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From the UCSF Police Department
Chief of Police

The University of California, San Francisco (UCSF) is a health science university with four professional schools (Dentistry, Pharmacy, Nursing, and Medicine) and a Graduate Division located on sites throughout San Francisco and the greater Bay Area. The University is an institution whose mission is teaching, research, patient care and public service to all members of the community. The University has a workforce of more than 26,000 and a learner population including residents and postdoctoral scholars of approximately 6,200.

The University shares many of the same interests and complex problems associated with any major modern urban community – including crime. The University is not isolated from this issue. Crime is a national concern that affects all facets of the UCSF community. Therefore, we urge you to be alert and aware of your surroundings and to exercise common-sense safety precautions.

This publication was produced in compliance with the Jeanne Clery Act, which requires colleges and universities receiving federal funding to disclose reported instances of criminal activity on their campuses. Also included is information about UCSF’s security policies and steps you can take to maximize your personal safety. This publication, the UCSF Annual Fire Safety Report, and additional safety information can be found at: www.police.ucsf.edu.

Mike Denson
Chief of Police
UCSF Police Department
Clery Act Compliance Officer

The UCSF Annual Security Report is produced by the UCSF Police Department in cooperation with the Office for the Prevention of Harassment and Discrimination, Student Academic Affairs, Student Life Services, Housing Services, and other departments throughout UCSF. This document, in accordance with the Jeanne Clery Act, is the University of California San Francisco’s Annual Security Report which includes statistics for the previous three calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by the University; and on public property within, or immediately adjacent to and accessible from the campus.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: the UCSF Police Department, the San Francisco Police Department, the San Francisco Sheriff’s Department, the Oakland Police Department, the Alameda County Sheriff’s Office, the Fresno Police Department, other outside law enforcement agencies and non-police officials, and Campus Security Authorities (CSAs) (as defined on page 6). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. Written requests for crime statistics are made on an annual basis to outside law enforcement agencies where UCSF has locations that are reportable under the Clery Act. CSAs are identified and trained on their obligation to report Clery Act crimes. This report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, timely warning of crimes, sexual violence, and other campus safety topics presented and updated by the relevant UCSF department. Note that all policies referenced apply to all campuses listed unless otherwise stated. Also note that due to the impact COVID-19 the services listed in this publication, including locations and hours, may be subject to change.

For comments or copies of this publication, please contact:

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Note: Due to changes to the UC Sexual Violence and Sexual Harassment Policy effective January 1, 2022, the 2021–2022 UCSF Annual Security Report was reissued in March 2022 to reflect relevant updates to the policy. This includes definitions related to sexual assault and sexual violence, including prohibited conduct in the context of patient care, along with updated investigation procedures, adjudication processes, and procedures for obtaining no contact orders between parties. Other sections have been updated for clarity, including definitions of reportable Clery Act crimes.
The University of California, San Francisco Police Department (UCSFPD) serves the University community by helping to protect it against crime. UCSFPD endeavors to be known for its community service orientation, effectiveness at preventing crime through campus community involvement, and for providing a safe living and working environment for the promotion of education, research, and public service. The Department has three customer service locations: Parnassus Heights campus – WeiD office at Millberry Union, 654 Minnesota Street, and Mission Center Building.

The emergency UCSF Police Department number is 9-1-1 when dialing from an on-campus landline, and (415) 476-6911 when dialing from a cell phone. The non-emergency number is (415) 476-1414.

For more information on UCSFPD, please go to police.ucsf.edu.
Vision Statement
The UCSF Police Department strives to provide a crime free and safe environment through strategic policing, integrity, respect and strong community partnerships. UCSFPD willingly accepts this responsibility and holds itself accountable for that accomplishment.

Mission Statement
UCSFPD’s mission is to enhance the safety and quality of life at UCSF by working in partnership with the community to promote public safety and crime prevention through education and enforcement; to maintain public order while preserving the legal rights of all individuals; to provide effective, efficient and courteous service; and to reduce the impact of crime. This mission is accomplished through effective:

- Crime prevention and suppression
- Victim support and assistance
- Infrastructure protection
- Emergency preparedness
- Traffic safety

Role, Authority, and Training

Police Officers
UCSFPD is vested with the authority and responsibility to enforce all applicable local, state, and federal laws. Police officers have the authority and duty to conduct criminal investigations, arrest violators, and suppress campus crime. UCSFPD officers are duly sworn peace officers under California Penal Code Section 830.2(b), authorized to carry firearms, and have the same authority as municipal police officers to use police powers of arrest. UCSFPD has primary jurisdiction on all UCSF owned and operated properties and concurrent jurisdiction with local agencies in adjacent areas. UCSFPD provides law enforcement services 24 hours a day, 365 days a year.

UCSFPD officers are graduates of California Peace Officers Standards and Training (POST) certified training academies and continually undergo training to maintain their state certification and professional skills. UCSFPD officers have received training in Incident Command System (ICS), National Incident Management System (NIMS) and Standardized Emergency Management System (SEMS).

Security Guards
UCSFPD security personnel operate under two distinct categories. Public Safety Ambassadors (PSAs) are assigned to UCSF Campus facilities and are “observe and report” security officers. Protective Service Officers (PSOs) are assigned to UCSF Health and clinical facilities. PSOs, due to their assignment, may use trained techniques to assist clinical staff. All members of the UCSFPD Security Services Division derive their authority from the University of California Office of the President and the Regents of the University of California. No UCSFPD security officer, either PSA or PSO, has the power to arrest, except for a “Private Citizen’s Arrest” as authorized in section 837 of the California Penal Code.

The UCSFPD Security Services Division jurisdiction is limited to UCSF property, as well as certain contracted locations. UCSFPD Security Services Division has contracts to provide security services with Gladstone Institutes and UC Hastings College of the Law. Both contracts provide for the services of PSAs only.

Security personnel receive yearly training to maintain compliance with the Commission on Accreditation for Law Enforcement Agencies (CALEA), the International Association of Campus Law Enforcement Administrators (ICALEA), and the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). PSOs receive additional training in areas of AVADE – Workplace Violence Prevention and Crisis Prevention Institute (CPI) de-escalation techniques.

Working Relationships with Outside Law Enforcement Agencies and Jurisdictions
UCSFPD maintains professional working relationships with the San Francisco Police Department (SFPD). UCSFPD maintains a Memorandum of Understanding (MOU) with SFPD pertaining to the investigation of alleged criminal incidents.

Noncampus Criminal Activity
UCSF does not have any noncampus sites that are controlled by recognized student organizations.
If you are the victim or witness to a crime, you have the responsibility to report it immediately to the police. UCSF community members are encouraged to accurately and promptly report all crimes or suspicious activity to the UCSF Police Department, when the victim of a crime elects or is unable to make such a report. Students and employees who report crimes to UCSFPD may aid in averting crimes and in the apprehension of suspects, as well as allowing UCSFPD to initiate a Timely Warning (Crime Alert) notice and to include the information in the annual statistics disclosure. Most importantly, prompt reporting will assist the Police Department to maintain a safe and secure campus environment for all. Crimes reported to UCSFPD and Campus Security Authorities, as defined below, will be reported in the annual statistical disclosure. UC policy and the Clery Act prohibit retaliation against a person who makes a Clery Act report.

UCSF Campus Security Authorities

Campus Security Authorities (CSAs) have been identified and instructed to record any Clery Act crime or crime-like incident, and to submit this information to UCSFPD via the Clery Act Coordinator. All information is submitted anonymously without personally identifiable information of any involved party, unless the victim gives permission to document identifying data for police to investigate. Referrals for disciplinary action must be included when they involve an incident that may be a Clery Act crime. All CSAs who contribute to the Annual Security Report must maintain files documenting the information they report.

CSAs can also provide information about University programs for assisting victims of sexual assault and other assaults, and procedures for seeking medical help, as well as refer victims to counseling and support services.

CSAs are broadly defined as individuals who fall in the following four categories: (1) campus police and security, (2) any non police or security staff providing security or access monitoring, (3) any individual or organization specified in the Annual Security Report or University policies on security as an individual or organization to which students and employees should report criminal offenses, and (4) a University official who has significant responsibility for student and campus activities where an “official” is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the University.

More information about CSAs, including CSA training, reporting forms, Clery Act crime definitions, and Clery Act geographical reporting boundaries for UCSF, can be found at https://police.ucsf.edu/crime-prevention-statistics/clery-act-publications-and-resources/ucsf-campus-security-authorities.
How to Report a Crime

San Francisco Campuses: In an emergency dial 9-1-1 from any campus phone or (415) 476-6911 from a noncampus phone. In a non-emergency dial (415) 476-1414. Whenever possible, the actual victim or witness should contact the UCSFPD directly. First-hand information is always more accurate and complete.

UCSF Benioff Children’s Hospital Oakland:
Report a crime by dialing “55” from a campus landline at the main hospital or (510) 428-3600 and 9-1-1 for off-site locations.

UCSF Fresno: Report a crime by calling the Fresno Police Department by dialing 9-1-1 in the Fresno area or (559) 621-7000. For UCSF Fresno Security contact (559) 499-6401 or (559) 499-6478.

What to Say…

When calling to report a crime or incident, please be ready to give information such as:

- Your name, your location, the phone number you are calling from
- A brief description of what occurred
- Where and when did the incident occur?
- How many suspects are involved?
- Did the suspect(s) have a weapon? If so, what type of weapon?
- Where and when was the suspect(s) last seen?
- What did the suspect(s) look like (gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos/scars)?
- Where the police should go to meet you or to respond to this incident?
- Be sure to include any other relevant information (i.e., description of getaway car, distinct body odor, etc.)
- Speech issues (accent, dialect)
- Background noises
Reporting an Emergency

San Francisco Campuses: For reporting all emergencies related to police, fire, chemical spills or medical assistance, dial 9-1-1 from any campus telephone or dial (415) 476-6911 from a cell phone to contact the UCSF Police Department. When 9-1-1 is dialed, the public safety dispatcher receives information on a computer screen identifying the location where the call originated. When dialing from a cell phone, you will have to provide the dispatcher with the location.

If contacting the San Francisco Police Department for emergencies, dial 9-1-1 from a non-campus telephone or dial (415) 553-8090.

To file a police report in person, you may go to the main UCSFPD administrative office at 654 Minnesota Street, Suite 180.

UCSF Benioff Children’s Hospital Oakland: Report an emergency by dialing “55” from a campus landline at the main hospital or (510) 428-3600 and 9-1-1 for off-site locations.

UCSF Fresno: Report an emergency by calling the Fresno Police Department by dialing 9-1-1 in the Fresno area or (559) 621-7000. For UCSF Fresno Security contact (559) 499-6401.

Reporting a Non-Emergency

For non-emergency assistance or for general inquiries, please dial (415) 476-1414 if dialing from a cell phone or 6-1414 if dialing from a campus landline.

Note: While everyone is encouraged to report crime directly to the police department, the Campus Security Authorities, as defined on page 6 of this report, may also provide assistance with reporting.

Response to Reports of Crime

Dispatchers are available at the telephone numbers listed above 24 hours a day to answer your calls. In response to a call, UCSFPD will take the required action, either dispatching an officer or asking the victim to report to UCSFPD to file an incident report. All reported crimes will be investigated by UCSFPD and will become a matter of public record. If assistance is required from the local police department or the local fire department, UCSFPD will contact the appropriate jurisdiction. If a rape or other sexual assault should occur, staff on the scene, including UCSFPD, will offer the victim a wide variety of services.

Confidential Reporting Procedures

Reporting to Police: All incidents reported to UCSFPD are considered confidential except information that is required by law to be released. For cases involving sexual assault and with the complainant’s permission, UCSFPD can file a report on the details of the incident without revealing his or her identity. The purpose of a confidential report is to comply with the complainant’s wish to keep the matter confidential, while taking steps to ensure the future safety of the complainant and others.

With such information, UCSFPD can keep an accurate record of the number of incidents involving students and staff, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the University community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Non-Police Reporting: If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making an anonymous report to a Campus Security Authority as defined on page 6. At a minimum, crime victims may receive valuable counseling and referral information.

Confidential v. Anonymous Reporting: Reports made to Campus Security Authorities are not strictly confidential, as CSAs are required to report the date, time, location, and all relevant information needed to classify the offense for statistical purposes. CSAs are instructed to never release personally identifiable information, so all reporting individual remain anonymous unless permission is given explicitly by the victim. For confidential reporting, individuals may contact the entities mentioned below. For additional resources, see pages 24–26.

UCSF pastoral and professional counselors are exempt from Clery reporting requirements and reports made to these individuals are confidential. Confidential/anonymous reports are extremely valuable in order to prevent further victimizations and to obtain a more accurate portrait of UCSF campus crime.

The Faculty Staff Assistance Program (FSAP) provides confidential counseling for faculty and staff as well as support for victims; assisting them as necessary regardless of whether a police report has been made. Students may obtain similar services at Student Health & Counseling Services. More information about these services can be found on page 75 of this report. Confidential reports can also be made to those individuals listed on pages 24–26.

