

NOTICE OF RIGHTS, RESPONSIBILITIES & OPTIONS IN THE INVESTIGATION OF SEXUAL VIOLENCE & SEXUAL HARASSMENT CASES

University of California Office of the President-UCOP

We are committed to creating and maintaining a community free of sexual violence and sexual harassment for every individual. Sexual violence and sexual harassment violate both law and University policy.

UCOP takes all complaints of sexual violence very seriously. The safety and well-being of our employees, visitors, and others are among the University's highest priorities.



RIGHTS AND RESPONSIBILITIES

In responding to reports of sexual violence and sexual harassment, UCOP is committed to providing a fair and balanced process for adjudicating cases. The University wants to ensure that everyone understands the process as well as their rights.

The University's procedures for sexual harassment and sexual violence will ensure:

- A prompt, fair and impartial investigation and resolution.
- Officials will have received annual training on how to conduct an investigation, and conduct a proceeding in a trauma-informed manner.
- The investigation will be conducted within 60 business days or less, unless there are mitigating circumstances in which case both the complainant and respondent shall be notified and provided with an explanation.
- The preponderance of the evidence standard is used in investigations.

Both the complainant and the respondent have the right to:

- Opt to not participate, or discontinue participation, in the process. However, the University may still investigate, reach a conclusion as to whether there

has been a violation of policy and/or take other action(s) to maintain a safe community.

- Be accompanied by an advisor of their choice, including an attorney, at any stage of the process.
- Have an opportunity to present information, respond to information submitted by the other party, and identify witnesses who may have relevant information.
- Be informed in writing of the outcome of the investigation, the outcome of any disciplinary proceeding, including the sanction or discipline imposed.
- Be informed of available appeal rights and procedures.
- Be informed of any change to the results that occurs prior to the time they become final.
- To be informed of when such results become final.

When the reported conduct might be criminal conduct as well, whether you are the complainant or a respondent, you may wish to seek legal counsel before making any written or oral statements, and seek advice about how your participation in UCOP's administrative process could affect any criminal case in which you might become involved.

KEY CONTACTS

for Office of the President

For questions or to report a policy violation, please contact:

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RESPONSIBLE EMPLOYEES (RE's)

Involving students:

University policy designates **all UC employees (except those who qualify as confidential resources as defined in the Policy)** as “Responsible Employees” required to report sexual violence or sexual harassment involving students when they become aware of an incident within the scope of their work. Upon receipt of a report RE’s must:

A. Immediately contact the Title IX officer and provide all of the information that was shared with you.

B. Inform the student of:

- their obligation to report all facts shared regarding the incident to the Title IX Officer,
- the option to request that the University maintain his or her confidentiality, which the University (e.g., Title IX Officer) will consider, and;
- the availability of confidential support services on each campus.

Involving staff:

When “Responsible Employees” become aware of an incident of sexual harassment or sexual violence involving other employees, third-party contractors, and vendors working on site within the scope of their work, they must immediately report all the information they receive to the Title IX Officer. For incidents involving staff “Responsible Employees” are:

- **all managers and supervisors** (except those who qualify as confidential resources as defined in the Policy),
- HR administrators (Business Partners),
- UCPD
- academic personnel and faculty

PROCEDURES AND DISCIPLINE

UC Office of the President strictly prohibits all acts of sexual assault, dating violence, domestic violence, and stalking.

When a complaint is made, the University will respond promptly and equitably to such reports, and will take appropriate action to stop, prevent, and remedy the sexual violence and sexual harassment, which may include disciplinary action against the respondent.

Upon receipt of a report and prior to its resolution, the UCOP Title IX Officer may put in place interim measures to ensure the safety and well-being of its employees. Specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case.

The University has formal procedures that provide for investigation of reports of sexual violence and sexual harassment by the Title IX Officer, review of the investigative findings and imposition of discipline by the UCOP official with the authority to carry out the discipline, generally the Human Resources Executive Director. Links to these policies and procedures are provided below.

University Policy: <http://policy.ucop.edu/doc/4000385/SVSH>

Local Implementing Procedures: <http://www.ucop.edu/local-human-resources/files/policies/ppsm/ppsmsuph.pdf>



For more information on UCOP’s response to reports of sexual misconduct, please visit
<http://ucop.edu/local-human-resources/op-life/sexual-harassment-violence-support.html>

REPORTING OPTIONS FOR PERSONS WHO HAVE EXPERIENCED SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING



Individuals who experience sexual violence have several reporting options, and they may pursue one or all of the options at any time.

At UCOP, employees have a right to be accompanied by an advisor of their choice, including a community advocate, a friend, family member, an attorney, or other representative present with them when filing an administrative report.

The UCOP Title IX Officer can assist with notifying law enforcement, if a person chooses to report the incident.

For more information contact Katya Nottie at Katya.Nottie@ucop.edu or at (510) 987-0104

Reporting to UCOP Administration: A person may report sexual assault, dating violence, domestic violence, or stalking to a UCOP administrator under University policy (this process is separate from legal proceedings). UCOP encourages reporting of the offense as soon as possible so that appropriate and timely action can be taken. When an administrative complaint is made, the Title IX Office conducts an investigation as to whether a violation of University policy took place. This process is separate from legal proceedings. The investigative report will be shared with only those members of the University community with a need to know, and the survivor will be apprised of all actions taken.

Reporting to Police/Law Enforcement: A person may report an incident to the police department located within the jurisdiction where the incident occurred. If a person chooses not to report a crime immediately, a report can still be made at a later time. Law enforcement can initiate a criminal investigation and, depending on the circumstances, provide assistance in obtaining emergency protective orders, which will be honored both in and outside the workplace.

