



# UC-Hosted Policy Training

September 2019

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OF  
CALIFORNIA

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# Agenda

- 10:00 – 10:45 AM State of Title IX  
SVSH Policy
- 10:45 – 11:30 AM Alternative Resolution
- 11:30 – 12:30 PM Lunch (on your own)
- 12:30 – 2:45 PM PACAOS Appendix E
- 2:45 – 3:00 PM Break
- 3:00 – 4:00 PM LGBTQIA+ SVSH Training

# State of Title IX

- Revised SVSH Policy (July 31, 2019)
- Revised SVSH Student Framework (July 31, 2019)
- California State Audit
- Proposed Title IX Rules
- Case law developments
- State law

# Sexual Violence and Sexual Harassment Policy

# SVSH Policy -- Key Revisions

- Fuller explanation of what policy covers
- Prohibited Conduct definitions
- Alternative Resolution – formality/structure
- Timeline for investigations extended (60-90 days)
- Timeline for Alternative Resolution added (30-60 days)
- University-initiated investigations allowed
- Administrative Closure
- Improved clarity and readability

# Sexual Assault - Penetration

## Previous Definition

Without the consent of the Complainant, penetration, no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.

## Current Definition

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.

# Sexual Assault - Contact

## Previous Definition

Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed.

## Current Definition

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.

# Relationship Violence – Previous Definition

*Dating Violence:* Conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the Complainant in reasonable fear of serious bodily injury. The nature of the relationship between the Complainant and Respondent is determined by the length, type, and frequency of interaction between them.

Domestic Violence was defined similarly.

# Relationship Violence – Current Definition

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...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.**

# Relationship Violence – Current (con't)

- Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.
- Patterns of abusive behavior may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).
- The nature of the relationship between the Complainant and Respondent is determined by the length and type of relationship, and the frequency of interaction between them. Relationship violence includes both “dating violence” and “domestic violence.”

# Relationship Violence – Current (con't)

Conduct by a party in defense of self or another is not Relationship Violence under this Policy. If either party asserts that they acted in defense of self or another, the Title IX Officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.

# Retaliation – Previous Definition

Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of Prohibited Conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in this Policy.

# Retaliation – Current Definition

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 this Policy.

**An adverse action is** conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for in this 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.

# Alternative Resolution -- Structure

- must be voluntary for both parties
- either party can terminate at any time
- complainant right to formal investigation upon termination
- parties must be informed of rights in writing
- Title IX officer has discretion to determine whether to initiate or terminate, and form of AR
- once parties agree on terms, no Formal Investigation, *unless* --
  - Respondent fails to comply, or
  - terms ineffective in stopping or preventing conduct

# University-Initiated Investigation

Title IX Officer may conduct a Formal Investigation without a Complainant if, for example:

- pattern of conduct toward multiple people by same R that would constitute sexual harassment when considered in the aggregate
- allegations are in the public realm (news or social media)
- information indicates an ongoing threat to campus community

# Administrative Closure

Title IX may close a Formal Investigation before completing it if:

- a *significant change in circumstances*
- has so *substantially impaired* the investigation
- that they cannot reach reasonably *reliable conclusions*

The Title IX Officer 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.

# Other Inquiry

When a report is

- not closed after initial assessment
- and not appropriate for a Formal Investigation because there is no individual identifiable Respondent over whom Title IX has jurisdiction,

Then, the Title IX Officer will:

- conduct an inquiry to try to determine what occurred, and
- take prompt steps reasonably calculated to stop any substantiated conduct, prevent its recurrence, and, as appropriate, remedy its effects.

\* \* \*

The extent of inquiry and responsive steps depend on the specific circumstances.

# Alternative Resolution

# What is Alternative Resolution?

- ▶ Alternative Resolution is a structured yet flexible, **voluntary, binding**, remedies-focused process for resolving complaints of Prohibited Conduct as an **alternative to a Formal Investigation**. Alternative Resolution seeks to stop potential Prohibited Conduct and prevent its recurrence, and meet the needs of the Complainant, **without** a determination of whether the Respondent violated the SVSH Policy.
- ▶ The Title IX Officer is responsible for overseeing the process, including determining whether it is appropriate in individual cases; determining the form it will take, in consultation with the parties; and coordinating a response, when appropriate, with other University offices.

# Most Common Alternative Resolution Requests

- ▶ While the process is still relatively new, the most common requests have been:
  - ▶ No contact directives
  - ▶ Educational Discussions with Respondents
- ▶ Other requests:
  - ▶ Respondent on campus housing changes
  - ▶ Class planning/scheduling
  - ▶ Student organization planning

# Other options?

- ▶ Mediation
  - ▶ Ombuds Offices still considering whether they can conduct mediations under the SVSH Alternative Resolution Process
    - ▶ Main concerns are the formality of the process and confidentiality
- ▶ Restorative Justice
  - ▶ Not every campus has the resources to facilitate a restorative justice option
  - ▶ Restorative Justice requires Respondent to accept responsibility (possibly at odds with the Alternative Resolution definition)
- ▶ Other ideas? Are there options that we have not considered or that people are requesting?
- ▶ Barriers or challenges that people have brought forward regarding alternative resolution?

# Questions?

- ▶ Pre-survey?
  - ▶ What happens if alternative resolution is agreed upon and fails? What is the process for re-instituting the formal investigation process?
  - ▶ How are decisions made on what constitutes an acceptable resolution? What trainings will support the decision maker in this regard?
  - ▶ How much weight will the opinions of the complainant and respondent be given in determining what constitutes an acceptable resolution?
  - ▶ Will there be any types of cases that are deemed inappropriate for Alternative Resolution?
  - ▶ If the Complainant is a patient, what does Alternative Resolution look like?

# Questions?

- ▶ Pre-survey?
  - ▶ Can you engage the Alternative Resolution process even if the underlying allegations do not rise to a level requiring formal investigation?
  - ▶ Can we offer Alternative Resolution in the employment context? Can we explicitly state that this is not an option in the employment context?
- ▶ Other questions?

# PACAOS Appendix E

# Appendix E – July 31, 2019

- January 2019 California Appellate Court decision
- Interim Appendix E issued March 1, 2019
- Workgroup to develop longer-term model
- Revised version issued on July 31, 2019

# Appendix E – Key Workgroup Issues

Should parties have the right to a hearing in all SVSH cases?

What is the investigator's role in the process?

What due process should be built into the investigation?

What is the University's role in the hearing?

Should parties have the ability to decline a hearing after the investigation?

What right should parties have to appeal?