1 UCSF does not have policies that encourage counselors to inform those they counsel of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
Timely Warning Notices and Policy

UCSF will issue a Timely Warning Notice (called a Crime Alert at UCSF), if deemed necessary, in the event of a Clery Act crime that poses an ongoing or serious threat to members of the University community which occurs on Clery Act geography. Crime Alerts are typically issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: arson, aggravated assault, murder/non-negligent manslaughter, robbery, and sex offenses (rape, fondling, incest and statutory rape). Alerts may also be issued for the Clery Act defined crimes of relationship violence, and stalking.

The purpose of a Timely Warning is to provide relevant information to students and employees in a timely manner, that withholds the names of victims as confidential, and aids in the prevention of similar occurrences.

All incidents are considered on a case-by-case basis, depending on the facts of the case.

For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other UCSF community members and a Crime Alert would not be distributed. In cases involving sexual assault, they are often reported long after the incidents occur, thus there is no ability to distribute a “timely” warning notice to the community. If there is a pattern of crime in the categories of burglary or motor vehicle theft, a crime alert would typically be distributed. Crime Alerts may also be issued for non-Clery Act enumerated crimes which occur on Clery Act geography or for Clery Act crimes occurring at non-Clery Act geography locations, as deemed necessary on a case-by-case basis.

Timely Warning Notices are written and distributed by UCSFPD.

As noted, such notices shall be provided to the UCSF community in a manner that is timely and may aid in the prevention of similar occurrences. UCSFPD reviews all crime reports to determine if there is a serious or ongoing threat to the community and if the distribution of a Timely Warning Notice is warranted.

Emergency Notification – Imminent Threat To Life/Safety

UCSF will immediately notify the campus community upon receipt of information that a dangerous situation or significant emergency exists involving an immediate threat to the health or safety of students or employees on campus. UCSFPD will also immediately notify the community when immediate action is required by the recipient. Such situations might include natural disasters, chemical spills, and active shooter situations.

Confirmation of a Significant Emergency or Dangerous Situation

UCSFPD will confirm the existence of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees by contacting the appropriate department or agency (e.g., UCSF department(s) or the City and County of San Francisco). UCSFPD will verify that the threat/event is credible, identify the location(s) of the threat/event, the imminence of the threat, and its impact on life, safety and/or property.
Content, Segments to Be Notified, and Initiation of the System

The content of the notification will be based on a combination of pre-scripted, approved messages and messages developed by authorized officials. These officials include the Chief of Police/Emergency Operations Center (EOC) Director, Chief of Police designee, and EOC Director alternates. Content where possible shall be developed in consultation with UCSF Public Affairs or the Public Information Office.

Those authorized individuals (Chief of Police/designee or EOC Director/designee) will determine the segments of the University to be notified, and have authorization to initiate the system. UCSFPD will without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system. Notification will not be sent if, in the professional judgment of responsible authorities, the notification would compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Content is likely to be sent using the WarnMe Mass Notification System, but may also be sent using the all-University Administrative Listservs.

In the case of a prolonged emergency, both the confirmation process, content, segments to be notified, and the initiation of the system may be delegated by authorized individuals to such entities as the Office of the Chancellor to help coordinate broader UCSF communications and response.

Follow up information pertaining to a significant emergency or dangerous situation on campus will be sent using some or all of the systems listed below, as deemed appropriate.

Anyone with information warranting a Emergency Notification should report the circumstances to UCSFPD by phone, (415) 476-1414, or at the dispatch center within 654 Minnesota Street, Suite 180, San Francisco, CA 94143-0238.

WarnMe

The WarnMe Mass Notification System may be used to communicate official information during an emergency or crisis situation that disrupts normal University operations or threatens the immediate health or safety of the University community.

WarnMe is a multi-modal emergency notification system used to inform the community about events and emergencies affecting the University. Systems include:

- **Email Messaging** – Current students, faculty, and staff are automatically registered to receive notifications via their UCSF email account and cannot opt-out of this type of notification. Anyone with an active UCSF ID can opt-in to receive emails on other personal email accounts.

- **Text Messaging** – An opt-in notification where a text message can be received on mobile phones and other “smart” devices. UCSF does not charge for this service; however, SMS carriers may have standard text messaging charges.

- **Voice Message** – An opt-in notification where a voice message can be received by mobile, home or work phone. Officially assigned UCSF phone numbers are automatically included, and cannot opt-out of the system.

- **UCSF SAFE** – Community members can elect to received WarnMe messages via UCSF SAFE, a smart phone app for receiving emergency information, news and instructions in a single platform.

UCSF Medical Center (UCSF Health)

Separate from WarnMe, the UCSF Medical Center (see page 77) uses a multi-modal Mass Notification System to coordinate shift changes and on-call status in the hospital environment, send messages regarding on-site health emergencies, issue Facilities Services updates, test Red Emergency Telephones, and communicate with the UCSF Medical Center community about upcoming events.

UCSF Benioff Children's Hospital Oakland

Upon alert and notification of an emergency situation to the hospital, phone operators under support services and/or security personnel, will determine the nature of the incident using a standard checklist from the Emergency Operations Plan (Section 405; Emergency Response Plans). An overhead page emergency notification system initiated by the operator and support services provides alerts at the main medical center. Additionally, disaster pagers are available to all Children’s Hospital Oakland off-site locations that make a request via the hospital operator for call-out notification specific to a department/facility. The hospital has also designed a Disaster Hotline (510) 428-3192 that can be used for pre-recorded information and instructions.

UCSF Fresno

WarnMe messages are distributed at UCSF Fresno; confirmation of a significant emergency or dangerous situation, as well as, message content and system initiation is determined by UCSF Fresno administration, in consultation with UCSFPD. InformaCast emergency broadcast displays and telephones are located at the main UCSF Fresno campus and are available and activated in case of emergency.
Disseminating Emergency Information to Members of the Larger Community

UCSF Public Information Office (PIO) has primary responsibility for working with the press and media. The PIO is responsible for determining the publicity value of a story in addition to the method, time and sources of dissemination of stories. The Chief of Police or designee works with the news office in preparing and releasing factual information on major crimes, UCSFPD related issues or other newsworthy events, per the UCSF Crisis Communications Plan.

The PIO shall be notified by UCSFPD of all major incidents such as arson, explosions or civil disturbance which should be brought to their attention. For less serious situations, the Chief of Police or designee shall decide whether the circumstances warrant contacting news services. UCSF maintains a 24-hour hotline in order to initiate immediate notification, accessible to both UCSFPD and the PIO. Appropriate factual information, news briefings and “News Releases” will be planned cooperatively between UCSFPD and the PIO, following the protocols within the UCSF Crisis Communications Plan.

The systems below are available to members of the larger community who are interested in receiving notification information regarding emergencies on campus.

- **Campus Emergency Hotline** – In all emergencies, natural disasters and other crises, information will be recorded on the campus emergency hotline number, (415) 502-4000 (or 2-4000 in-house), or posted on the campus website as quickly as possible.

- **Electronic Display Boards** – Emergency alert beacons and marquees directly linked to the WarnMe system are located throughout University public spaces and are activated as deemed appropriate by UCSFPD.

Emergency Management at UCSF

Disasters or emergencies can happen suddenly, interrupting normal operations and overwhelming typical response scenarios. UCSF has an Emergency Operations Plan (EOP) to address these crisis situations. The EOP outlines the immediate actions and operations required for a major disaster or emergency in which special measures must be taken to save and protect the lives of students, patients, employees and the public; provide essential services; and manage UCSF resources effectively during the emergency response.

The EOP provides the management structure, key responsibilities, emergency assignments and general procedures to follow during an emergency.

Drills, Exercises, and Training

In conjunction with other agencies, the University conducts emergency response exercises each year, including table top and field exercises. Monthly testing of the Mass Notification System, WarnMe, is also conducted. These tests are designed to assess and evaluate the emergency response plans and capabilities of the institution. These tests may be announced or unannounced. At least annually, emergency response and evacuation procedures are publicized in conjunction with a test.

General information about emergency response and evacuation procedures are publicized each year as part of the University’s Clery Act compliance efforts and is available on the UCSFPD Emergency Management webpage under the “Preparing for Disasters” section.

UCSF Benioff Children's Hospital (BCH) Oakland:

UCSF Benioff Children's Hospital Oakland Emergency Preparedness Coordinator assists departments and sites with developing, maintaining, and implementing emergency operations plans, developing and conducting exercises, hazard vulnerability assessments (HVA), and building resilient partnerships with external response agencies. The Emergency Preparedness Coordinator assists with and coordinates the hospital's overarching mitigation, preparedness, response, and recovery programs. The position develops and distributes emergency response procedures to employees via emergency response overview, badge buddy, and education programs, with information available at all Children's Hospital locations through the Environmental Health & Safety Office.

Children's Hospital conducts at least two exercises annually. These exercises include, but are not limited to: tabletops, drills, functional, or full-scale. UCSF BCH Oakland conducts after-action reviews of all emergency management exercises. These exercises are coordinated with local, state, and federal agency stakeholders. In conjunction with at least two exercise each year, UCSF BCH Oakland will notify the appropriate stakeholders of the exercise and remind the community of the alert and notification system and emergency response procedures.

Evacuation Procedures for UCSF

If you hear a FIRE ALARM:

- Do not ignore the building alarm warning.
- EVACUATE. Follow evacuation plan and procedures.
- Look for smoke or fire in the immediate area and along exit pathways.
- Listen for instructions from: Public Address systems, Police or Fire Department personnel, Emergency Coordinators/Floor Wardens.

- In high-rise buildings the fire alarm system requires staff on floors not directly involved in the fire remain in the building until instructed otherwise. The fire alarm will sound, alerting the need to evacuate only on the incident floor, two floors above, and one floor below. (Does not apply to in-patient care areas (e.g., Moffitt-Long Hospitals) and designated out-patient care areas.)
- Announcements will be made on additional floors if further evacuation is necessary. Become familiar with your building's fire alarm and alert system. If the alarm sounds on your floor, implement evacuation plan.
- Never enter a smoke filled room.
- Feel all doors at top for heat. Do not open a door if it is warm to touch. Even if the door is cool, kneel as low to the floor as possible before opening.
- Determine in advance the nearest emergency exit/route from your work location.
- Establish an alternate exit route to be used in the event your first route is blocked or unsafe to use.
- If safe to do so, and time allows, secure sensitive documents upon exiting.
- Take personal property (e.g., purse, keys, and coats) with you. You may not be allowed to re-enter the building.
- Walk, do not run. Keep noise to a minimum.
- DO NOT use elevators.
- Do not push or crowd, use handrails in stairwells – stay to the right.
- Assist anyone with disabilities if they are present.
- Move to your Emergency Assembly Area, and await further instructions.
- Never try to re-enter an evacuated building until authorized personnel give the “all clear” signal.

Evacuation of Disabled Persons

It is recommended that individuals with mobility, visual or deaf/hearing impairments (both permanent and temporary) prepare for an emergency ahead of time by informing their Building Management, work site Emergency Coordinators, co-workers and classmates of the best methods of assistance during an emergency.

A “buddy” system should be established in which volunteers are paired with persons with disabilities, and will have the responsibility of alerting and assisting them during an evacuation.

For more information:


Attempt a rescue evacuation ONLY if you have had rescue training or the person is in immediate danger and cannot wait for professional assistance.
All emergency exit stairwells are resistant to fire and smoke for approximately two hours. Disabled persons are advised to proceed to them and await assistance by rescue personnel.

State law requires occupants to evacuate a building when the fire alarm sounds. Title 19, Section 3.10.

When Not to Evacuate (Shelter-In-Place)
WarnMe, UCSF's Mass Notification System will be activated with instructions to shelter-in-place to all UCSF email accounts, and any self-registered mobile devices, (registered at warnme.ucsf.edu) if deemed appropriate by UCSFPD.

Outdoor warning sirens or horns maintained by the City and County of San Francisco may be activated (San Francisco tests the system and can be heard every Tuesday at noon).

Campus Closure: Emergency Declaration
The Chancellor or the Chancellor’s designee may formally close the campus or portions of the campus should it be necessary in a declared emergency or other event. UCSF will make every effort to remain open at all scheduled times. However, to ensure health and safety, there are unusual occurrences that may necessitate modified operating schedules or cancellation of academic, research, administrative, service or clinical programs. The Chancellor or designee may declare a Campus State of Emergency when an unusual occurrence requires curtailment of operating schedules. (See UCSF PD General Order 7.3.1 at: police.ucsf.edu/about-us/mission-vision-values/policies-procedures.)

Access & Security of Campus Facilities

During normal business hours UCSF facilities are open and accessible to students, staff, faculty, and visitors of the University. After normal business hours and during breaks these facilities are locked and only accessible to authorized individuals. UCSFPD and Medical Center Security Services control entry into these facilities, monitor security cameras, and conduct routine patrols to identify trespassers and report any unusual circumstances.

