance and behavioral issues. Available for Deans, Chairs, Provosts and other administrators.	General Campus/SIO: (858) 822-4564 Health Sciences: (858) 534-3159 https://aps.ucsd.edu/
CARE at the Sexual Assault Resource Center	Provides confidential & free survivor support, accompaniment, and crisis intervention services to UC San Diego students, staff, and faculty who are victims/survivors.	(858) 534-5793 https://care.ucsd.edu
Center for Student Accountability, Growth, and Education (SAGE)	Receives, processes and resolves student conduct complaints.	(858) 534-6225 https://sage.ucsd.edu

Service Provider	Types of Services	Contact
Employee Assistance Program (EAP) (Health System, School of Medicine, School of Pharmacy, and Student Health program employees)	For all benefits-eligible UC San Diego Health employees, the Employee Assistance Program (EAP), managed by Optum Live and Work Well, offers assistance and referral services for those who may be experiencing issues that are affecting their personal well-being and/or job performance. Services include assessment, referral to outside resources, consultation, supervisory training, return to work assistance, and follow up. All services are free and employees are encouraged to self-refer and seek this confidential assistance.	(866) 808-6205 (code: UCSDMC) https://www.liveandworkwell.com (operated by Optum) https://ucnet.universityofcalifornia.edu/benefits/understanding-your-benefits/details-about-your-benefits/behavioral-health-benefits/
Employee Relations (Health Based Staff)	UC's medical coverage also includes behavioral health benefits for mental health services and substance abuse treatment. Additional resources are offered through an employee's individual medical plan. Provides neutral services for employees who have questions or need assistance related to conflict in the workplace, policy interpretation, referrals, and consultation on a wide range of matters related to work.	(619) 543-3200 https://uhealth.service-now.com/hrportal
Employee Relations (Non-Health Based Staff)	Provides neutral services for employees who have questions or need assistance related to conflict in the workplace, policy interpretation, referrals, and consultation on a wide range of matters related to work.	(858) 534-4115 https://blink.ucsd.edu/sponsor/hr/divisions-units/emp-relations/index.html
Faculty and Staff Assistance Program (FSAP) (campus faculty and staff, post-doctoral Faculty and Staff scholars)	Offers confidential counseling and referrals for UC San Diego campus staff and faculty, and their household members.	(858) 534-5523 http://blink.ucsd.edu/go/fsap
Healer Education Assessment and Referral Program (HEAR) (medical and pharmacy students, residents, fellows, health faculty, hospital staff and all health trainees)	Offers confidential counseling and referrals for UC San Diego Health students, staff and faculty.	(858) 905-2342 (858) 933-6409 (858) 905-2734 https://hear.ucsd.edu/index.html

Service Provider	Types of Services	Contact
Office of the Ombuds	Offers confidential, neutral and informal dispute resolution services for faculty, staff, students, non-Senate academics, postdoctoral trainees and employees of the UC San Diego Health System.	(858) 534-0777 https://ombuds.ucsd.edu
Office for the Prevention of Harassment & Discrimination (OPHD) (Title IX)	Receives reports of allegations of discrimination, sexual violence, dating violence, domestic violence, and stalking, and conducts the administrative fact- finding investigation and non- investigation processes.	(858) 534-8298 https://ophd.ucsd.edu

Law Enforcement Resources:

Service Provider	Types of Services	Contact
UC San Diego Police Department	Conducts patrol, investigation, crime prevention education and related law enforcement duties for the UC San Diego community.	(858) 534-4357 (non-emergency) 9-1-1 (emergency) https://police.ucsd.edu
San Diego Police Department	Conducts patrol, investigation, crime prevention, and related law enforcement duties for neighborhoods surrounding UC San Diego	(858) 484-3154 (non-emergency) 9-1-1 (emergency) https://www.sandiego.gov/police
San Diego County Sheriff's Department	Provides general law enforcement, detention and court services for the people of San Diego County.	(858) 565-5200 9-1-1 (emergency) https://www.sdsheriff.gov/

Community, National, Global Resources (in alphabetical order):