# Appendix E – July 31, 2019

The process in Appendix E issued July 31, 2019 includes five stages:

Stage 1 – Resources and Reporting

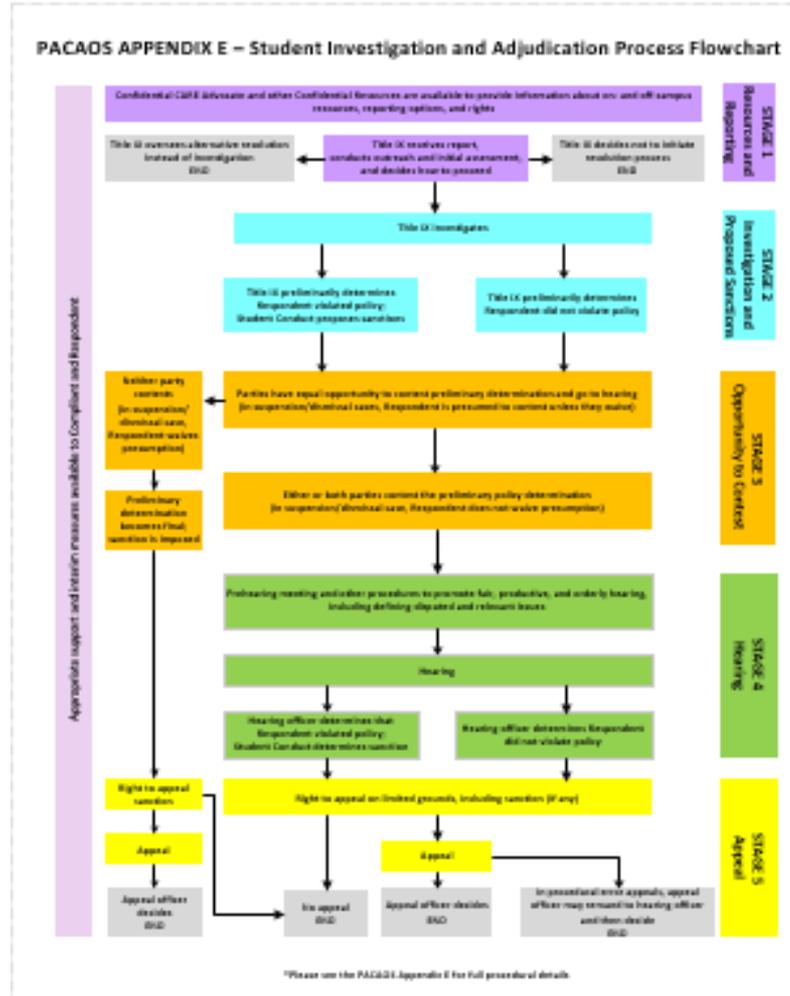
Stage 2 – Investigation and Proposed Sanction

Stage 3 – Opportunity to Contest

Stage 4 – Hearing

Stage 5 – Appeal

# Appendix E Flowchart



# Appendix E Flowchart: Stage 1 & 2

Confidential CARE Advocate and other Confidential Resources are available to provide information about on- and off-campus resources, reporting options, and rights

Title IX oversees alternative resolution instead of investigation  
END

Title IX receives report, conducts outreach and initial assessment, and decides how to proceed

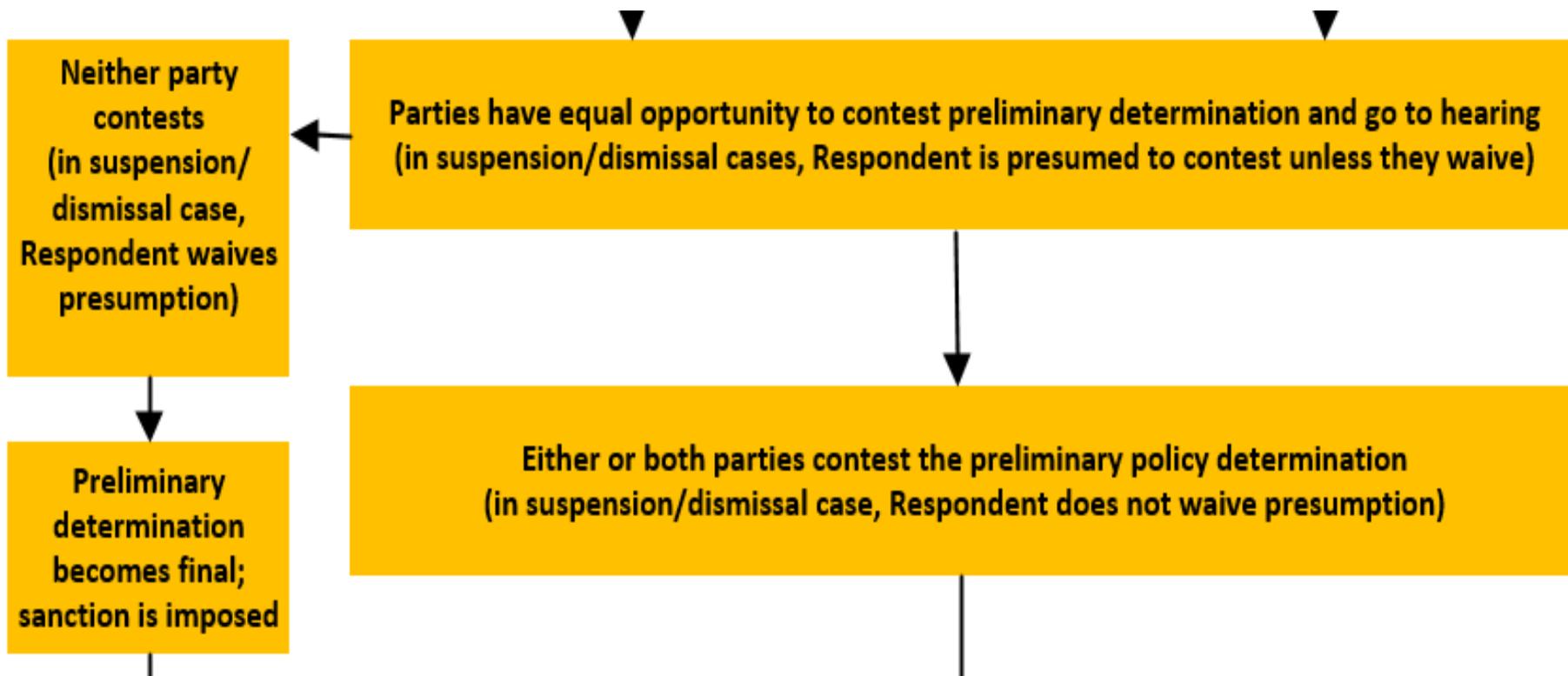
Title IX decides not to initiate resolution process  
END