UCSF buildings are secured by proprietary security systems, including electronic card readers and key locks. The access program for UCSF affiliates is managed by WeID and Facilities Services. UCSF badges (card access) are issued by WeID for campus employees and students, and by Medical Center Security Services (SecAccess) for Medical Center employees. Access to specific locations within UCSF is managed by the various departments, in cooperation with UCSF Human Resources and WeID.

Residential facilities are only accessible to building residents and their authorized guests. All UCSF Housing tenants are issued appropriate badge and key access to assigned Housing locations. Residents should avoid permitting unknown individuals access to residential buildings and are encourage to report suspicious activity. Residential facilities are monitored by UCSFPD, including fixed-post security at certain building locations.

For more information see UCSF administrative policy 600-13 on Key/Badge Control https://policies.ucsf.edu/policy/600-13.

Security Considerations Used in the Maintenance of Campus Facilities
UCSF maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. UCSFPD works closely with Facilities Services to promptly address burned out lights, malfunctioning door locks, or other physical conditions that may deter security. Facilities Services is notified by UCSFPD of all incidents of property damage that occur at UCSF locations. For more information see UCSF administrative policy 600-18 on Building Maintenance https://policies.ucsf.edu/policy/600-18.

UCSF, in cooperation with Facilities Services and other campus departments, conducts regular security reviews of existing and proposed campus buildings/infrastructure designed to mitigate the possibility of criminal conduct based on the most up-to-date information on physical safety and security. Any physical security upgrade requested by a UCSF department requires a physical security review conducted by UCSFPD prior to installation by Facilities Services.

To report any issues related to the maintenance of campus facilities please contact Facilities Service at (415) 476-2021. (For UCSF Benioff Children’s Hospital Oakland, contact hospital administration at (510) 428-3000.)

Summary
- Know your department staff. Encourage individuals with disabilities to self-identify with the EAP Emergency Coordinator for emergency planning purposes.
- Refer to the Campus Emergency Procedures (yellow flip chart) as a University-wide guideline.
- Prepare an evacuation plan for all staff, students, patients, and visitors. Plan for what you would do, who may need assistance, use of evacuation chairs if indicated, and where you should go to wait for assistance. Include this information in the respective departmental Emergency Action Plan.
As a public university, UCSF is uniquely challenged to strengthen campus safety and security while also preserving openness and public accessibility. While there are no failsafe solutions to preventing crime, UCSF has measures in place to enhance community safety.

These crime prevention measures include:

■ **Threat Management Team** – UCSF maintains a workplace violence early warning system that provides for a multi-disciplinary approach to evaluating and mitigating potential workplace violence situations.

■ **Campus Police and Security Staff** – The UCSF Police Department consists of 300 plus authorized staff, including 66 authorized sworn police officers, dedicated to crime suppression and prevention. The Police Department provides 24-hour service every day to UCSF sites in San Francisco County and UCSF Benioff Children’s Hospital Oakland main campus. The Department closely coordinates mutual-aid resources with neighboring police jurisdictions and other UC campuses. The Department, along with Medical Center Security, staffs 200 plus security personnel deployed throughout UCSF campus and Medical Center locations. UCSF Benioff Children’s Hospital Oakland staffs approximately 35 full time security personnel throughout its locations.

■ **911 Emergency Communications Center** – The UCSF Police Department operates a state-of-the-art 911 Emergency Communications Center (ECC) that operates 24/7 to answer calls for assistance and dispatch appropriate public safety personnel. The ECC ensures communication between emergency responders from multiple jurisdictions.

■ **Emergency Notifications** – The Department employs numerous emergency notification processes, including a
system that sends alerts to the phones, emails, pagers and “smart” devices of campus leadership and Emergency Operations personnel. Also, email notification can be sent to every person at UCSF with an email address and real-time information can be posted on the Campus Emergency Hotline, which can be accessed during an emergency at (415) 502-4000. Additionally, some campus buildings are equipped with overhead alert systems.

- **Emergency Operations Center** – The Police Department and Emergency Operations staff routinely conduct emergency drills and trainings.

- **Intercoms and Panic Buttons** – The University has installed emergency intercoms and panic buttons throughout the Parnassus Heights, Laurel Heights, Mount Zion and Mission Bay parking structures and in open parking lots. Upon receipt of any call for assistance, police officers are dispatched immediately to the incident location.

- **Safety Escorts** – Safety escorts for patients, visitors, staff and students to the respective parking lots or garages (possibly bus stops if requested) are available for the Parnassus Heights, Mission Bay, Mount Zion, Laurel Heights, Mission Center Building, BCH Oakland, and UCSF Fresno locations.

  The phone numbers for safety escorts are as follows:
  - UCSF Police Department | (415) 476-1414
  - Medical Center Security Services (Parnassus Heights/Mount Zion/Mission Bay) | (415) 885-7890
  - BCH Oakland | (510) 428-3600
  - UCSF Fresno | (559) 499-6401

- Most importantly, UCSF relies upon the vigilance of every member of the community to help maintain a safe and secure environment. On a departmental level, managers should ensure that Emergency Action Plans remain current and staff is aware of emergency procedures. Individually, everyone can contribute by wearing UCSF identification cards, immediately reporting suspicious activity, closing and locking doors appropriately and knowing emergency procedures.

For further information, and to download the UCSF Campus Emergency Procedures guide, please go to the UCSF Police Department website and follow the links to “Preparing for Emergencies” and “Forms and Resources”.

**Daily Crime and Fire Logs**

The purpose of the **Daily Crime Log** is to record all criminal incidents and alleged criminal incidents that are reported to the UCSF Police Department.

The log is designed to disclose crime information on a timelier basis than the annual statistical disclosures. A crime is entered into the log within two business days of when it is reported to UCSFPD. This includes crimes that are reported directly to UCSFPD, as well as crimes that are initially reported to another law enforcement agency who subsequently reports them to UCSFPD.

The Daily Crime Log can be accessed at:

The Daily Crime Log is also available at the UCSFPD main administrative location at 654 Minnesota Street, Suite 180, San Francisco, CA 94143-0238, or by calling (415) 502-9396.

The Daily Crime Log can be accessed at any public computer with internet access throughout UCSF, including the libraries at Parnassus Heights and Mission Bay, along with other publicly available computers.

**UcSF Benioff Children’s Hospital Oakland**: UCSFPD began providing police services for the main Benioff Children’s Hospital Oakland campus in June of 2019. All Daily Crime Log information since that time is included in the log mentioned above. Prior logs are maintained by Benioff Children’s Hospital Oakland Security Services.

**UCSF Fresno**: Starting December 2018, UCSF Fresno entered into a security contract with the Community Regional Medical Center in Fresno. All Daily Crime Log information, from that date forward, is maintained by Community Regional Medical Center Security staff and can be obtained at the front desk at 155 N Fresno St. or by calling (559) 499-6401.

The **Fire Log** records fire incidents occurring at all UCSF on-campus student housing facilities and like the Crime Log is updated within two business days of receiving updated information.

The Fire Log may be accessed at: [police.ucsf.edu/crime-prevention-statistics/clery-crime-report](police.ucsf.edu/crime-prevention-statistics/clery-crime-report)
Security and Safety Awareness Education

Security and safety awareness programs on personal safety and crime prevention are sponsored by various departments at UCSF throughout the year. UCSFPD facilitates programs for students, faculty, staff, orientations, organizations, and residential housing. Housing Services and the Schools at UCSF offer programs for students specifically. UCSFPD, the Schools, and Housing Services offer an average of more than two dozen security awareness educational programs during the course of the year. These programs address topics such as personal safety, alcohol and drug abuse awareness and sexual assault prevention. As part of the security awareness programs, students and employees are encouraged to be responsible for their own security and the security of others.

Crime Prevention and Security Awareness Programs available include:

Crime Prevention Safety Presentations
PowerPoint presentations covering University security services, basic crime prevention, personal safety (both on and off campus) as well as workplace safety are available. Please contact (415) 502-9396 for more information or to schedule a presentation.

For more information including safety bulletins and flyers: police.ucsf.edu/crime-prevention-statistics/personal-safety-and-security.

Rape Aggression Defense
The Rape Aggression Defense (R.A.D.) System is a comprehensive course that begins with awareness, prevention, risk reduction and risk avoidance, while progressing on to the basics of hands-on defense training. UCSFPD now offers classes for people who identify as men. R.A.D. is not a Martial Arts program. R.A.D. courses are taught by nationally certified R.A.D. Instructors and provide each person with a workbook/reference manual. This manual outlines the entire Physical Defense Program for reference and continuous personal growth, and is the key to R.A.D.’s free lifetime return and practice policy for R.A.D. graduates. R.A.D. courses are offered throughout the year at various UCSF locations. In addition to basic classes, advanced classes, including aerosol and keychain defense, are available. Offerings are announced through the all-University Listservs. For more information: police.ucsf.edu/crime-prevention-statistics/personal-safety-and-security/rad-self-defense-training.

Active Shooter Training
UCSFPD offers both an online training as well as in-person active shooter classes taught by members of UCSFpD. The training is conducted a various locations throughout the year and upon request.

For more information: police.ucsf.edu/crime-prevention-statistics/gunman-campus.

Community Orientated Policing and Problem Solving (COPPS)
Under the COPPS program, UCSFPD patrol officers are assigned a specific COPPS beat for the duration of a shift rotation. Patrol officers are encouraged to become familiar with the UCSF community, listen to community concerns, become familiar with the area infrastructure, and involve the community in problem solving efforts.

Patrol officers conduct hundreds of COPPS related activities each year which include presentations, crime prevention and other targeted enforcement activities.¹

UCSF Community Police Academy
Starting in 2019, UCSFPD began offering a program designed to increase understanding of the Police Department’s operation and to allow community members the opportunity to interact with UCSFPD personnel. The program includes informative presentations, practical demonstrations, and interactive discussions related to policing in the 21st century.

Fire Safety
The UCSF Fire Safety Program is essential in protecting the University community from injuries, death, business interruption, and property damage resulting from fires and related perils. The Fire Safety Program is intended to ensure reasonable and consistent protection for persons and property in or on UCSF administered properties, including all housing units.

For more information on fire safety, fire logs and statistics: 2021–2022 Annual Fire Safety Report ehs.ucsf.edu/fire-life-safety.²

³ UCSF does not have policies that encourage counselors to inform those they counsel of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

⁴ The Annual Fire Safety Report can also be found at: https://police.ucsf.edu/clery-notice-of-availability
Tips for Prevention of Campus/Personal Property Theft

In 2020, UCSF experienced 386 property crimes totaling $433,477 in losses. Computers and laptops remain one of the most targeted items for theft. What measures can you take to protect your property?

Tips to Secure Your Computer
- Use a security device such as a cable lock whenever possible or store your laptop in a secure area.
- Regularly update your virus protection software and download security updates and patches.
- Use a firewall program and use a secure browser.
- Delete all suspicious emails and their attachments. Report such emails to UCSF IT.
- Don’t share your password; make your password difficult to guess. If possible, do not let the computer remember passwords for you.

Tips to Reduce the Opportunity for Theft
- Do not leave your wallet/purse or other valuables unattended in an unlocked desk or cabinet.
- Lock your door or your desk when you leave, even if you are gone for a short time.
- Be alert for suspicious activity and promptly report to UCSFPD.
- Maintain strict key/security code control.
- Keep updated inventory of all office, lab and home equipment.
- Have all equipment secured with approved lock-down device(s).
- Identify all University equipment by engraving on the top or front side.*
- Identify personal property by engraving your California driver’s license number; do not use your social security number.

*Note: Engravers are available for any UCSF employee/student. They may be checked out by contacting the Emergency Communications Center at (415) 476-1414. The Emergency Communications Center will coordinate the release of the engraver, which is available 24/7.

Vehicle Safety Tips
- Have your vehicle keys in hand when you approach your vehicle.
- Prior to entering your vehicle, check the inside and look underneath.
- Immediately lock all doors upon entering and exiting your vehicle.
- Maintain car in good working order, with safe tires and sufficient gas.
- Park in well-lit heavily populated areas.
- Do not leave valuable items visible in your car.
- Close all windows and lock all doors before leaving your vehicle.

Carjacking
Your life is more important than anything of material value. It is recommended you give up your keys immediately and without protest. Avoid getting into the vehicle with the suspect(s) if at all possible. If you need to surrender your vehicle, try to remember details about the suspect(s) such as race, sex, height, clothing, speech issues (accent, dialect), the direction the suspect(s) went and type of weapons they had, if any. Report this information immediately to the police.