Service Provider	Types of Services	Contact
California Civil Rights Department	Receives and investigates complaints related to discrimination, harassment, or retaliation in the workplace.	(800) 884-1684 https://calcivilrights.ca.gov
Casa Cornelia Law Center	Offers free legal services to victims of human and civil rights violations. Provides assistance with visa and immigration issues for undocumented victims of crime.	(619) 231-7788 https://casacornelia.org/
Center for Community Solutions (CCS)	Provides a confidential 24-hour crisis hotline, emergency shelter, accompaniment, legal, counseling services for victims of sexual assault and domestic violence in San Diego County.	(888) 385-4657 https://www.ccssd.org/
RAINN (Rape, Abuse, and Incest National Network)	National network supporting victims/survivors of sexual assault and abuse. 24/7 free and confidential hotline and chat services.	(800) 656-4673 https://www.rainn.org/
San Diego Stalking Hotline	Offers confidential support and information for victims of stalking.	(619) 515-8900 https://www.sdcdca.org/preventing/stalking/
Women’s Resource Center	Provides confidential 24-hour crisis hotline, support services, counseling, shelter and education for North San Diego County residents involved in or threatened by domestic violence or sexual assault.	(760) 757-3500 https://www.wrcsd.org/
U.S. Department of Education Financial Aid	Provides federal financial aid assistance.	(800) 433-3243 https://www2.ed.gov/about/contacts/gen/index.html
US Department of Education Office for Civil Rights	Receives and investigates complaints related to discrimination based on race, color, national origin, sex, disability, and age.	(800) 421-3481 https://www2.ed.gov/about/offices/list/ocr/index.html

Service Provider	Types of Services	Contact
U.S. Department of State – Office of Overseas Citizens Services	Assists victims/survivors who are overseas with local and/or US-based resources for victims of crime, including local legal representation.	From the US or Canada: 1-(888)-407-4747 From overseas: +1-(202)-501-4444 https://travel.state.gov/content/travel/en/international-travel/emergencies.html
Your Safe Place, formerly San Diego Family Justice Center	Provides support to victims/survivors and children of family violence, including legal services, food, shelter, clothing, spiritual support, medical services and other services.	(619) 533-6000 https://www.sandiego.gov/yoursafeplace

2. Non-Reporting Options

Not reporting or declining to notify authorities is always an option. Victims/Survivors who choose not to report or notify may still utilize any of the confidential resources listed above. CARE at SARC is always available to victims/survivors to provide information, emotional support, crisis intervention support, support groups, and/or assistance with obtaining a forensic medical exam. If the victim/survivor would like to seek support off campus, the Center for Community Solutions (CCS) and Your Safe Place (YSP) provide services to victims/survivors in San Diego County. Other confidential resources on campus include Counseling and Psychological Services (CAPS), Faculty and Staff Assistance Program (FSAP) and the Office of the Ombuds.

If a victim/survivor chooses not to report to or notify law enforcement or to the University, they still have the right to receive medical treatment, advocacy services and an optional sexual assault forensic exam. In San Diego County, this exam is called a Non-Participatory Report (NPR).¹ The evidence will not include the victim/survivor’s name. The victim/survivor can decline a copy of the report (history, findings) to be included with evidence. The NPR may or may not trigger an investigation (without the participation of the victim/survivor). The NPR is free of cost to the victim/survivor. If the victim/survivor decides that they want to participate with law enforcement, the victim/survivor must call Palomar Health Services and sign a release. This release allows Palomar Health Services to provide identifying information to law enforcement. Physical evidence will be held by law enforcement for at least 20 years. The victim/survivor will be given written notice if law enforcement decides to destroy evidence. The evidence collected will be tested, unless the victim/survivor chooses to not have it tested at the time of the exam. The victim/survivor has the right to contact law enforcement to learn the status of DNA testing of the kit and other evidence. Under California Penal Code Section 11160, healthcare providers are mandated reporters and must report cases of sexual assault to law enforcement.

The NPR option for UC San Diego students, faculty and staff can be requested by contacting CARE at SARC at (858) 534-5793. CARE at SARC can provide free transportation to the Sexual Assault Response Team (SART) facility for victims who choose the NPR. Victims/Survivors also have the option of requesting the NPR through the county rape crisis hotline: (858) 385-4657.

¹ In the state of California, the NPR is referred to as the “VAWA Exam” or the “924”.
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3. **Confidentiality/Privacy and Obtaining Supportive and Remedial Measures and Public Recordkeeping**

A. ***Confidentiality and Obtaining Supportive and Remedial Measures:***

The University will protect the privacy of everyone involved in a report of sexual violence to the greatest degree possible under applicable law and University policy. Personally identifiable information about the complainant and other necessary parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services to the complainant, including Supportive and Remedial Measures.² By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any Supportive and Remedial Measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide Supportive and Remedial Measures, and to the extent permissible under applicable law and policy.