Title IX investigates

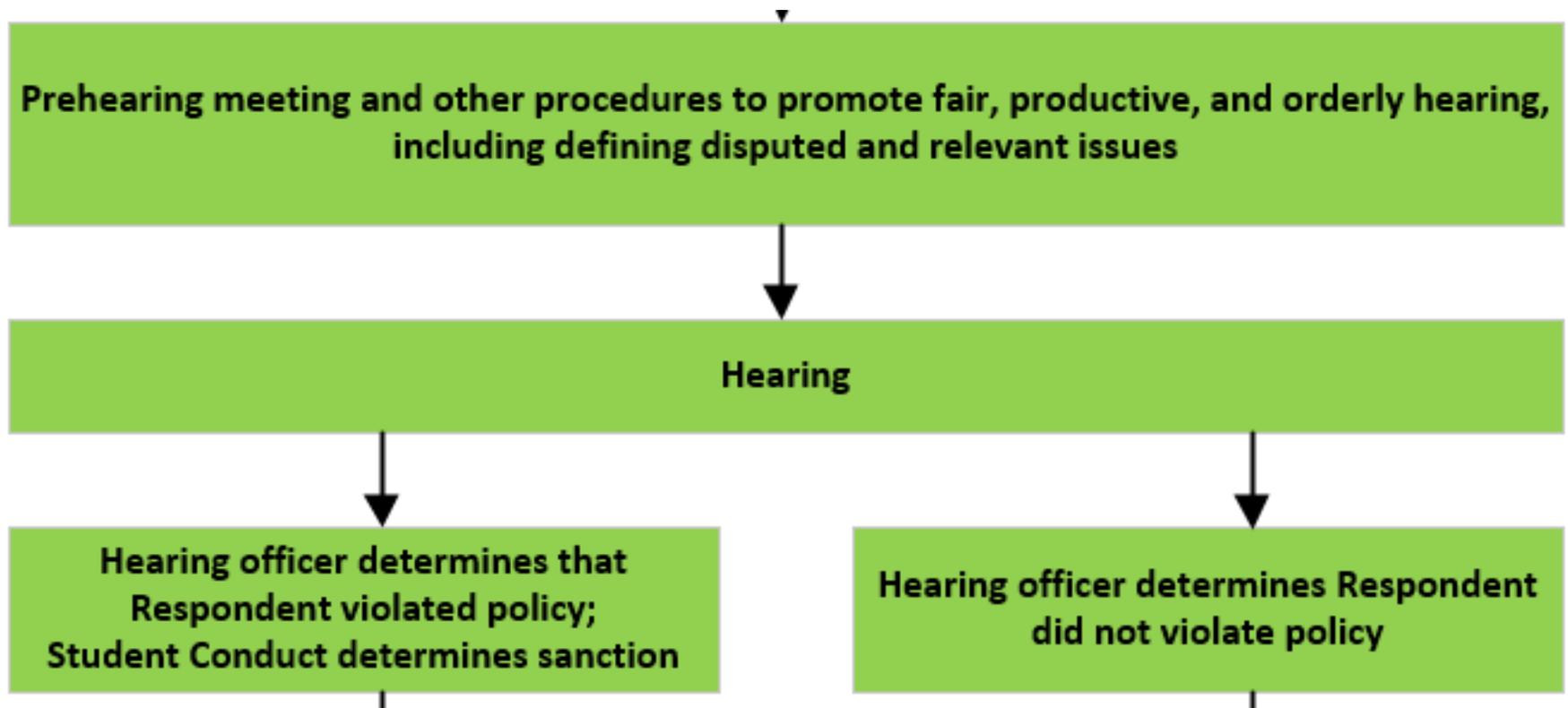
Title IX preliminarily determines Respondent violated policy;  
Student Conduct proposes sanctions