Prevention of ID Theft
- Buy a good shredder – use it to shred pre-approved credit applications, credit card receipts, bills and other information you don’t want before discarding them.
- Never leave receipts at bank machines, bank counters, or public trash receptacles.
- Never give out personal information over the phone, such as your social security number, date of birth, mother’s maiden name, credit card number, or bank PIN code, unless you initiated the phone call or know exactly who you are speaking with.
- Save all credit card receipts and match them against your monthly bills. Be sure to shred before discarding.
- Never loan your credit cards to anyone else.
- Report all lost or stolen credit cards immediately.
- Be aware of con-artists who may use interactive service sites on the internet, or mail or telephone solicitations disguised as surveys or promotions offering instant prizes or awards to obtain your personal information or your credit card numbers.
What To Do if Your Wallet or Purse Has Been Stolen or Lost

- Have the toll free numbers and your credit card numbers handy so you know whom to call in case of theft. **Do not keep this info in your wallet or purse.**
- Cancel credit cards immediately.
- Contact the bank if your checkbook or ATM card was also stolen.
- File a police report immediately.
- Call all of the following numbers or go online immediately to place a fraud alert on your name and social security number. This alert means that they have to contact you by phone to authorize new credit:
  - Equifax (888) 836-6351
  - Experian (888) 397-3742
  - Trans Union (800) 680-7289
  - Social Security Administration Fraud Hotline (800) 269-0271

Apartment/Home Safety Tips

- Report suspicious individuals and activities immediately.
- Do not hold secure building entry doors open for strangers.
- Do not enter an elevator if you are uncertain of any occupant.
- Try to stand near the elevator control panel. If accosted, press all the buttons.
- Have keys ready to enter your residence quickly.
- Insure your apartment and keys against losses.
- Secure doors and windows at all times especially if windows are easily accessible from the outside.
- Install and use a wide angle peephole in all exterior doors.
- Change locks or re-key immediately if door keys have been misplaced or stolen.
- Identify callers before opening doors; check IDs of all repair and sales personnel prior to permitting entry into your home.
- If you suspect a prowler is inside your home, avoid confrontation, get out immediately and call the police.
- Keep money and valuables in secure places, preferably in a safe.
- Keep your curtains and blinds closed at night.
- Do not allow newspapers or other mail to accumulate when away, have newspapers stopped and friend/neighbor pick up mail for you if necessary.

Personal Safety

- Travel with a friend or in a group.
- Be alert and aware of your surroundings.
- Be assertive.
- Do not carry excess amounts of cash or more credit cards than you need.
- Use well-lit and frequently traveled routes.
- Dress in clothes and shoes which do not hamper movement.

Personal Safety on Public Transportation

- Wait for buses or shuttles in well lighted areas if possible.
- Sit up front close to the driver.
- When you disembark, be aware of who else is getting off and if they are following you. If you feel you are being followed, go to the nearest store or occupied building to request assistance.
- Use well lighted streets to reach your destination.
The University of California, San Francisco is committed to creating and maintaining a community where all individuals can participate in University programs and activities, and work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Sexual assault, dating violence, domestic violence and stalking are prohibited at UCSF and violate both California law and University policy. UCSF encourages students, employees and visitors who experience any of these offenses, whether on campus or off campus, to access on and off campus resources. Survivors are strongly urged to consider taking action through the University's institutional conduct process and through the criminal justice system.

The University’s policy governing sexual violence and harassment, including sexual misconduct, is listed below. UCSF will take whatever action may be needed to prevent, correct and, as necessary, discipline behavior that violates this policy.

The University is committed to core values for all members of the UCSF community to fulfill our mission. These values are organized under the acronym PRIDE, which stands for Professionalism, Respect, Integrity, Diversity and Excellence. diversity.ucsf.edu/PRIDE-values

University of California Policy on Sexual Violence and Sexual Harassment

The University policy on Sexual Violence and Sexual Harassment applies to all employees, faculty, students and other members of the University community, including invitees and visitors. policy.ucop.edu/doc/4000385/SVSH

This Policy covers acts of prohibited conduct committed by University students, employees, and third parties (such as Regents, contractors, vendors, visitors, guests, patients and volunteers), and acts of prohibited conduct committed against students, employees and third parties, when the conduct occurs:
1. on University property;
2. in connection with University employment or in the context of a University program or activity (including, for example, University-sponsored study abroad, research, on-line courses, health services, or internship programs); or
3. off University property and outside the context of a University program or activity, but has continuing adverse effects on—or creates a hostile environment for students, employees or third parties while on—University property or in any University program or activity.

This Policy prohibits sexual violence, sexual harassment, retaliation and other prohibited behavior as defined under the Policy. Incidents that violate this Policy may occur between:
- any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, doctors, residents, interns, and third parties;
- people in hierarchical relationships and peers;
- people of any gender, gender identity, or sexual orientation; and
- strangers and non-strangers.

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

UCSF’s goal is to create a supportive climate that encourages each victim/survivor of sexual violence to report the incident(s) and to provide support and information to assist the person in dealing with these traumatic events. This policy also intends to promote campus safety through facilitating the collection of accurate data on incidents of sexual violence and prompt reporting of sexual violence incidents to appropriate University officials.

University policy and California law prohibit retaliation against any individual who opposes sexual harassment, sexual assault, relationship violence, and stalking, files a complaint, assists or participates in any manner in an investigation or proceeding conducted by the University or an external agency.

To report sexual misconduct or to ask a question about UCSF’s policy or procedures, please contact:
Title IX Officer, Director of OPHD
Office for the Prevention of Harassment and Discrimination
490 Illinois St., 11th floor
San Francisco, CA 94143-1249
(415) 502-3400

5 As defined in Section 14.00 of the Policies Applying to Campus Activities, Organizations, and Students, and including applicants who become students and former students, as described in Section 101.00 of the Policy on Student Conduct and Discipline.
To make a complaint online, please go to https://ophd.ucsf.edu/complaints to find the UCSF Discrimination/Harassment Complaint Form.

Definitions


To better identify these distinctions, the University policy definitions are stated below. The Clery definitions are stated in the Collection of Statistics for UCSF Annual Security Report section on pages 78–80. The State of California statutory definitions are given in full in the Appendix at the end of this publication.

University of California – Sexual Violence and Sexual Harassment Policy Definitions

Sexual Harassment

1. Quid Pro Quo: a person’s submission to unwelcome sexual conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program, or activity; or

2. Hostile Environment: unwelcome sexual or other sex-based conduct is sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from the education, employment or other programs, or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.

Sexual conduct includes sexual or romantic advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Other sex-based conduct includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.

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

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors and patients). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex.

SEXUAL VIOLENCE

Sexual Assault – Penetration: Without the consent of the complainant, penetration, no matter how slight, of:

- the complainant’s mouth by a penis or other genitalia; or
- the complainant’s vagina or anus by any body part or object.

Sexual Assault – Contact: Without the consent of the complainant, intentionally:

- touching complainant’s intimate body part (genitals, anus, groin, breast, or buttocks);
- making the complainant touch another or themselves on any intimate body part; or
- touching the complainant with one’s intimate body part, whether the intimate body part is clothed or unclothed.

Note: This definition encompasses a broad spectrum of conduct, not all of which is sexual violence. So, the Title IX Officer must sometimes determine whether an allegation should be charged as sexual violence or sexual harassment.

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

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

- Overcoming the will of complainant by:
  - force (the use of physical force or inducing reasonable fear of immediate or future bodily injury);
  - violence (the use of physical force to cause harm or injury);
  - menace (a threat, statement, or act showing intent to injure);
  - duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship (including a power imbalance), to do or submit to something that they would not otherwise do); or
  - deliberately causing the complainant to be incapacitated (for example, through drugs or alcohol);
Deliberately taking advantage of the complainant’s incapacity (including incapacitation that results from voluntary use of drugs or alcohol); or

Recording, photographing, transmitting, or distributing intimate or sexual images of complainant without complainant’s prior knowledge and consent.

Engaging in the conduct during or in connection with a clinical encounter in which the complainant was a patient and the respondent was a health care provider or health care worker.

PROHIBITED CONDUCT IN THE CONTEXT OF PATIENT CARE

There are many circumstances in which a health care provider or health care worker may touch or penetrate a patient’s body as a legitimate part of the patient’s health care. On the other hand, conduct that a health care provider or health care worker engages in with a sexual purpose is never a legitimate part of a patient’s health care. So when Prohibited Conduct allegedly occurs in the context of patient care, the Title IX Officer will refer to Appendix V of the SVSH Policy and, when indicated, apply its definitions.

A. Application. The Title IX Officer will apply the definitions below to allegations of Prohibited Conduct if:

a. the alleged conduct occurred during or in connection with a clinical encounter in which the complainant was a patient and the respondent was a health care provider or health care worker; and

b. the allegation is that the respondent, for a sexual purpose:
   ● penetrated the complainant’s vagina or anus with either (a) any part of the respondent’s hand or (b) a medical device (Sexual Assault – Penetration);
   ● touched the complainant’s intimate body part (Sexual Assault – Contact);
   ● made the complainant touch themselves on an intimate body part (Sexual Assault – Contact);
   ● engaged in Sexual Harassment (Quid Pro Quo or Hostile Environment);
   ● watched or enabled others to watch complainant’s nudity or sexual acts (Invasion of Sexual Privacy); or
   ● made or attempted to make photographs (including videos) or audio recordings, or posted, transmitted or distributed such recorded material, depicting the complainant’s nudity or sexual acts (Invasion of Sexual Privacy).

For all other allegations (such as that respondent penetrated complainant’s mouth with respondent’s genitalia, used depictions of complainant’s sexual activity to extort complainant, or exposed their genitals), the Title IX Officer will apply the definitions in Section II of the SVSH Policy.

B. Definitions

1. Prohibited Conduct

a. Sexual Assault – Penetration. Penetration, no matter how slight, of the complainant’s vagina or anus by any part of the respondent’s hand or by a medical device, if the respondent engaged in the conduct for a sexual purpose.

b. Sexual Assault – Contact. Intentionally, and for a sexual purpose:
   ● touching complainant’s intimate body part (genitals, anus, groin, breast, or buttocks), or
   ● making the complainant touch themselves on an intimate body part, whether the intimate body part is clothed or unclothed.

c. Invasions of Sexual Privacy. For a sexual purpose:
   ● watching or enabling others to watch the complainant’s nudity or sexual acts; or
   ● making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting the complainant’s nudity or sexual acts.

d. Sexual Harassment. Conduct that meets the definition of Pro Quo Sexual Harassment or Hostile Environment Sexual Harassment as defined in Section II of the SVSH Policy, if respondent engaged in the conduct for a sexual purpose.

Note on Sexual Purpose: In determining whether the respondent engaged in conduct for a sexual purpose, the Title IX Officer will consider all relevant facts and circumstances, such as whether the conduct was Clinically Indicated. Whether the conduct was Clinically Indicated is typically relevant to but not determinative of whether respondent engaged in Prohibited Conduct. A respondent has a “sexual purpose” if, for example, they engage in conduct with any sexual motivation, for sexual gratification, or as an expression of dominance.

2. Clinical Encounter: An inpatient visit, medical office visit, or ancillary service visit during which a patient has a direct interaction with a health care provider or worker, where a health care provider has responsibility for diagnosing, evaluating, or treating the patient’s condition, or a health care...
worker is tasked with delivering a health care item or service (for example, a test or procedure) prescribed by a health care provider.

3. Clinically Indicated: Health care services are clinically indicated in either of the following circumstances.

a. Clinical Care:
- a health care provider, exercising prudent clinical judgment, would provide them to a patient for the purpose of preventing, evaluating, diagnosing, or treating an illness, injury, disease, condition, or its symptoms;
- as performed, they meet the applicable Standard of Care (as defined below);
- as performed, they are appropriate, in terms of type, frequency, extent, site, and duration; and
- as performed, they are considered effective for the patient’s illness, injury, disease, condition, or symptoms.

b. Research or Clinical Trial: They are required for the performance of a clinical trial approved by an IRB with jurisdiction, and are provided consistent with the IRB-approved protocol and with the IRB-approved consent process.

Note on Informed Consent: “Informed consent” of a patient or the patient’s legally authorized representative to an examination or procedure the health care provider knows or should know is not Clinically Indicated, or to the making or distribution of media involving an examination or procedure for purposes unrelated to Clinically Indicated patient care, or legitimate research or education activities, is not a defense to an allegation of Prohibited Conduct under the SVSH Policy.

4. Standard of Care: The reasonable degree of skill, knowledge and care, based on credible scientific evidence published in current peer-reviewed medical literature, and ordinarily possessed and exercised by members of a person’s profession and specialty under similar circumstances. The Standard of Care encompasses whether and under what circumstances a procedure is performed; the way it is performed; and whether and if so in what manner informed consent should be obtained prior to performance (for example, whether consent must be obtained in writing, whether documentation of consent in the medical record is required, or whether it may be implied under the circumstances, and the required content of the consent discussion, form, or both).

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

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.”

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.

Stalking: Repeated conduct directed at a complainant (for example, following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual, romantic or other sex-based nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress. Stalking that is not sex-based is addressed by other University policies including but not limited to the Policy on Student Conduct and Discipline Section 102.10 (policy.ucop.edu/doc/2710530/PACAOS-100).