B. ***Privacy and Public Recordkeeping:***

UC San Diego completes publicly available recordkeeping, including Clery Act reporting and disclosures, without including personally identifiable information about the victim/survivor as defined in Section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)). Specifically, UC San Diego does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime and Fire Log or in the crime statistics that are disclosed in the *Annual Security and Fire Safety Report*. Furthermore, if a Timely Warning is issued on the basis of a report of dating violence, domestic violence, sexual assault or stalking, the name of the victim/survivor and other personally identifiable information about the complainant will be withheld.

4. **Law Enforcement Reporting Options**

It is a victim's/survivor's choice to report a crime. A victim/survivor may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report at any time in the jurisdiction where the assault occurred. Victims/Survivors can reach the UC San Diego Police Department at (858) 534-

² Supportive Measures include both Interim Measures and Mitigating Measures. The University provides Supportive Measures as appropriate and reasonably available, without fee or charge.

Interim Measures: Services, accommodations, or other measures put in place temporarily after the Title IX Officer receives a report of Prohibited Conduct to assist or protect the Complainant, the Respondent, or the University community; restore or preserve a party's access to a University program or activity; or deter Prohibited Conduct. Interim measures may: - remain in place until the final outcome of a Resolution Process (see Section V.A.5 of the *Policy*) or a subsequent disciplinary or appeal process; change or terminate depending on the parties' evolving needs, as assessed by the Title IX Officer; or become permanent as part of the resolution of a report.

Mitigating Measures: Services, accommodations or other measures for a Complainant who is not in a Resolution Process (see Section V.A.5 of the *Policy*), including a Complainant who was previously in a Resolution Process that did not result in a finding of a policy violation. Mitigating measures may be implemented to provide support, restore or preserve access to a University program or activity, or deter Prohibited Conduct." See *Sexual Violence and Sexual Harassment Policy Section II.C.3.a*.

Remedial Measures: Services, accommodations, or other measures put in place as a result of a completed Resolution Process (see Section V.A.5).

HELP (4357) or the San Diego Police Department at (619) 531-2000. To file a non-emergency police report, a victim/survivor can contact the dispatch lines (858) 534-4357 for the UC San Diego Police Department or (619) 531-2000 for the San Diego Police Department and request an officer meet them at the location of their choosing. An officer will then meet with the victim/survivor and take their statement about the incident. This may include the gathering of physical evidence and/or photographing of injuries. The officer will then provide any necessary follow-up materials or information. CARE at SARC will assist the victim/survivor in filing the report if requested.

A. *Confidential Victim:*

A victim/survivor of specific offenses (enumerated in California Government Code Section 6254(f)(2)(A)) has the right to request to be listed as a confidential victim in a law enforcement agency's report. Being listed as a confidential victim in a law enforcement agency's report prevents the law enforcement agency from disclosing the confidential victim's name and address as a matter of public record. However, the confidential victim's information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code Section 293 for more information.

B. *Medical Exams:*

Regardless of whether an incident of sexual violence is reported to the police, it is important to seek immediate medical attention, even if there is no evidence of serious injury. A medical examination is important to check for sexually transmitted infections or other infections/injuries and for pregnancy. CARE at SARC can help victims find an appropriate medical provider.

C. *Preserving Evidence:*

Victims/Survivors of sexual assault are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination. In San Diego County, this exam is known as a Sexual Assault Forensic Exam (SAFE). It is recommended that the examination occurs within a reasonable timeframe (roughly 5 days) after the assault for optimal evidence collection. If a sexual assault victim/survivor chooses to make a police report, the law enforcement official will meet with the victim/survivor, determine whether the report as given would constitute a crime, and then alert the Sexual Assault Response Team (SART) facility where the SAFE will be conducted. Law enforcement or CARE at SARC will coordinate transportation to the facility, depending on the victim's/survivor's preference, and the victim/survivor has the option and right to meet with a victim advocate before the exam begins. A specially trained medical provider, called a Sexual Assault Nurse Examiner (SANE), will conduct the exam.