Title IX preliminarily determines Respondent did not violate policy

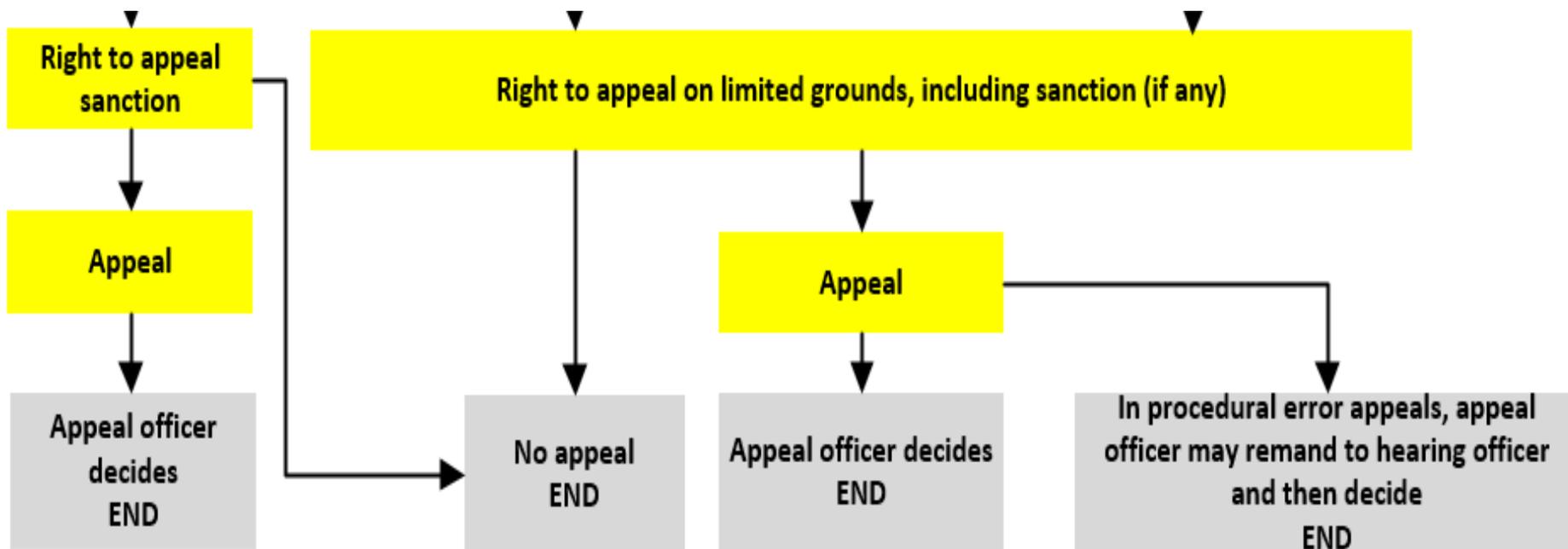
# Appendix E Flowchart: Stage 3



# Appendix E Flowchart: Stage 4



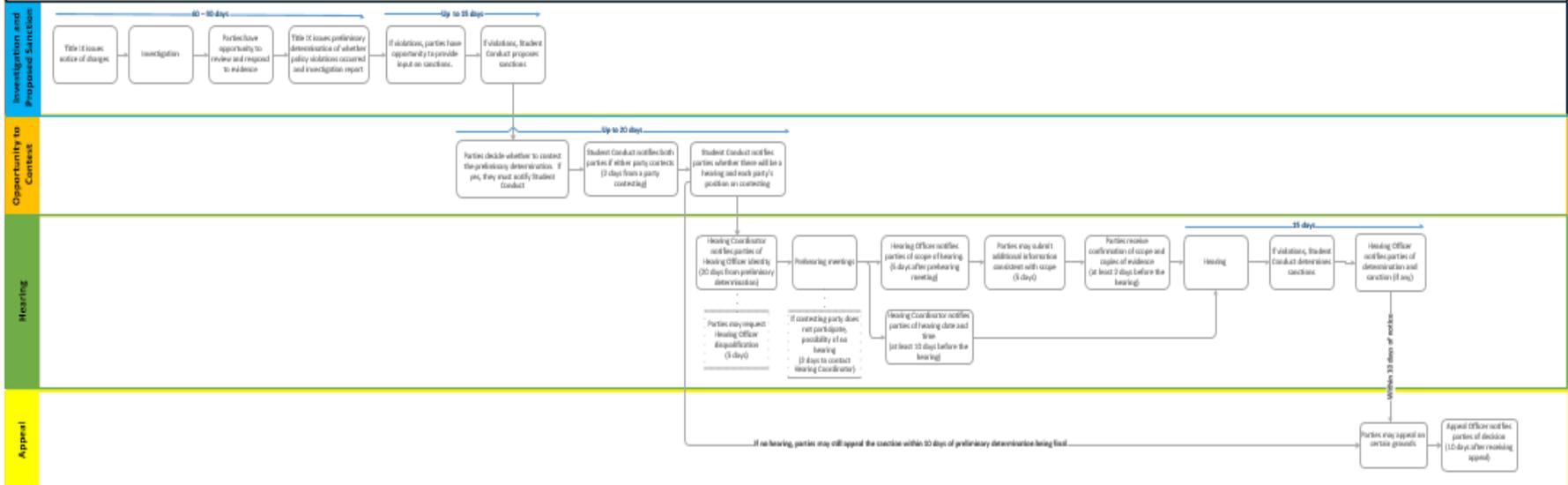
# Appendix E Flowchart: Stage 5



# Appendix E Timeline

## PACAOs Appendix E Student Investigation and Adjudication Process

\*Please see the PACAOs Appendix E for full procedural details



# Appendix E Timeline

## Stage 2 - Investigation and Proposed Sanction

### **Investigation (60 to 90 days)**

- Title IX issues notice of charges
- Investigation
- Parties have opportunity to review and respond to evidence
- Title IX issues notice of investigative findings (the factual findings, preliminary determinations, and the investigation report)

### **Proposed Sanction: (Up to 15 days)**

- If violations, parties have opportunity to provide input on sanctions (parties to request within 3 days of receiving notice of investigative findings)
- If violations, Student Conduct proposes sanctions within 15 days of notice of investigative findings.

# Appendix E Timeline

## Stage 3 - Opportunity to Contest

### Contesting (Up to 20 days)

- Either party may contest the preliminary determination within 20 days of the notice of investigative findings.
- In cases where Student Conduct proposes a suspension or dismissal, a Respondent may submit within 20 days a written acknowledgement that they do not contest, and that they accept the preliminary determination.
- Student Conduct notifies both parties if either party contests (2 days)

Note: The timeline for the proposed sanction (15) and for contesting (20) overlap--both beginning with the notice of investigative findings.

# Appendix E Timeline

## Stage 4 - Hearing

### Pre-Hearing

- Parties may request Hearing Officer disqualification within 5 days of the notification of the Hearing Officer's identity.
- No later than 5 days before the pre-hearing meeting, each party will submit a preliminary statement of disputed issues.
- If contesting party does not participate in the pre-hearing meeting, they have 2 days to contact the Hearing Coordinator.
- Hearing Officer notifies parties of scope of hearing 5 days after pre-hearing meeting. Parties may submit additional information within 5 days.
- Not less than 10 days before the hearing, the Hearing Coordinator will notify the parties of the hearing date.
- Hearing Officer's confirmation of scope and evidence sent to parties at least 2 days before hearing.

# Appendix E Timeline

## Stage 4 - Pre-Hearing and Hearing

### Post - Hearing

- Hearing Officer determination to Student Conduct for sanctions within 10 days of hearing.
- Notice of determination and sanction sent to parties within 15 days of hearing.

# Appendix E Timeline

## Stage 5 - Appeal

### Appeal

- Appeals must be submitted within 10 days (from hearing or following Student Conduct notice of preliminary determination as final and sanction)
- Appeal Officer's decision sent to parties within 10 days of receiving the appeal.

# Appendix E – Stage 3

## Opportunity to Contest

At Stage 3, the parties can choose to contest the investigator's preliminary determination. If they do, the University will hold a hearing (Stage 4) to decide whether the respondent violated University policy. Both the complainant and the respondent have this right, and they have it whether the investigator preliminarily determines the respondent violated policy, or preliminarily determines the respondent did not violate policy.

When Student Conduct proposes a sanction of suspension or dismissal, the respondent is *presumed* to contest the preliminary determination, unless the respondent informs the University that they do not contest.

If neither party contests (or is presumed to contest), then the investigator's preliminary determination becomes final, and Student Conduct imposes the proposed sanction. The University does not have a hearing (Stage 4). Either or both parties can appeal the sanction (Stage 5) as disproportionate to the finding.