Civil Reporting/Civil Lawsuit/Civil Restraining Orders: Whether or not criminal charges are filed, a person may choose to file a civil suit against the attacker. A civil suit presents an opportunity for a survivor to recover actual damages, such as com-

pensation for medical expenses, lost wages, or property damage. They may also choose to request a civil restraining order. This is an order that protects persons who have experienced or are reasonably in fear of violence, sexual assault, stalking or threats of violence.

Non-Reporting: UCOP strongly encourages reporting sexual assault, dating violence, domestic violence, and stalking so that the University and/or the police may protect the individual and the campus community, in general. However, non-reporting is also an option.

Confidential Counseling (Non-Reporting Option): The Faculty and Staff Assistance Program (FSAP) is a UCOP sponsored program that offers free and confidential counseling to UCOP employees. What you share is held in strict confidence. No personal information is placed in personnel or departmental files or discussed with anyone without your specific consent. For more information visit:

<http://www.ucop.edu/local-human-resources/op-life/worklife-programs/faculty-staff-assistance-program.html>



An employee who experiences domestic violence, sexual assault, or stalking may take leave from work to :

- *Obtain, or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other court assistance.*
- *Seek medical attention for injuries caused by sexual violence.*
- *Obtain services from a domestic violence shelter, program, or rape crisis center .*
- *Obtain psychological counseling related to an experience of sexual violence.*

For more information, contact UCOP's Title IX Officer, Katya Nottie at Katya.Nottie@ucop.edu

OTHER OPTIONS FOR PERSONS WHO HAVE EXPERIENCED SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING

MEDICAL ASSISTANCE

Survivors of sexual violence may seek medical care to test for sexually transmitted infections, pregnancy or physical injury. DNA evidence from a crime like sexual assault can be collected from the body, clothes, and other personal belongings. A survivor may choose to have a sexual assault forensic exam, sometimes known as a "rape kit," to preserve possible DNA evidence and receive important medical care. Medical staff must report sexual and domestic violence to law enforcement but that does not mean a survivor has to file a report. The forensic exam allows for the collection and safe storage of evidence should a survivor decide to report at a later time.

ACCOMMODATIONS TO ENSURE SAFETY AT WORK

As required under California law (SB 400) when UCOP becomes aware of an employee's status as a victim of domestic violence, sexual assault, or stalking, and the employee requests a reasonable accommodation to ensure his/her safety while at work, UCOP will engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations. When determining whether the accommodation is reasonable,

UCOP must consider exigent circumstances or danger facing the employee. Possible reasonable accommodations include, but are not limited to:

- Transfer, reassignment, or modification of the employee's schedule
- Changing the employee's work telephone number and/or work location
- Assisting the employee with documenting the domestic violence, sexual assault, or stalking that occurs at the workplace
- Implementing new safety procedures
- Making adjustments to the job structure, workplace facility or work requirements
- Referring the employee to a victim assistance organization.

SUMMARY OF OTHER KEY RESOURCES



Counseling and Advocacy

Bay Area Resources

Faculty & Staff Assistance Program (FSAP) provides confidential counseling (415) 476-8279

Bay Area Women Against Rape (BAWAR) 24-Hour Hotline English & Spanish (510) 845-7273
[Website](#)

Family Violence Law Center
(510) 208-0255
<http://fvlc.org/>

Riverside Area Resources

The Faculty & Staff Assistance Program (FSAP) (951) 781-0510 or (800) 266-0510

DC Area Resources

DC Rape Crisis Center
(202) 232-0789
<http://drcrc.org>

National Resources

National Sexual Violence Resource Center (717) 909-0710
[Website](#)

RAINN
Reach a counselor anywhere in the country (800) 656-HOPE (4673)



Law Enforcement

To report a crime in progress call 911

To report sexual assaults:

Bay Area Resources

In the workplace: call UC Berkeley Police Dept. (510) 642-3333

In the city of Oakland: Sexual Assault Hotline at the Oakland Police Dept. (510) 637-0298

Riverside Area Resources

Riverside Police Dept. Domestic Violence Hotline 24 Hour Crisis Line (951) 683-0829 or (800) 799-SAFE (7233)
Confidential 24 hours a day/7 days a week

DC Area Resources

DC Metro PD- Sexual Assault Unit (202) 727-3700

National Resources

National Law Enforcement Directory
<http://www.policeone.com/law-enforcement-directory/>



Medical Support

Bay Area Resources

Highland Hospital Sexual Assault Response Team—provides priority care 24 hours/day
(510) 437-4688

Koret Critical Care and Clinical Center Emergency
(510) 437-4865

Riverside Area Resources

Riverside County Regional Medical Center
(951) 486-5650—Emergency Room
(951) 486-5670—Fast Trac

DC Area Resources

Medstar Washington Hospital Center
Call 24/7 to get a free Uber cab to Medstar Washington Hospital Center
(800) 641-4028

National Directory of medical facilities that can perform forensic exams

National Sexual Assault Hotline
800.656.HOPE (4673)

<https://rainn.org/get-information/sexual-assault-recovery/rape-kit>



Free & Low-Cost Legal Support

Bay Area Resources

The Cooperative Restraining Order Clinic
(415) 255-0165 - [Website](#)

Alameda County Superior Court
(510) 263-4305 - [Website](#)

Family Violence Law Center
(510) 208-0255 - <http://fvlc.org/>

Riverside Area Resources

Riverside Family Justice Center
(951) 955-6100
<http://www.rivcofjc.org/>

DC Area Resources

District of Columbia Courts-DVU Intake Center
(202) 879-1010 [Website](#)

National Directory of free/low cost legal resources

Lawhelp.org
<http://www.lawhelp.org/>