If a victim/survivor chooses not to report to law enforcement, they still have the right to receive

medical treatment, advocacy services and an optional sexual assault forensic exam. In San Diego County, this exam is called a Non-Participatory Report (NPR).³ The evidence will not include the victim's/survivor's name. The victim/survivor can decline a copy of the report (history, findings) to be included with evidence. The NPR may or may not trigger an investigation (without the participation of the victim/survivor). The NPR is free of cost to the victim/survivor. If the victim/survivor decides that they want to participate with law enforcement, the victim/survivor must call Palomar Health Services and sign a release. This release allows Palomar Health Services to provide identifying information to law enforcement. Physical evidence will be held by law enforcement for at least 20 years. The victim/survivor will be given written notice if law enforcement decides to destroy evidence. The evidence collected will be tested, unless the victim/survivor chooses to not have it tested at the time of the exam. The victim/survivor has the right to contact law enforcement to learn the status of DNA testing of the kit and other evidence. Under California Penal Code Section 11160, healthcare providers are mandated reporters and must report cases of sexual assault to law enforcement.

The NPR option for UC San Diego students, faculty and staff can be requested by contacting CARE at SARC at (858) 534-5793. CARE at SARC can provide free transportation through the Lyft ride-share service to the SART facility for victims who choose the NPR. Victims/Survivors also have the option of requesting the NPR through the county rape crisis hotline: (858) 385-4657.

Jacobs Medical Center does NOT conduct SAFE/NPR forensic exams. If a victim/survivor visits a medical facility solely for the purpose of requesting a forensic exam, law enforcement will be notified. A victim/survivor has the right not to participate in the criminal justice system, either prior to the examination or at any other time.

Victims/Survivors of dating violence, domestic violence, sexual assault and stalking are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police should the victim/survivor decide to report now or in the future.

In San Diego County, victims/survivors of dating, domestic violence who experience strangulation or other physical injuries have the right to access a Domestic Assault Forensic Exam (DAFE). The DAFE program is free and provided by Palomar Health Services by qualified forensic nurse examiners who conduct a thorough assessment, collect evidence and document injuries (including strangulation).

5. Civil Reporting Options & Protective Orders

Victims/Survivors are encouraged to connect with CARE at SARC for assistance with civil reporting options and Protective Orders. CARE at SARC has information on how and where to make these requests and can provide support and accompaniment throughout the process.

A. *Filing a Civil Lawsuit:*

A victim/survivor may choose to file a civil lawsuit against the suspect, whether or not criminal charges have been filed. A civil lawsuit provides an opportunity to recover actual money

³ In the state of California, the NPR is referred to as the "VAWA Exam" or the "924".
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damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress. CARE at SARC can assist a victim/survivor with identifying the necessary steps and processes for filing a lawsuit if requested.

B. *Court-Ordered Restraining Orders:*

A victim/survivor may choose to obtain a restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect a complainant who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

C. *Emergency Protective Order (EPO):*

An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and stay away from the victim and their children for up to a week. This provides the victim with time to go to court to request a temporary restraining order.

D. *Temporary Domestic Violence Restraining Order (TRO):*

A TRO is a type of protective order. In order to obtain one, the petitioner must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

E. *Criminal Protective Order (CPO):*

When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the victim/accuser. If the defendant is convicted of or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

F. *Gun Violence Emergency Protective Order*

A court order requested by law enforcement that prohibits someone from having any firearms, firearm parts, ammunition and magazines if they are posing an imminent threat/danger to self/others or community. The court order has to be issued by a judicial officer based on the statements made under penalty of perjury in the protective order.

G. *Gun Violence Restraining Order*

A Gun Violence Restraining Order is a court order that temporarily prohibits someone from having or buying any firearms, firearms parts and ammunition. This can be requested if you are connected to the person you think is dangerous as: an immediate family member (spouse or domestic partner, your children, your spouse's parents, children, siblings, grandparents, grandchildren, aunts, uncles, nieces, nephews etc.); an employer; an employee; law enforcement officer or agency; a roommate who resided in the household in the past six months and has had substantial and regular interaction with person for at least a year; somebody in a dating relationship; or somebody who shares a child with the person.

H. *Civil Harassment Restraining Order:*

A type of court order available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment.

An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order, but would not qualify for a civil harassment restraining order.

UC San Diego complies with California law in recognizing restraining orders and protective orders. A complainant who obtains a restraining order should provide a copy of the order to the UC San Diego Police Department. In order to comply with the restraining order, CARE at SARC and the UC San Diego Police Department will assist a complainant with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed. UC San Diego cannot apply for a restraining order for a complainant in California. However, CARE at SARC can offer assistance with obtaining a restraining order.