# Appendix E – Stage 3

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# Appendix E – Stage 3

	<b>Preliminary Determination/ Proposed Sanction</b>	<b>Complainant Response</b>	<b>Respondent Response</b>	<b>Next Steps</b>
<b>Case 1</b>	Respondent violated policy/Suspension	No response/ No contest	No response/ No contest	R presumed to contest; hearing
<b>Case 2</b>	Respondent did not violate policy/No sanction	No response/ No contest	No response/ No contest	PD Final; no appeal available
<b>Case 3</b>	Respondent violated policy/Suspension	Contest; believes R should be dismissed	Contest	R presumed to contest; hearing; sanction addressed in appeal (if any)
<b>Case 4</b>	Respondent violated policy/probation	No response/ No contest	No response/ No contest	PD Final; parties may appeal sanction only

# Appendix E – Stage 3

	<b>Preliminary Determination/ Proposed Sanction</b>	<b>Complainant Response</b>	<b>Respondent Response</b>	<b>Next Steps</b>
<b>Case 5</b>	Respondent violated policy/Suspension	No response/ No contest	No response/ No contest; does not participate in pre-hearing mtg.	R presumed to contest; no hearing if R does not participate in pre- mtg.
<b>Case 6</b>	Respondent did not violate policy/No sanction	Contest; does not participate in pre- hearing mtg.	No response/ No contest	No hearing if C does not participate in pre-mtg.
<b>Case 7</b>	Respondent violated policy/Suspension	No response/ No contest	No contest/ Waives hearing	No hearing; parties may appeal sanction only
<b>Case 8</b>	Respondent violated policy/dismissal	No response/ No contest; does not participate in pre-hearing mtg.	No response/ No contest	R presumed to contest; hearing

# Appendix E – Stage 4

## Pre-Hearing and Hearing Overview

If either party contests (or is presumed to contest) the University will hold a hearing (Stage 4). Before the hearing, the hearing officer will hold pre-hearing meetings and takes other steps to educate the parties about the process; define the hearing's scope; and promote an orderly, productive, and respectful hearing.

The hearing will cover issues that are disputed and relevant to whether a policy violation occurred. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

# Appendix E – Stage 4

## Pre- Hearing

- Goal is productive, fair, and orderly hearing
- Parties submit preliminary statements of proposed scope and evidence
- Prehearing meeting with each party
- Requirement for contesting (or presumed to contest) party to participate in pre-hearing meeting
- Hearing officer determines scope and evidence
- Parties get second chance to propose evidence
- Hearing officer informs parties of evidence allowed at hearing and provides copies of available evidence

# Appendix E

# Pre-Hearing Scenario Exercise

See Handout

# Appendix E – Stage 4

## Hearing

- Should be respectful and promote fairness
- All relevant and reliable evidence considered
- Witnesses attend only for their own testimony
- Hearing officer determines weight of statements by absent witnesses – assuming credibility not at issue
- No adverse inference from party's silence or nonparticipation – but selective participation may be relevant
- Measures available to protect parties' well-being
- Parties should identify witnesses/evidence in advance, but hearing officer has discretion to allow
- Parties have right to hear testimony and pose questions
- Only hearing officer asks questions; can exclude or rephrase questions if necessary

# Appendix E

## Hearing Scenario Exercise

# Appendix E – Stage 5

## Appeal

- Equal right to appeal the determination or sanction.
- In cases decided at a hearing, parties may appeal on any of three grounds:
  - procedural error during the hearing that materially affected outcome;
  - decision was unreasonable based on evidence; and/or
  - sanctions were disproportionate to the findings.
- In cases that did not have a hearing, parties may appeal only the ground that the sanctions were disproportionate to the findings.
- Disproportionate sanction appeals have opportunity of meeting.
- Appeal officer may uphold, overturn, modify, or remand.
- Appeal officer's decision is final. There is no hearing at this stage.

# LGBTQIA+ communities and sexual violence / harassment at the UC

# Overview

Concepts and definitions

Terms and pride banners

The law and nonbinary people

Lived names and pronouns

Sex education, the power of words

Power and control

Barriers to Access/Breaking Barriers

Implications for your work and area

Resources

Discussion

# Gender and Sexuality

## Sexual Orientation

Who are you physically and emotionally attracted to? Who have you had intimate relationships with? How do you identify your sexuality?



## Gender Identity

What your internal sense tells you that your gender is? How would you tell someone what your gender is?

## Gender Expression

How do you present yourself to society in clothing and mannerisms?



## Gender

**LEGAL GENDER:** What is the legal gender on your documents, like drivers license/birth certificate?

**ASSIGNED AT BIRTH:** What is the gender you were assigned at birth?

Adapted from the National LGBT Health Education Center:  
A Program of the Fenway Institute  
[www.lgbthealtheducation.org](http://www.lgbthealtheducation.org)

# Rainbow Banner



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# Rainbow Banner



Lesbian  
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# Rainbow Banner



Lesbian  
Gay  
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# Rainbow Banner



Lesbian

Gay

Bisexual, Pan, Fluid, Omni

T

Q

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A

+

# Rainbow Banner



Lesbian

Gay

Bisexual, Pan, Fluid, Omni

Trans, Nonbinary, Genderqueer, Gender non  
conforming, Trans women, Trans men,  
Q Bigender, Two spirit

Q

I

A

+

# Rainbow Banner



Lesbian

Gay

Bisexual, Pan, Fluid, Omni

Trans, Nonbinary, Genderqueer, etc.

Queer, questioning

I

A

+

# Rainbow Banner



Lesbian

Gay

Bisexual, Pan, Fluid, Omni

Trans, Nonbinary, Genderqueer, etc.

Queer, questioning

Intersex

A

+

# Rainbow Banner



Lesbian

Gay

Bisexual, Pan, Fluid, Omni

Trans, Nonbinary, Genderqueer, etc.

Queer, questioning

Intersex

Asexual, agender, aromantic

+

# Rainbow Banner



Lesbian

Gay

Bisexual, Pan, Fluid, Omni

Trans, Nonbinary, Genderqueer, etc.