Specifically for students, PACAOS 102.10 prohibits “Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the University to
SEXUAL VIOLENCE & SEXUAL HARASSMENT

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

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

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

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

- The respondent’s belief arose from the respondent’s own intoxication or recklessness;
- The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant affirmatively consented; or
- The respondent knew or a reasonable person should have known that the complainant was unable to consent because the complainant was incapacitated, in that the complainant was:
  - asleep or unconscious;
  - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - unable to communicate due to a mental or physical condition.

*Note:* Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

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**GET HELP**

**Procedures Survivors are Encouraged to Follow**

- **Call 9-1-1** if you or someone you know is in danger or needs immediate help.
- **Seek Medical Attention after Being Sexually Assaulted:** Free forensic exams are performed, 24 hours a day at Zuckerberg San Francisco General Hospital and Trauma Center in the Emergency Department, located at 1001 Potrero Avenue, Suite 1E21, San Francisco, CA, 94110, (628) 206-8000.

Exams should be conducted as soon as possible, but can be conducted as late as five days after an assault. Exams performed within 72 hours can include HIV prevention medication and emergency contraception.

**Preserving of Evidence**

If an incident of sexual assault, relationship violence, or stalking occurs, it is important for a survivor to preserve and collect evidence, so that the full range of options, including a successful criminal prosecution, remains available. If you have experienced a sexual assault, in order to preserve evidence, if possible, do not wash your hands or face, shower or bathe, brush your teeth, straighten up the area where the assault took place, use the restroom, or change your clothes prior to a medical exam. If you believe you may have been administered drugs to facilitate an assault, it is best to wait to urinate until reaching the hospital where a urine sample can be collected. It is best to seek a medical examination as soon as possible. Additionally, evidence of an incident of relationship violence, such as bruising or other visible injuries, should be documented by taking a photograph. Evidence of stalking, including any communication, such as written notes, voicemail,
or other electronic communications, should be saved and not altered in any way.

In California, evidence may be collected even if you choose not to cooperate with law enforcement. The hospital may be required to contact law enforcement (consistent with California Penal Code Section 11160 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11160&lawCode=PEN⁶, but a victim can choose whether or not to file a formal complaint at that time.

Accommodations

Designated University representatives, including the Title IX Officer and the Confidential CARE Advocate, can provide sexual assault, relationship violence, and stalking survivors with important assistance and accommodations, where reasonably available, including the following interim and mitigating measures:

- Assistance with reporting the incident(s) to law enforcement;
- Initiating institutional conduct proceedings;
- Issuing “No Contact Orders” to eliminate contact with the accused(s);
- Obtaining a restraining order issued by a criminal or civil court;
- Providing academic accommodations, e.g., extensions on assignment due dates;
- Changing living arrangements, e.g., changing residence location;
- Changing transportation arrangements, e.g., providing parking in a different location; and
- Changing work arrangements, e.g., relocation to a more private or secure location.

Accommodations may be made upon request, if they are reasonably available, irrespective of whether a survivor chooses to report an incident to the UCSF Police Department, local law enforcement, or the Title IX Officer. The Confidential CARE Advocate can provide this support to survivors who choose not to report.

Accommodations may remain in place until the final outcome of a disciplinary or appeals process; change or terminate depending on the parties’ evolving needs; or become permanent as part of the resolution of a report. Such measures may be implemented to provide support, restore or preserve access to a University program or activity, or deter prohibited conduct.

Reporting Rights and Options

Survivors have several reporting options, and they may pursue one or all of the options at any time. Survivors also have a right to have the Confidential CARE Advocate, a friend, family member, or other representative present with them while reporting an incident. Survivors also have the right to have the Confidential CARE Advocate and a support person (of their choice) present during any sexual assault forensic examination. UCSF representatives, including the Title IX Officer and the Confidential CARE Advocate, can also support survivors in notifying the UCSF Police Department or local department, if a survivor chooses to report the incident.

Timelines for Making Reports

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

NON-REPORTING OPTIONS

The resources listed below are available to provide support or counseling to survivors on a fully confidential basis. These resources can provide critically important assistance, but reporting to them will not lead to action being taken by UCSF. Confidential resources will inform a person who discloses experiencing possible prohibited conduct under the SVSH Policy of the discloser’s right to report directly to the Title IX Officer and how to do so.

CARE Advocate: The Confidential CARE Advocate provides confidential information about sexual assault, relationship violence, and stalking. The Confidential CARE Advocate can explain a survivor’s options, accompany a survivor throughout any reporting process (should a survivor choose to report an incident), and assist a survivor with academic, housing and employment concerns and accommodations. The Confidential CARE Advocate is also available to explain and discuss a survivor’s right to file a criminal complaint, the University’s relevant complaint processes, available resources (both on and off campus), and other related matters.

⁶Per Penal Code Section 11160: Any health practitioner employed in a health facility, clinic, physician’s office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is a person described as follows, shall immediately make a report in accordance with subdivision (b): (1) Any person suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury is by means of a firearm. (2) Any person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct.
Office of the Ombuds: The Ombuds provide survivors with confidential information, including information about options that are available and makes referrals, as necessary and as requested.

Student Health and Counseling: Student Health and Counseling Services provides student survivors with confidential counseling services.

Faculty Staff Assistance Program (FSAP): FSAP provides faculty, staff, residents, postdocs, and clinical fellow survivors with confidential counseling and other services.

ON-CAMPUS REPORTING OPTIONS
The resources below provide assistance, including initiating formal administrative and criminal investigations. Reporting to these resources may lead to action being taken by UCSF. UCSF strongly encourages survivors to report sexual assault, dating violence, domestic violence and stalking, so the University and the police may protect the survivor and the campus community. However, non-reporting is also an option. Accommodations may still be available to individuals who do not report.

UCSF Administration: When a report is made that provides sufficient facts to allege a violation of policy, to a School, Department, Human Resources, Academic Personnel Office, Student Affairs, Office of the Provost, etc., the Title IX Officer conducts an investigation as to whether a violation of policy took place. This administrative process is separate from a legal proceeding. The investigative report will be shared with only those members of the University community with a need to know. Survivors have the right to be accompanied by a support person when they report to campus administration and the Confidential CARE Advocate can support them with this process. UCSF officials will assist any individual in notifying law enforcement if she/he chooses to do so. Victims are entitled to choose not to report to law enforcement.

Title IX Officer: The Title IX Officer receives and investigates reports of sexual assault, relationship violence, stalking and sexual harassment. The Title IX Officer is available to explain and discuss a survivor’s right to file a criminal complaint, the University’s complaint process, how confidentiality is handled, and available resources (both on and off campus). The Title IX Officer works with the UCSF Police Department on cases that are reported to both entities.

UCSF Police Department: Although the University strongly encourages members of the community to report violations to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police.

- If an individual has been the victim of an incident of sexual violence, they should report to UCSFPD at (415) 476-6911 from a cell phone or dial 9-1-1 from any campus phone. Call and tell the dispatcher, “I want to report a sexual assault.” The individual may also report in person to UCSFPD 654 Minnesota Street, Suite 180, San Francisco, CA 94143, Monday through Friday, 8 a.m. to 5 p.m.
- If an individual chooses to report an incident of sexual assault, relationship violence, or stalking to UCSFPD, the Department will coordinate referral to the Title IX Officer for investigation regardless if the complainant chooses to pursue criminal charges.
- University police can initiate a criminal investigation and, may be able to obtain emergency protective orders on a survivor’s behalf.
- If a survivor chooses not to report a crime immediately, the report can still be made at a later time. Survivors may contact the Confidential CARE Advocate for free and confidential assistance with this process.
- UCSF officials will assist any individual in notifying law enforcement if she/he chooses to do so. Victims are entitled to choose not to report to law enforcement.

OFF-CAMPUS REPORTING OPTIONS
Reporting to Local Law Enforcement: A survivor may report an incident to the police department located within the jurisdiction where the incident occurred. If a survivor 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 a survivor with assistance in obtaining emergency protective orders, which will be enforced both on and off campus.

Civil Restraining Orders: A survivor 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. Survivors may contact the Confidential CARE Advocate for a referral to resources which provide free and confidential assistance with this process.

ANONYMOUS REPORTING
To file an anonymous online complaint, go to EthicsPoint at www.ucop.edu/ethics-compliance-audit-services and select “File A Report.” Choose a location, select “Discrimination/Harassment” as your subject matter, and enter the details of your complaint.
You can also file an anonymous phone complaint by calling the EthicsPoint Hotline at 1 (800) 403-4744. EthicsPoint is run by a neutral third party vendor and will be routed to the appropriate party anonymously. Please note that anonymous complaints may limit how UCSF can respond to a given situation.

UCSF is committed to operating in an ethical, honest, and lawful manner. UCSF follows the University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy) and the University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy). In addition to the EthicsPoint Hotline, complaints may be filed to the UCSF Whistleblower Coordinator, the UC Confidential Hotline, the California State Auditor, the California Attorney General or directly to a supervisor. See policies.ucsf.edu/policy/150-23 for more information.

**CONFIDENTIALITY**

UCSF recognizes the sensitive nature of sexual assault, relationship violence, and stalking incidents. The University is committed to protecting the privacy of survivors who make reports or seek accommodations and protective measures. When a survivor reports an incident to UCSF or seeks accommodations and protective measures, his or her privacy will be respected to the full extent possible. Reports and/or requests for accommodations and protective measures will be shared with only those members of the University community with a need to know.

A report to the police/law enforcement may create a public record.

The police are required to notify a survivor that his or her name will become a matter of public record unless confidentiality is requested. (Cal. Penal Code § 293; Cal. Gov. Code § 6254(f).) If a survivor requests that his or her identity be kept confidential, their name will not become a matter of public record, and the police will not report his or her identity to anyone else at the University, including the Title IX Officer. UCSF Police, however, will report the facts of the incident to the Title IX Officer, without revealing the survivor’s identifying information.

UCSF is required by the Clery Act to report certain types of crimes, including sexual assaults, in statistical reports. Pursuant to the Clery Act, UCSF will report the type of incident that occurred in the Annual Security Report and Daily Crime Log, but no names or personally identifying information will be revealed.

**Mandatory Reporting**

You should be aware that some disclosures to UCSF faculty or employees (including student employees) will result in a report to the UCSF Office for the Prevention of Harassment and Discrimination/Title IX.

Per the UC Sexual Violence and Sexual Harassment Policy, any University employee who is not a Confidential Resource and who learns, in the course of employment, information that a student (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment or other prohibited conduct, must promptly notify the Title IX Officer or designee. This includes student employees, when disclosures are made to them in their capacities as employees.
If any of the following people learn, in the course of employment, that any other person affiliated with the University may have experienced prohibited conduct, they must promptly notify the Title IX Officer or designee: Campus Police; Human Resources Administrators; Academic Personnel Administrators; and Title IX Professionals; Managers and Supervisors including Deans, Department Chairs, and Directors of Organized Research Units; Faculty members.

**UCSF Procedures for Responding to Reports of Sexual Violence**

- The University will provide written notification to students and employees regarding resources/services, on campus, off campus or both, to include medical services, legal assistance, victim advocacy, counseling and mental health, student financial aid, and visa and immigration assistance.
- The University will also provide written notification about options for, and available assistance in, changing academic, living, transportation, and work situations. UCSF is obliged to comply with an individual’s reasonable request for such accommodations following an alleged sex offense. These accommodations will be made if requested and reasonably available, regardless of whether the crime is reported to UCSFPD or local law enforcement.
- Written notification will also be provided regarding protective measures and the persons’ rights and options. This document may be found at the following link: police.ucsf.edu/system/files/ucsf_rights_options_resources_web.pdf
- Depending on the circumstances of the report, UCSF may provide a reporting party access to medical care, referrals to on and off campus mental health providers, assess the need to implement interim or long-term protective measures, provide written instructions on how to apply for a Protective Order, provide a copy of the University policy on Sexual Violence and Sexual Harassment, and give information regarding timeframes for inquiry, investigation and resolution.
- Requests for any of these services or accommodations should be made to the Title IX Officer or the Confidential CARE Advocate.
- For purposes of Clery Act reporting and disclosures, publicly available information will be made without the inclusion of identifying information about the individual, as defined in 42 U.S.C. 13925(a)(20). This includes information likely to disclose the location of a victim of sexual assault, relationship violence, or stalking, including first and last name, address, contact information, social security number, driver’s license number, date of birth, racial or ethnic background, etc.