6. University Reporting Options

Complaints of sexual violence, dating violence, domestic violence, or stalking may be addressed through the University administrative process. A complainant or reporting party can report an incident to the University by contacting the Office for the Prevention of Harassment & Discrimination (OPHD) in person, by email, by phone call or by filing a report online at [OPHD Web Form](#). OPHD is the UC San Diego Title IX Office. A complainant has the right to have an advisor and/or a support person or advocate present with them while making a complaint to OPHD. Please note that the University administrative process is separate from any criminal or civil process (see Law Enforcement Reporting Options and/or Civil Reporting Options for more information). If the complainant requests of OPHD or another University employee that their identity remain completely confidential, OPHD or the employee will explain that the University cannot always honor that request and cannot guarantee complete confidentiality. If the complainant wishes to maintain confidentiality or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, nondiscriminatory environment for all students, employees and third

parties, including the complainant.

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

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

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

For an overview of the University complaint process as it pertains to sexual violence, dating violence, domestic violence, and stalking, please see the enclosed University of California *Sexual Violence and Sexual Harassment Policy*.

A. *University Disciplinary Process:*

At the conclusion of an investigation, the case will proceed to an adjudication and/or disciplinary process. The applicable adjudication process will be initiated based on several factors including the affiliation of the Respondent, as well as the date, location, and type of incident. The disciplinary process is set forth in the following university policies:

When the Respondent is a Staff member:

[Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel](#)

When the Respondent is a Faculty member:

[Investigation and Adjudication Framework for Senate and Non-Senate Faculty](#)

When the Respondent is a Student:

[Student Investigation and Adjudication Framework for Non-DOE Covered Conduct](#), or
[Student Investigation and Adjudication Framework for DOE-Covered Conduct](#)

As the victim/survivor, you are not required to participate in any University disciplinary procedure and may choose not to be a part of it.

Disciplinary procedures for sexual misconduct, dating and domestic violence, and stalking will:

- Provide for a prompt, fair, and impartial process from the initial investigation to the final result;
- Be conducted by officials without a conflict of interest or bias for either party and who receive annual training on how to conduct an investigation and hearing process that protects the safety of victims/survivors and promotes accountability;
- Provide the complainant and the respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- Simultaneously inform the complainant and the respondent in writing of:
 - The outcome of the disciplinary proceeding;
 - The procedures available to appeal the results of the disciplinary proceeding;
 - Any change to the disciplinary results that occurs prior to the time such results become final; and
 - When disciplinary results become final.

The Office for the Prevention of Discrimination and Harassment is a resource for community members to learn more about these disciplinary processes and is available to answer questions via email, telephone, or in-person/remote meetings. Community members can request information only meetings to learn about these processes, during which they will not be required to share any information about the incident.

7. University No Contact Orders, Supportive Measures and Remedies

A. University-Issued No Contact Orders:

A complainant, respondent, and/or OPHD staff member may request the Center for Student Accountability, Growth, and Education (SAGE) issue a no contact order relating to a sexual violence and sexual harassment incident involving a UC San Diego student respondent. The request must specify the reasons the requesting party wants the no contact order issued. CARE at SARC can assist victims/survivors and Respondent Support Advisors can assist respondents with requesting no contact orders.

A no contact order issued as an Interim Measure may be unilateral (prohibiting one party from

contacting the other) or mutual (prohibiting both parties from contacting each other). However, the University will not prohibit the complainant from contacting the respondent unless the specific circumstances indicate the restriction is necessary or justifiable to protect the respondent's safety or wellbeing, or to respond to interference with a Sexual Violence Sexual Harassment Resolution Process.

SAGE will evaluate the no contact order request, determine whether it should be issued, and notify the parties of its determination via email. The complainant, respondent, and/or investigator may request SAGE to consider modifying the no contact order after its issuance and until the order is removed or expires. Modification requests may be made when the circumstances necessitating the order change and/or new information becomes available to support/not support the order.

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

For staff and faculty at UC San Diego, no contact orders are implemented and facilitated through the department leadership or Employee or Labor Relations, as appropriate.

B. *University-Facilitated Supportive Measures:*

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

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

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

In determining Supportive Measures, the Title IX Officer will tailor the measures to the circumstances of each case, minimize burdens on the parties, and avoid depriving the parties of educational and employment opportunities as much as practicable. In matters involving DOE-Covered Conduct⁴, the Title IX Officer will ensure Supportive Measures are non-disciplinary and

⁴ The Title IX regulations issued by the U.S. Department of Education (“DOE”) that went into effect August 14, 2020 require the University to follow a specific grievance process (“DOE Grievance Process”) in response to conduct covered by the regulations. The *Sexual Violence and Sexual Harassment Policy* refers to this conduct as “DOE-Covered Conduct.”

non-punitive, and that they do not unreasonably burden a party.

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