Queer, questioning

Intersex

Asexual, agender, aromantic

+HIV+ and Other identities

# Lesbian Banner



Lesbian

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# Bisexual Banner



L

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# Pansexual Banner



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Bisexual, Pansexual

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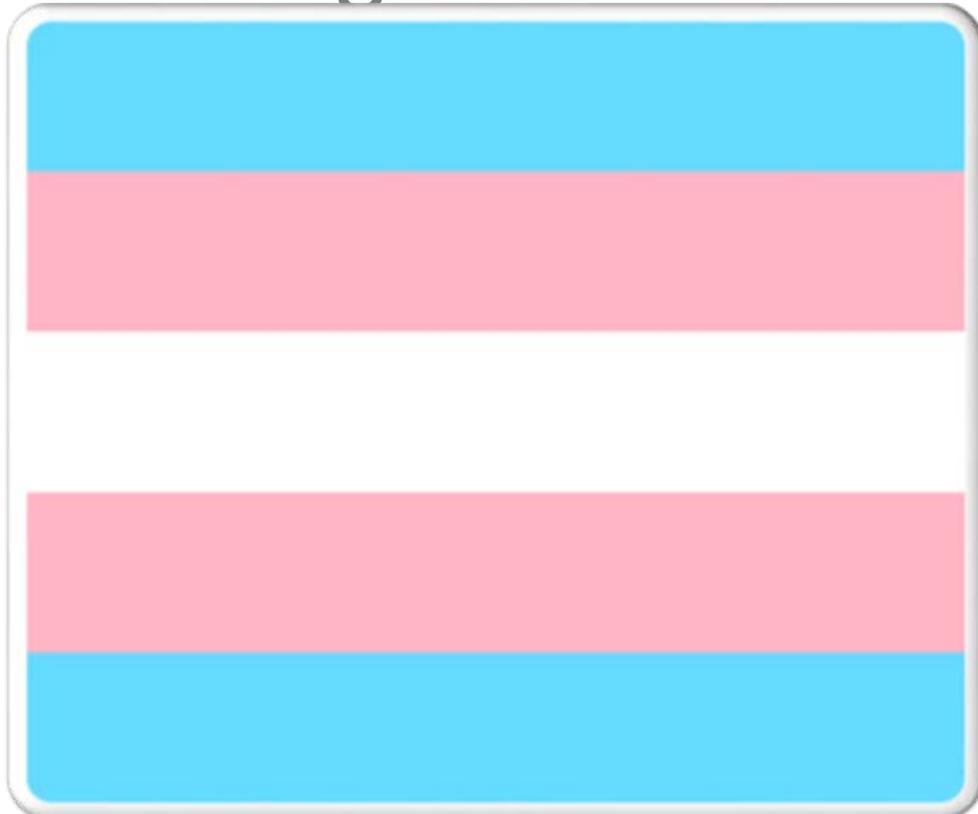
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# Transgender Banner



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Transgender, Trans Women, Trans Men

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# Gender Queer Banner



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Trans, Gender Queer

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# Nonbinary Banner



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Trans, Nonbinary

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# Intersex Banner

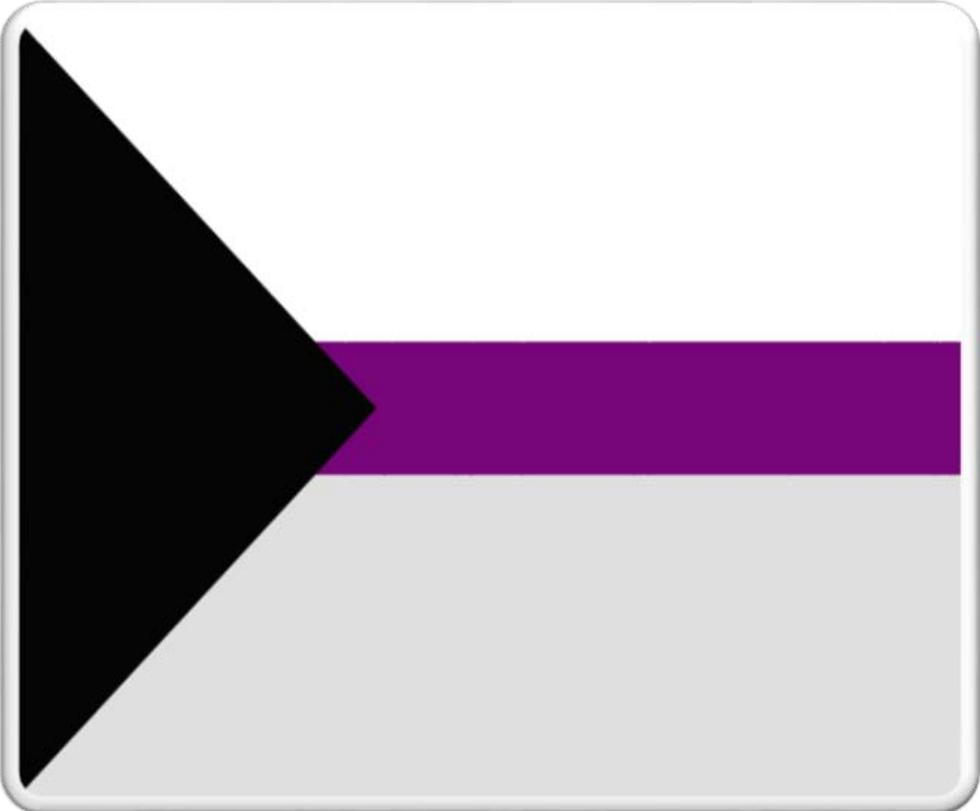


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# Asexual Banner



# Demisexual Banner



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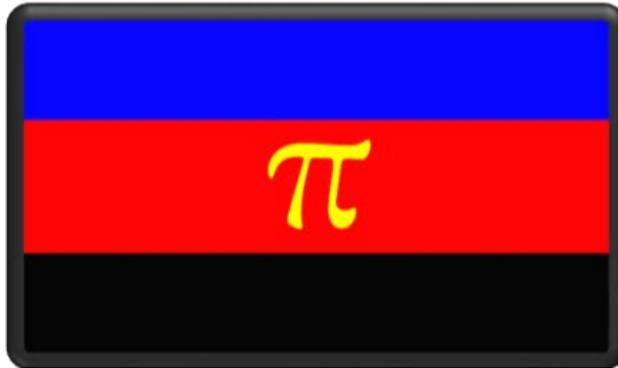
Q

I

Asexual, Demisexual

+

# Other Pride Banners



Open relationships, Queer relationships, non-monogamous relationships, triads, quads, thruples



Subculture of gay, bi and trans men, often perceived as bigger, hairy. Subcultures within include cubs, pandas, wolves etc.



Leather subculture denotes practices and styles of dress organized around activities that involve leather garments, such as leather jackets, vests, boots, etc. Often connected to BDSM

# State laws and intersections with

## SB 179 LGBTQIA+ people

This law provides a third gender option that intersex people, and other nonbinary persons, can select on official documents. It also streamlines the process for Californians to apply to change their gender markers, and creates a nonbinary gender category on California birth certificates, driver licenses and identity cards (the letter “x”), and gender-change court orders.