**Sexual Violence Prevention Programs and Resources**

UCSF conducts orientations and educational programs for faculty, students and staff promoting the awareness of consent, definitions of rape, acquaintance rape, and other forcible and non-forcible sex offenses. The University also engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual assault, relationship violence, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, UCSF’s programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:
- Identifies sexual assault, relationship violence, and stalking as prohibited conduct.
- Uses definitions provided both by the Department of Education as well as state law as to what behavior constitutes sexual assault, relationship violence, and stalking.
- Defines what behavior and actions constitute consent to sexual activity in the State of California and under University policy.
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of sexual assault, relationship violence, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.
- For more information on sexual violence prevention education and training please see https://sexualviolence.ucsf.edu/education-training.
New Student Orientations

For UCSF students, the University makes three points of contact on the topics of sexual and gender-based violence and misconduct no later than the sixth week of classes. One of these points of contact consists of an in person training. After the initial training, all continuing students complete one, annual mandated training. The three points of contact are:

1. An Email Message from the Chancellor or designee with a link to a mandatory online training

2. Online Mandatory Training developed for Graduate Students

3. In person presentation by the UCSF Confidential CARE Advocate at all New Student Orientations

Training topics covered include: definitions of interpersonal violence and stalking, social norms–attitudes and beliefs that normalize violence, bystander intervention (including warning signs), trauma informed response, resources, and reporting rights and options. Upon request, the Confidential CARE Advocate is available to provide additional training, education, and informational sessions on the topics of sexual assault, sexual violence, stalking and gender based violence.

New Employee/Faculty Orientations

New employees are provided with information about UCSF’s sexual violence, relationship violence, and stalking policies during their new hire orientations. Following orientation, they are encouraged to attend the University’s online Violence Against Women Act (VAWA) training, which provides valuable information about sexual violence, relationship violence, and stalking. Additionally, new faculty, managers, supervisors and other designated management or supervisory-level employees are required to complete the University’s two-hour, online Sexual Harassment Prevention Training module. This module provides information about sexual harassment, sexual violence, relationship violence, and stalking.

Ongoing Awareness and Education Programs

Ongoing awareness and educational programs and trainings are sponsored by the University’s Confidential CARE Advocate, the Office for the Prevention of Harassment and Discrimination, and UCSFPD. These programs and trainings focus on a range of topics, including, understanding consent, social norms, information regarding survivors’ rights on campus, bystander intervention, trauma informed response and recognizing and preventing sexual harassment, sexual violence, relationship violence, and stalking.

All members of the University community (students and employees) are regularly encouraged to attend the University’s online Violence Against Women Act (VAWA) training. Notices concerning the availability of this training are sent out on an annual basis.

University employees (staff, managers, supervisors and faculty) are encouraged to attend interactive, in-person sexual harassment prevention training. These trainings are offered several times throughout the year. Faculty, managers, supervisors and other designated management or supervisory-level employees are required to attend the University’s online Sexual Harassment Prevention Training every other year, as long as they remain employed at the University. In place of the two-hour on-line training, they may choose to attend a two-hour, interactive in-person training.

The University also sometimes requires students, employees, and faculty to attend interactive, in-person sexual harassment prevention training. This often occurs in response to allegations or complaints of sexual harassment, sexual violence, relationship violence, and/or stalking.

The UCSF Police Department offers Rape Aggression Defense System (R.A.D.) training, which is open to both female and male identified members of the University community (employees, faculty and students). RAD is a comprehensive, 12-hour program that teaches students realistic self-defense tactics and techniques. It begins with awareness, prevention, risk reduction and avoidance, and progresses to hands-on defense training. This training is offered several times throughout the year.

Additionally, the University participates in and hosts a number of events honoring Sexual Assault Awareness Month. During these events the Confidential CARE Advocate and other University representatives provide information and resources regarding sexual harassment, sexual violence, relationship violence, and stalking.

Advocacy Response Services

The University’s Confidential CARE Advocate provides support and advocacy services to survivors of sexual assault, sexual harassment, relationship violence, stalking and invasion of sexual privacy. The Confidential CARE Advocate is available to members of the University community 24 hours a day, 7 days a week.
Sexual Violence Resources

**On Campus**

**Confidential CARE Advocate**
1855 Folsom Street, #655
(415) 502-8802
careadvocate.ucsf.edu

**Student Life**
500 Parnassus Avenue, MU100
550 16th Street, MH 1300
(415) 502-1484
studentlife.ucsf.edu

**Student Health & Counseling Services**
500 Parnassus Avenue, Millberry Union, Level P8, MUH-005
1675 Owens Street, 3rd Floor, Suite 330
(415) 476-1281
studenthealth.ucsf.edu

**UCSF Police Department**
654 Minnesota Street, Suite 180
(415) 476-1414
police.ucsf.edu

**Office for the Prevention of Harassment and Discrimination**
490 Illinois St, 11th floor
(415) 502-3400
ophd.ucsf.edu

**Title IX Officer**
490 Illinois Street, 11th floor
(415) 502-3400
sexualviolence.ucsf.edu

**Multicultural Resource Center**
500 Parnassus Avenue, MU108
(415) 502-1911
mrc.ucsf.edu

**Faculty Staff Assistance Program**
3333 California Street, Suite 293
1855 Folsom Street, Suite 500H
(415) 476-8279
https://hr.ucsf.edu/service/
faculty-and-staff-assistance-program

**Student Disability Services**
500 Parnassus Avenue, MU100
(415) 476-6595
sds.ucsf.edu

**Office of Legal Affairs**
745 Parnassus Avenue
(415) 476-5003
legal.ucsf.edu

**Off Campus**

**San Francisco Police Department**
1245 3rd Street | (415) 553-8090
sanfranciscopolice.org

**Zuckerberg San Francisco General Sheriff’s Patrol**
1001 Potrero Avenue | (415) 206-8063
www.sfsheriff.com

**San Francisco Counseling Center**
1801 Bush Street, Suite 215 | (415) 440-0500
www.sfcounselingcenter.com

**San Francisco Women Against Rape Crisis Center and Counseling**
3543 18th Street, #7 | 24-hour hotline: (415) 647-RAPE (7273)
www.sfwar.org

**San Francisco Trauma Recovery Center**
2727 Mariposa Street, Suite 100 | (415) 437-3000
traumarecoverycenter.org

**W.O.M.A.N. Inc., Domestic Violence Services**
26 Boardman Place | 24-hour hotline: (877) 384-3578
www.womaninc.org

**YWCA Advocacy Group**
940 Powell Street | (415) 397-6886
https://yourywca.org/

**San Francisco Superior Court / Hall of Justice**
850 Bryant Street | (415) 551-0651
www.sfsuperiorcourt.org

**San Francisco District Attorney Victim Services**
350 Rhode Island Street, North Building, 4th floor
(628) 652-4100
sfdistrictattorney.org/victim-services

**San Francisco Bay Area Legal Aid**
1800 Market Street, 3rd Floor | (415) 982-1300
baylegal.org

**Other resources** available to persons experiencing sexual assault, relationship violence, or stalking, include:

**Rape, Abuse and Incest National Network**
www.rainn.org

**Department of Justice – Office on Violence Against Women (OVW)**
www.justice.gov/ovw/sexual-assault

**Department of Education, Office for Civil Rights**
www2.ed.gov/about/offices/list/ocr/index.html
How to Prevent Relationship Violence

If you are in a relationship with someone who is threatening to harm you or is physically, emotionally or verbally abusing you, you may be experiencing relationship violence.

Whether you are concerned about yourself or someone else in the UCSF community, educational resources and support services are available for anyone who is in an abusive relationship, has experienced relationship or intimate partner violence in the past, or wants to learn more about how domestic violence affects the community. It is not necessary that you end your relationship in order to receive support.

You can contact the Confidential CARE Advocate at (415) 502-8802 or contact the National Domestic Violence Hotline at (800) 799-SAFE (799-7233) to be referred directly to help in your community, including emergency services and shelters. UCSFPD is empowered to take action based on available evidence if you would like assistance in this matter.

Remember – there is never an excuse for relationship violence.

How to Be an Active Upstander

Upstanders can play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” UCSF wants to promote a culture of community accountability where upstanders are actively engaged in the prevention of violence without causing further harm. You may not always know what to do even if you want to help. Below is a list of some ways to be an upstander. If you or someone else is in immediate danger, dial 9-1-1 or on UCSF property dial (415) 476-6911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

■ Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.

■ Confront people who seclude, hit on, attempt to make out with, or in any other way engage in sexual activity with people who are incapacitated.

■ Speak up when someone discusses plans to take sexual advantage of another person.

■ Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.

■ Refer people to on or off campus resources listed in this publication for support in health, counseling, or with legal assistance.


Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse
Risk Reduction

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse & Incest National Network, www.rainn.org)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
- Don’t accept drinks from people you don’t know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself.** Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word** with your friends or family so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie.** If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
  - **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
  - **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.
The University will apply appropriate disciplinary procedures to those who violate the University’s Sexual Violence and Sexual Harassment policy. Sexual harassment and sexual violence are violations of state and federal law, University policy, the Faculty Code of Conduct, staff personnel policies, collective bargaining agreements and student policies. Whether or not criminal charges are filed, the University or an individual may file a complaint under the Sexual Violence and Sexual Harassment policy alleging a violation. Individuals should report complaints regarding sexual assault, relationship violence, stalking or any other violations of the Sexual Violence and Sexual Harassment policy to the UCSF Title IX Officer, at the Office for the Prevention of Harassment and Discrimination, (415) 502-3400, 490 Illinois St., 11th floor.

The procedures set forth below are intended to afford a prompt response to charges of sexual misconduct, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy. (See also: policies.ucsf.edu/policy/150-13.)

Initial Investigation Procedures

Upon receiving a report of alleged sexual violence and/or sexual harassment (including sexual assault, relationship violence, and stalking), the Title IX Officer will determine, consistent with the University’s policy on Sexual Violence and Sexual Harassment, whether a formal investigation should be initiated or if alternative/early resolution is an option.

Initial Assessment

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

The Title IX Officer will first assess the report to determine whether the alleged conduct is DOE-Covered Conduct and, if so, whether to begin a DOE Grievance Process or Alternative Resolution.

If the alleged conduct is not DOE-Covered Conduct, then the Title IX Officer will next determine:

- whether the report on its face alleges an act of Prohibited Conduct as defined in Section II and Appendix V of the SVSH Policy; and
- if so, whether the Prohibited Conduct is covered by the Policy, as described in Section III.B.

The Title IX Officer, in coordination with the Case Management Team, and in consultation with the complainant when possible, will:

- make an immediate assessment of the health and safety of the complainant and the campus community,
- determine and oversee Supportive Measures that are immediately necessary, and
- outreach to the complainant per a template issued by the Systemwide Title IX Office that includes, for example, an explanation of rights and reporting options (including the right to report to the police), a request to meet with the Title IX Officer, and available campus and community resources.

The Title IX Officer will also inform the complainant of the range of possible outcomes of the report, including supportive and remedial measures and disciplinary actions, the procedures leading to such outcomes, and their right to make a formal complaint.

The Title IX Officer may consult with other offices as necessary. This may include Academic Personnel Offices for complaints involving faculty and other academic appointees, with Student Affairs Offices for complaints involving students, and with Human Resources or Employee and Labor Relations Offices for complaints involving staff, and health professionals for complaints stemming from a clinical encounter.

For complainants who do not want to participate in an investigation, or request that the University not move forward with an investigation, the University will strive to honor the
stated wished of the complainant, but there may be circumstances in which the University may need to move forward against the complainant’s wishes. This includes situations where there is an ongoing threat to the University, a pattern of alleged conduct toward multiple people by the same respondent that creates a hostile environment, or allegations of prohibited conduct in the public realm.

Should the Title IX Officer determine that an investigation will not be conducted, the Title IX Officer will notify the complainant in writing and explain the rationale for the determination, including a statement that should new information become available, the complainant maintains his or her right to file a new complaint with the Title IX Officer at any time.

Not all reports the Title IX Officer receives are reports of prohibited conduct that can be resolved through a resolution process described below. This includes reports for which the Title IX Officer determines that:
- even if true, the alleged conduct is not prohibited conduct;
- the conduct is not covered by the SVSH Policy;
- there is not enough information to carry out a resolution process (for example, the identities of the people involved);
- a complainant’s request that no investigation occur can be honored; or
- there is not enough nexus between the conduct and the University to carry out a resolution process (for example, the conduct did not occur in the context of a University program or activity and involved only third parties).

The Title IX Officer will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. Such steps may include, for example, offering resources and mitigating measures to the complainant and providing targeted preventive education (including to the respondent) and training programs.

When the reported conduct is not prohibited conduct (such as stalking or harassment that is not sex-based), or comments of a sexual nature during a clinical encounter that do not rise to the level of a hostile environment, the Title IX Officer will, if appropriate, refer the matter to another office for review and resolution.

Alternative Resolution

Alternative/early resolution may be used when a report is made by a third party or anonymously; when both parties want to resolve a matter cooperatively; when a formal investigation is unlikely to lead to a satisfactory outcome; or in cases involving less serious violations. While the University encourages alternative/early resolution, the University does not require parties to participate in alternative/early resolution. Moreover, some reports of sexual violence and sexual harassment may not be appropriate for alternative/early resolution and may require a formal investigation, which is at the discretion of the Title IX Officer.