## SB 396

This law requires employers to train supervisors on how to identify and prevent harassment based on gender identity, gender expression and sexual orientation. It also requires that employers post information about the rights of transgender employees in the workplace, including use of restrooms, preferred names and pronouns, documentation, dress codes and interview questions.

# Deeper Dive into Nonbinary Identity

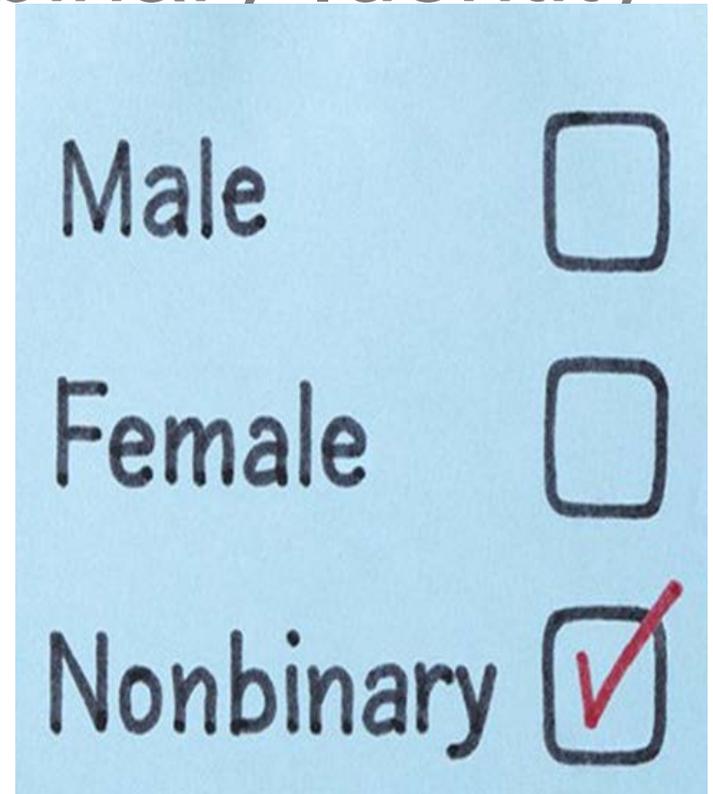
Gender identity and expression may be thought of in binary terms: Male and female, men and women, masculine and feminine. Concept: cisgender

Some transgender people fall on this binary. Trans women are women, trans men are men

Some transgender people do not fall on this binary. They identify as nonbinary, agender, gender fluid, gender queer, gender non conforming, Two Spirit, etc.

Nonbinary people's gender identity and expression may not conform to societal norms of masculinity or femininity

Nonbinary people may prefer the pronouns "they/them" in the singular, or their name



# Lived Names

## Lived Names

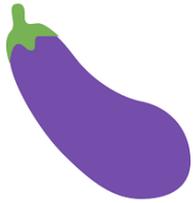
- May previously been referred to as “Name in Use”; “True name”; “Chosen Name” or “Preferred Name”
  - A person who selects another name for use because people mispronounce their given / birth names may use “preferred name”
- Importance of using lived name in interactions with students, particularly survivors and alleged perpetrators, even if this is different than what is on legal documents with the university.
- Consider having a space for “Lived name” on all intake forms and processes



# Pronouns

- May have previously been referred to as “preferred pronoun” or “preferred gender pronouns” or “PGP’s”
  - Note the colloquial change from “preferred” to just “pronoun”- these are not preferences, these are just people’s pronouns
- An opportunity to practice consent in everyday life is inviting campus community members to share pronouns, and also honoring the pronouns that others share with us
- Creating a culture of pronoun sharing on our campuses can relieve trans and nonbinary community members of having to “out” themselves or share pronouns out of necessity





# Sex Education



Heteronormative, cisnormative: taught through families, schools, religious organizations, media (internet porn), etc.

People (often young) exploring what sex means given their gender identities and their sexual partner's gender identity(ies)

Practices of

- Trans and nonbinary people and their sex lives with other men, women and nonbinary people
- Women who have sex with women (and men and trans and nonbinary people)
- Men who have sex with men (and women and trans and nonbinary people)