Alternative Resolution may include, among other responses:
- separating the parties;
- providing for safety;
- referring the parties to counseling;
- mediation (except in cases of sexual violence);
- referral for disciplinary action;
- an agreement between the parties;
- conducting targeted preventive educational and training programs; and
- conducting a follow-up review to ensure that the resolution has been carried out effectively.

Participation in Alternative Resolution is voluntary, meaning both the complainant and the respondent must agree in writing to participate. If Alternative Resolution is selected, the Title IX Officer will provide timely written notice to both parties that includes:
- the allegations;
- the Title IX Officer has begun the process;
- the process is voluntary and will end upon either party’s request;
- termination may result in formal investigation or (if it applies) a DOE grievance process;
- they may be accompanied by an advisor throughout the process;
- the Title IX Officer will notify both parties of the process’s outcome; and
- the process is private but not confidential, the Title IX Officer will maintain a record of the process and may share information with others if needed to carry out the resolution, and information shared by parties may be considered in any subsequent resolution process.

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

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

12 Alternative resolution is not available when the complainant is a student and the respondent is an employee.
consider, approve, and communicate extensions per written guidelines from the Systemwide Title IX Office.

Once the parties have agreed to the terms of an Alternative Resolution, the University will not conduct a formal investigation or (if it applies) DOE grievance process unless the Title IX Officer determines that the respondent failed satisfy the terms of the Alternative Resolution, or that the Alternative Resolution was unsuccessful in stopping the prohibited conduct or preventing its recurrence. The Title IX Officer will keep records of all reports and conduct addressed through Alternative Resolution.

Protecting the Confidentiality of the Victim

Personally identifiable information about the victim will be treated as private and shared only with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (i.e., publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20)). Different administrators on campus are able to offer varying levels of privacy protection. The University will maintain confidential any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged respondent, the University’s ability to respond to the complaint, in the context of an initial investigation or formal investigation, may be limited.

The University does not publish the name of crime victims nor list identifiable information regarding victims in the UCSFPD Daily Crime Log. Victims may request that directory information on file be removed from UCSF controlled public sources by contacting the Title IX Officer, Information Technology Services (ITS), Human Resources or the respective dean’s office.33

Supportive and Remedial Measures

The University may implement supportive and remedial measures following the report of sexual assault, relationship violence, and/or stalking. The Title IX Officer (or designee) will determine whether interim interventions and mitigating measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. 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 conduct, the Title IX Officer will ensure the measures are non-disciplinary and non-punitive, and that they do not unreasonably burden a party.

Examples of available measures include, but are not limited to:

1. **Campus Services Generally:** Academic, employment, and other support including tutoring, counseling, disability services, health and mental health services, family planning services, survivor advocacy, housing assistance, legal assistance, referral to employee assistance program, information about the right to report a crime to campus or local law enforcement, and written materials prepared by the Title IX Officer.

2. **Measures Available to Employees, Including Academic, Staff and Student Employees:** Change to a different workstation, schedule, work location, unit, department, or position for which the employee is qualified provided that, in the case of a complainant the change is voluntary and equitable.

3. **Training and Education of the Respondent:** The respondent may be required to undergo training, including sexual harassment prevention training, anger management training, and periodic refresher classes.

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

5. **Additional Educational Measures for Students:**
   - Change advisors, composition of dissertation committee, class sections and similar schedule adjustments.

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33 Personally identifiable information means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including: (a) first and last name; (b) a home or other physical address; (c) contact information (including a postal, email, or Internet protocol address, or telephone facsimile number); (d) a social security number, driver license number, passport number, or student identification; and (e) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.
■ Arrange extra time to complete academic requirements of a class or program, or to re-take a class or withdraw from a class, without an academic or financial penalty if the University delayed such accommodations after it reasonably should have known of the violation.

■ Review any disciplinary actions taken against the complainant subsequent to the alleged violation to determine whether there is a causal connection between the violation and the complainant’s misconduct.

6. No Contact Options:

Complainant and Respondent Options:
● The Title IX Officer will ensure the parties have been notified of options to avoid contact;
● Assist the parties in changing, as appropriate, living, transportation, dining, and working situations, or academic and extracurricular activities;
● Assist the parties requesting and understanding the terms, parameters and consequences of violating no contact orders; and
● Arrange for escort services to ensure that the parties can move safely to work, classes, and activities.

Parameters for No Contact Orders Between Parties:
● A no contact order restricting a party from contacting the other party may be appropriate as a Supportive Measure (Interim or Mitigating) or a Remedial Measure. No-contact orders may also be appropriate under other University policies.
● 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 well-being, or to respond to interference with a Resolution Process.
● A no contact order issued as a Remedial Measure will restrict only a party found in violation of University policy.

A no contact order issued as an Interim or Remedial Measure will include an explanation of its terms, including what conduct could violate it and result in corrective action. If the no contact order is mutual, then the notice will also explain why it is mutual.

Respondent’s Restrictions:
● Allowing the complainant to take regular sections of courses while arranging for the respondent to take the courses online or through independent study;
● Moving the respondent to a different residence hall or work space;
● Forbidding the respondent to participate in specific athletic or extracurricular events or social clubs (including fraternities or sororities);
● Requiring that the respondent observe no contact orders from the complainant for a period of time (up to the complainant’s graduation or other departure from the campus) via work scheduling or class changes;
● Prohibiting the respondent from attending classes for a period of time, transferring the respondent to another campus, or putting the respondent on investigatory leave; and
● Excluding the respondent from the campus or workplace.

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Officer’s directives or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the University.

Protective measures may be requested through the Title IX office, but may also be initiated through the UCSF Confidential CARE Advocate, appropriate dean or supervisor. Interim measures are available, as appropriate, regardless of whether a complainant seeks an investigation, formal resolution, or disciplinary action. For more information regarding supportive and remedial measures, see Appendix III of the Sexual Violence and Sexual Harassment policy.

Formal Investigation and DOE Grievance Procedures in Cases of Alleged Sexual Assault, Relationship Violence, and Stalking

The University’s disciplinary process requires a prompt, fair, and impartial investigation and resolution process, transparent to the complainant and the respondent. The Title IX Officer will begin a formal investigation when they decide not to close a report after their initial assessment, the alleged conduct is not DOE-covered conduct, and either (i) alternative resolution and other inquiry are not appropriate, or (ii) the parties do not agree to participate in alternative resolution or it ends before they

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[14] Applicable law requires that, when taking such steps to separate the complainant and the respondent, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the respondent to remain.
agree on terms. In both formal investigations and DOE grievance process investigations:

- The Title IX Officer may coordinate the investigation with other offices, depending on the identities of the complainant and respondent (that is, faculty, other academic appointees, staff, or students).

- If the complainant does not want an investigation, the Title IX Officer may determine an investigation is necessary to mitigate a risk to the campus community. If the Title IX Officer decides to open an investigation despite the complainant’s request, the Title IX Officer will tell the complainant of the decision before beginning the investigation or otherwise notifying the respondent of the complainant’s identity; tell the respondent that the complainant did not request an investigation but the Title IX Officer determined one was necessary; and provide the complainant with all information required by the SVSH Policy unless the complainant states in writing that they do not want it.

- If the Title IX Officer does not begin an investigation, they will inform the complainant that this limits possible remedies. The Title IX Officer will nonetheless provide mitigating measures as appropriate and consistent with complainant’s privacy and the absence of an investigation. When the Title IX Officer begins an investigation, they will give the parties a written summary of the allegations, an explanation of their rights, the procedures that will be followed, available resources, including the SVSH Policy. While the parties have the right to identify evidence and witnesses, the University bears the burden of proof and of gathering evidence sufficient to reach a determination regarding responsibility.

- When the Title IX Officer begins an investigation, they will give the parties a written summary of the allegations, an explanation of their rights, the procedures that will be followed, available resources, including the SVSH Policy. While the parties have the right to identify evidence and witnesses, the University bears the burden of proof and of gathering evidence sufficient to reach a determination regarding responsibility.

**Timeframe:** The Title IX Officer will complete the investigation promptly, typically within 60 to 90 business days of notifying the parties in writing of the charges. However, the Title IX Officer may extend the timeframe past 90 days for good cause. The Title IX Officer will periodically update parties on the status of the investigation and notify them in writing of the reason for any extension and the projected new timeline. The actual time required depends on the specific circumstances, including the complexity of the matter and the severity and extent of the alleged conduct. The Title IX Officer will consider, approve, and communicate extensions per written guidelines from the Systemwide Title IX Office.

If the police are also investigating the alleged conduct, the Title IX Officer will coordinate with the police but must nonetheless act promptly without delaying the investigation until the end of the criminal investigation.

**Burden of Proof:** The standard of evidence used during any UCSF judicial hearing arising from such a report is Preponderance of the Evidence unless stated otherwise in the discipline procedures outline below. Preponderance of the evidence means a person will be found responsible if the administrator or deciding body decides it is more likely than not that misconduct occurred.

**Administrative Closure:** The Title IX Officer may close an investigation before completing it if they determine that a significant change in circumstances has so substantially impaired the investigation that they cannot reach reasonably reliable conclusions about whether the alleged conduct occurred. 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 as appropriate resources to the parties and mitigating measures to the complainant.

**Other Inquiry**

When a report is not closed after initial assessment yet is not appropriate for alternative resolution, formal investigation or a DOE grievance process because there is no individual identifiable respondent over whom the Title IX Officer has jurisdiction, 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.

Such an inquiry may be appropriate when, for example, the complainant alleges prohibited conduct by an organization, a person whose identity is unknown, or a third party, or allegations conduct by multiple people that rises to the level of prohibited conduct only when considered in the aggregate.

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

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

The Title IX Officer will complete the inquiry promptly (typically within 60 days, unless extended for good cause), and notify the complainant of the outcome.

Notifications and Documentation
When engaging in a resolution process, the Title IX Officer will provide written notices to the parties and keep records per guidelines issued by the Systemwide Title IX Office. The guidelines will address, for example:
- information provided to the parties about their rights and options;
- notices provided to the parties at the beginning and end of a process;
- documentation of the parties’ agreement to engage in Alternative Resolution;
- documentation of resolutions reached through Alternative Resolution, including documentation to be obtained from any other campus officials involved in the resolution; and
- the types of documentation to be kept at the end of a process.

The Investigation Report and Outcome
If either a formal investigation or DOE grievance process investigation is conducted, the Title IX Officer will prepare a written report that includes:
- the factual allegations and alleged policy violations;
- statements of the parties;
- a summary of the evidence;
- an explanation of why any proffered evidence was not relied upon;
- credibility determinations when appropriate;
- findings of fact; and
- an analysis of whether the SVSH Policy was violated.

The report will also include the Title IX Officer’s determination of whether the respondent violated the SVSH Policy. However, in a DOE grievance process, and any time the respondent is a student, the determination is only preliminary. In determining whether the SVSH Policy was violated, the Title IX Officer will apply the preponderance of evidence standard.

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

In a DOE grievance process, and any time the respondent is a student, the Title IX Officer will inform the parties of their right to contest or not accept the investigator’s preliminary determination and have a hearing to determine whether the SVSH Policy was violated. If they do, the next stage of the DOE grievance process or formal investigation is a hearing.

Remedy
a. If the University finds prohibited conduct, the University will take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects. For examples of available remedial measures, see Appendix III of the SVSH Policy.

b. If the remedy has not already been provided, the Title IX Officer will oversee its implementation in consultation with appropriate administrators. The Title IX Officer will consider whether any systemic remedies, such as enhanced training or improved security, are also appropriate.

Discipline
a. The Title IX Officer will forward the investigation report (with attachments) to the appropriate administrator responsible for possible further action, including discipline.

b. Any member of the University community who is found to have engaged in prohibited conduct may be subject to disciplinary action, up to and including dismissal per the applicable University disciplinary procedure or other policy.

c. At the end of any disciplinary proceeding the complainant and the respondent will be contemporaneously informed in writing of:
  - the outcome, including the final determination regarding the alleged offense, any discipline, and the rationale for the results;
  - any available appeal rights and procedures; and
  - any subsequent change to the results and when results become final.

The University tries to finalize and notify parties of disciplinary decisions reasonably promptly per applicable procedures, depending on the severity and extent of the prohibited conduct and the complexity of the matter.
Rights of the Participants
The University policy on Sexual Violence and Sexual Harassment along with other relevant policies provides the following rights and options:

1. The complainant and the respondent are entitled to the same opportunity to have others present during a disciplinary hearing;

2. Both the complainant and the respondent will be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense, including sexual assault, relationship violence, and stalking;

3. The University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a person who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph;

4. The complainant and the respondent each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;

5. Hearing board members and investigators are trained annually on the issues related to sexual assault, relationship violence, and stalking and are instructed how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability;

6. The complainant and the respondent will have timely notice for meetings at which the complainant or respondent, or both, may be present;

7. UCSF will allow for timely access to the complainant, the respondent and appropriate officials, to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;

8. UCSF’s disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the respondent;

9. UCSF provides the complainant and respondent the same opportunities to have others present during a disciplinary proceeding. The complainant and the respondent each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. An advisor may be any person, except another party or potential witness. UCSF cannot limit the choice of an advisor, but may restrict the extent and manner of the advisor’s participation in the proceedings as long as the restrictions apply equally to the complainants and respondents. At the beginning of any resolution process, the Title IX Officer will inform parties of the University’s rules of conduct during the process, and potential consequences if an advisor does not meet those standards, including disqualification from further services as the advisor.