# Words matter

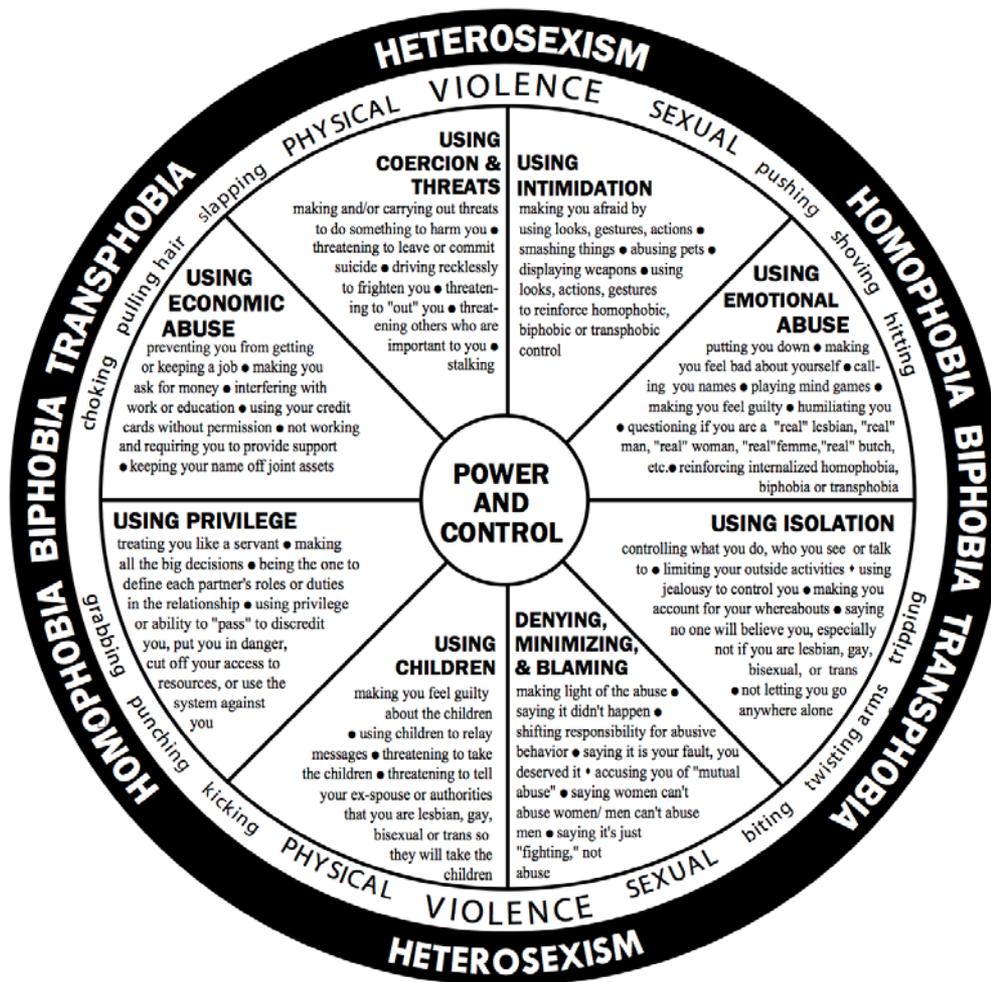


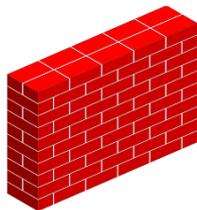
Language matters for intimate or sexual activity for trans and nonbinary people (and women and men)

Inquiring with a sexual partner how they wish for parts of their body to be referenced and sharing your preferences is both respectful and can help form a stronger emotional or erotic connection

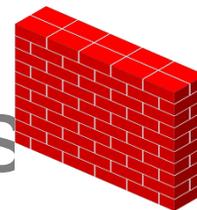
Because most people's sexual or intimate desires, feelings about, or experiences in their bodies can change over time, this and other conversations about sex are important to have with new partners and to revisit with long-term sexual partners

Violations of the above practices may be a precursor to your interactions with our LGBTQIA+ community given your roles on campus





# Barriers to Access



Assuming they will have to name, explain and inform people about the LGBTQIA+ community

Having to assume that a person will not understand how “we have sex”

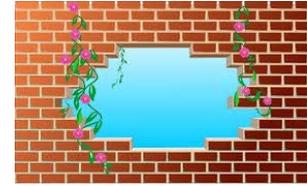
Fear of making a community that is already marginalized and stigmatized for how and with whom we have sex “look bad”

Assuming that they will be thought of as the perpetrator if they are the “masculine” or “masculine presenting” person

Not seeing anything on a website, brochure or training material that is inclusive (words, symbols, etc.)



# Breaking Barriers to Access

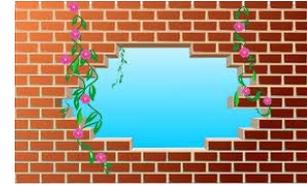


Assuming they will have to name, explain and inform people about the LGBTQIA+ community

Name, explain and inform people about the LGBTQIA+ community in clear, direct ways on websites, intake forms, visible materials and intake processes - do not assume heterosexuality, heteronormative behavior, and provide verbal and written examples every time that communicate inclusiveness. Do not assume all people are cisgender, and verbally include nonbinary and trans people in examples



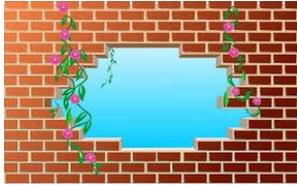
# Breaking Barriers to Access



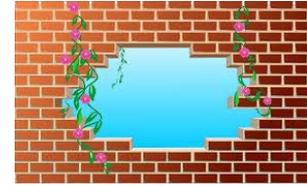
Having to assume that a person will not understand how “we have sex”

Dive deep into the sexual behaviors and practices of diverse people (trans women and their bodies and how they experience sex and pleasure, trans men and their bodies and how they experience sex and pleasure, intersex people and their bodies and how they experience sex and pleasure; women who have sex with women, men who have sex with men;) and be conversant in these behaviors and practices (i.e. be able to ask the right questions/follow up with typical scenarios)

Understand the physical processes, the tools, the toys and the products people often use or access across many diverse bodies and sexualities



# Breaking Barriers to Access

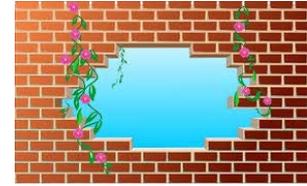


Fear of making a community that is already marginalized and stigmatized for how and with whom we have sex “look bad”

Ensuring those from marginalized LGBTQIA+ communities who experience sexual violence/sexual harassment that the experiences of those who perpetrate violence are individual violences, and not reflective of a community ethos/way of being/reflective of how a community is perceived



# Breaking Barriers to Access

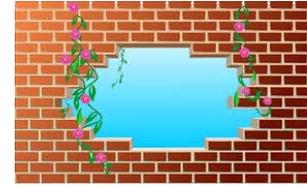


Assuming that they will be thought of as the perpetrator if they are the “masculine” or “masculine presenting” person

Check biases and assumptions, especially in same sex cases, about how gender is performed, binary stereotypes, and how power and control is socially constructed, yet still can be subverted regardless of gender expression



# Breaking Barriers to Access



Not seeing anything on a website, brochure or training material that is inclusive (words, symbols, etc.)

Include words, symbols, and other visuals on websites, brochures and training materials

# Implications for you and your area

What might this mean for those who advocate, investigate and adjudicate cases involving LGB people / people in same gender situations?

What might this mean for those who advocate investigate and adjudicate cases involving trans women, trans men and nonbinary people?

Title IX Officers? CARE Advocates?  
Hearing Officers? Investigators?



# Resources to explore further

Your own UC LGBTQ Resource Center Director

Transgender Law Center

“LGBTQ Intimate Partner Violence: Lessons for Policy, Practice, Research” by Adam M. Messinger (2017, University of California Press)

Your local resources for sexual assault/sexual violence, depending on their level of training

Your local DA office, and law enforcement partners

# Questions and Discussion

# Resources

- Policy on Sexual Violence and Sexual Harassment (available [here](#))
- PACAOS Appendix E: SVSH Student Investigation and Adjudication Framework (available [here](#))
- PACAOS Appendix E Timeline (available [here](#))
- PACAOS Appendix E PowerPoint Presentation (available [here](#))
- Op-ed: *In face of legal developments, UC strives to ensure integrity of Title IX process* (available [here](#))
- UC's comment letter to Department of Education's proposed Title IX Rules (available [here](#))
- Op-ed: *Don't let the Trump administration undermine Title IX* (available [here](#))
- Press Release on Title IX Rules (available [here](#))
- UC Sexual Violence Prevention & Response Website (available [here](#))
- Student Advisory Board Information (available [here](#))