10. A conduct decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused person violated the University’s policy?”

11. The complainant and the respondent will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final. The writing will state how evidence was weighed and how the standard of evidence was applied; and

12. The rights of the complainant and respondent to appeal the outcome are listed in the Conduct Process sections below for students, faculty and staff. The complainant and respondent will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final, and of the final result after the appeal is resolved.

13. The parties may be advised of the private and sensitive nature of the allegations, personnel and student discipline, and other matters that arise, but cannot be restricted from discussing the allegations or gathering evidence (provided their conduct is not retaliation) or from further disclosing information.

14. Resolution Processes are non-adversarial proceedings in which all participants are expected to behave respectfully.

15 According to Section 16 of title 18 of the United States Code, the term “crime of violence” means — a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

16 Investigator and hearing board member training addresses how evidence should be used during a proceeding, procedural rules, proper techniques for questioning witnesses, and avoiding actual and/or perceived conflicts of interest.

17 Result is defined as any initial, interim and final decision made by the University and will include any sanctions imposed.
Department of Education (DOE) – Covered Conduct

Summary: Per the federal Title IX regulations effective August 14, 2020 (DOE Regulations), the University cannot discipline a respondent for DOE-Covered Conduct unless it follows the DOE Grievance Process. The DOE Grievance Process is triggered only by a DOE Formal Complaint that alleges DOE-Covered Conduct. Only a qualified complainant (Section A.1, below) or the Title IX Officer (Section A.4, next page) can make a DOE Formal Complaint. Instead of a DOE Grievance Process, the Title IX Officer could in some cases potentially open an Alternative Resolution in response to such a complaint. The DOE Grievance Process and Alternative Resolution are described in Section V.A.5 of the University policy on Sexual Violence and Sexual Harassment (the Policy).

When allegations of DOE-Covered Conduct in a DOE Formal Complaint and allegations of other Prohibited Conduct or of violations of other University policies arise out of the same facts or circumstances, then the University will address all allegations together through either the DOE Grievance Process procedures or Alternative Resolution.

When allegations do not include DOE-Covered Conduct, then the Title IX Officer will determine whether to open a different Resolution Process per the Initial Assessment process in Section V.A.3 of the Policy.

To ensure the University provides a DOE Grievance Process when (and only when) required, and otherwise complies with the DOE regulations, the Title IX Officer will follow the Initial Assessment process outlined in Section A upon receiving a report. The Title IX Officer will document their decision-making per written guidelines issued by the Systemwide Title IX Office.

Process

A. INITIAL ASSESSMENT

The Title IX Officer will assess the report to determine whether to open a DOE Grievance Process, Alternative Resolution, or other Resolution Process.

1. Formal Complaint from a Qualified complainant. The Title IX Officer will first determine whether they received a DOE Formal Complaint from a qualified complainant. To be such, the report must: allege conduct that occurred on or after August 14, 2020;
   - be made by the person who allegedly experienced the harassment, and not by a third party;
   - be made by a person qualified to make it under the DOE Regulations, meaning someone participating or attempting to participate in a University program or activity;
   - be against an identified respondent;
   - request an investigation; and
   - allege DOE Sex-Based Misconduct, as defined in Section B (DOE-Covered Conduct, page 40).

   Yes DOE Formal Complaint: If the report is a DOE Formal Complaint from a qualified complainant, the Title IX Officer must next determine whether they are required to “dismiss” it (Section D, Required Dismissal of Formal Complaint, page 42).

   No DOE Formal Complaint: If the report is not a DOE Formal Complaint from a qualified complainant, the Title IX Officer must still determine whether the alleged conduct is DOE-Covered Conduct (DOE-Covered Conduct, below); if it is, the Title IX Officer may need to themselves “sign” a DOE Formal Complaint (Decision to Close or Open). Note: Before signing themselves, the Title IX Officer will inform a qualified complainant of how to make a DOE Formal Complaint, and give them that opportunity.

2. Required Dismissal of Formal Complaint. If the report is a DOE Formal Complaint from a qualified complainant, the Title IX Officer will next determine whether they must “dismiss” the complaint or any of its allegations. They must “dismiss” the complaint if the conduct, even if true, is not DOE-Covered Conduct, as defined in Section B (DOE-Covered Conduct, page 40).

   This “dismissal” is required by the DOE regulations, and means the Title IX Officer will no longer consider the allegations DOE-Covered Conduct. It does not necessarily mean the Title IX Officer will close the matter. Rather, the Title IX Officer will decide whether and how to continue resolution of the dismissed allegations, as explained in Section C, below.

   No Dismissal: If dismissal is not required, the Title IX Officer will begin either a DOE Grievance Process or Alternative Resolution.

   Yes Dismissal: If dismissal is required, the Title IX Officer will “dismiss” the complaint per Section C (Required Dismissal of Formal Complaint, page 41).

3. DOE-Covered Conduct. If the report is not a DOE Formal Complaint from a qualified complainant, the Title IX Officer will determine whether the report is nonetheless DOE-Covered Conduct, as defined in Section B (DOE-Covered Conduct, page 40).
No DOE-Covered Conduct: If the conduct is not DOE-Covered Conduct, this is the end of the DOE process. The Title IX Officer will continue their assessment under Section V.A.3 of the Policy and decide whether to open a different Resolution Process.

Yes DOE-Covered Conduct: If the conduct is DOE-Covered Conduct, the Title IX Officer will decide whether to close the matter or, instead, open a DOE Grievance Process, Alternative Resolution, or Other Inquiry (Decision to Close or Open, below).

4. Decision to Close or Open. If the Title IX Officer did not receive a DOE Formal Complaint from a qualified complainant, yet the alleged conduct is DOE-Covered Conduct, then they must either:
   ■ close the matter,
   ■ “sign” a DOE Formal Complaint themselves and open either a DOE Grievance Process or Alternative Resolution, or
   ■ open an Other Inquiry (if it applies).

   Decision to Close: The Title IX Officer may decide to close the matter when, for example, the complainant does not want an investigation and the Title IX Officer determines one is not necessary.

   Decision to Sign: The Title IX Officer may decide to sign a DOE Formal Complaint themselves when, for example:
   ● the complainant does not want an investigation, but the Title IX officer determines one is necessary (see Section V.A.5.b)
   ● the complainant does want an investigation, but is not qualified to make a DOE Formal complaint themselves because they are not participating or attempting to participate in a University program or activity (for example, they are a former employee or student, or third party)
   ● the complainant’s identity is unknown (for example, when the complainant reported anonymously or a third-party report did not identify the complainant)

   Decision to Open Other Inquiry. The Title IX Officer may decide to open an Other Inquiry when the University cannot discipline the respondent—for example, when the respondent is not an employee or a student.

4. DOE Sex-Based Misconduct. The alleged conduct is DOE Sex-Based Misconduct, meaning it is any of the following:
   a. conduct by an employee that meets the definition of Quid Pro Quo Sexual Harassment in Section II of the Policy;
   b. unwelcome sexual or other sex-based conduct (as defined in Section II of the Policy) that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denied the complainant equal access to the University’s programs or activities;
   c. conduct that meets the definition of Sexual Assault-Penetration;
   d. intentionally touching complainant’s intimate body part (genitals, anus, groin, breast, or buttocks) without the complainant’s consent (as defined in Section II of the Policy);
   e. conduct that meets the definition of Relationship Violence in Section II of the Policy;
   f. conduct that meets the definition of Stalking in Section II of the Policy;
   g. sexual intercourse with a person under the age of 18; or
   h. conduct that meets the definition of Invasion of Sexual Privacy in Section II of the Policy, and that a reasonable person would determine was so severe, pervasive, and objectively offensive that it effectively denied the complainant equal access to the University’s programs or activities.
C. REQUIRED DISMISSAL OF ALLEGATIONS.

The Title IX Officer must “dismiss” allegations in a DOE Formal Complaint if:

- they determine during the Initial Assessment that the alleged conduct, even if true, is not DOE-Covered Conduct, as defined in Section B (DOE-Covered Conduct, below), or
- they determine during the investigation that the alleged conduct, even if true, did not occur in a University program or activity or that the complainant was not in the United States at the time of the alleged conduct.

1. Significance of Dismissal. As noted above, “dismissal” means the Title IX Officer will no longer consider the allegations DOE-Covered Conduct. It does not necessarily mean the Title IX Officer will close the matter. Rather, the Title IX Officer will decide whether and how to continue resolution of the dismissed allegations.

If as a result of dismissal there are no allegations of DOE-Covered Conduct, then any further investigation will be as Formal Investigation (see Section V.A.5 of the Policy).

If after the dismissal there are still other allegations of DOE-Covered Conduct, then the Title IX Officer will continue following the procedures in the DOE Grievance Process for all allegations, per Section D.2 (Consolidation of DOE-Covered Conduct Allegations with other Prohibited Conduct Allegations); that is, the Title IX Officer will notify the parties that the dismissed allegations are not covered by the DOE Regulations, but will still process all allegations under the DOE Grievance Process for clarity and consistency.

If the matter is in Alternative Resolution, the Title IX Officer may continue with that process, but will notify the parties which allegations were dismissed and which (if any) continue to be considered DOE-Covered Conduct.

2. Notice of Dismissal. If the Title IX Officer is required to “dismiss” allegations from a DOE Formal Complaint, they will notify the parties in writing:

- of the allegations dismissed and the reasons;
- whether they will continue resolution of the dismissed allegations and, if so, under what Resolution Process;
- that the parties can appeal the dismissal on the grounds listed below;
- that the parties will be notified in writing if the other party appeals;
- that the parties will have equal rights during any appeal process, including the opportunity to submit a written statement in support of, or challenging, the dismissal;
- that a written decision on the appeal and the rationale will be issued simultaneously to both parties;
- contact information for the appeal officer; and
- that this Policy prohibits Retaliation.

3. Grounds for Appeal of Dismissal. The appeal should identify the reason the party is challenging the dismissal on one or more of the available grounds:

- there was procedural error that affected the decision to dismiss; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;
- there is new evidence that was not reasonably available at the time of the decision to dismiss that could affect the decision; or
- the Title IX Officer or investigator had a conflict of interest or bias that affected the decision.

4. Commencing an Appeal of Dismissal. An appeal must be submitted to the appeal officer within 5 business days after notice of dismissal. The appeal must identify the grounds for appeal and contain specific arguments supporting each ground. The appeal officer will notify the other party of the appeal and that the other party can submit a written statement in response to the appeal, within three business days.

5. Standards for Deliberation. The appeal officer will decide whether the appealing party has proven the asserted grounds for appeal. They will consider the notice of dismissal, the appeal statements of the parties, and any additional information from the Title IX Officer.

6. Decision by Appeal Officer. The appeal officer may:

- uphold the dismissal;
- overturn the dismissal; or
- in appeals alleging new evidence, send the case back to the Title IX Officer with a request to determine whether the new evidence affects the dismissal and report back to the appeal officer.

7. Notice of Decision. Within 10 business days of receiving the appeal, the appeal officer will provide their written decision to the parties and the Title IX Officer, to include:

- a statement of the grounds identified on appeal;
- a summary of the information considered by the appeal officer; and
- the decision of the appeal officer and the rationale for the decision.
D. CASE CONSOLIDATION

The following provisions apply when the University opens a DOE Grievance Process.

1. Consolidation of DOE Formal Complaints. The Title IX Officer may consolidate allegations of DOE-Covered Conduct against multiple respondents, by multiple complainants, or by one party against the other party, when the allegations arise out of the same facts or circumstances.

2. Consolidation of DOE-Covered Conduct Allegations with other Prohibited Conduct Allegations. When allegations of DOE-Covered Conduct and allegations of other Prohibited Conduct or of violations of other University policies arise from the same facts or circumstances, the Title IX Officer will process all allegations under the DOE Grievance Process procedures for clarity and consistency. The Title IX Officer will clearly document and inform the parties of which allegations are and are not DOE-Covered Conduct.

Student Conduct Process

The University’s procedures for resolving complaints of sexual violence and sexual harassment where the respondent is a student, including the discipline of students found in violation of University policy, are described in the UCSF Policy on Student Conduct and Discipline. See: studentlife.ucsf.edu/student-conduct-and-discipline.

When a formal investigation is deemed appropriate for cases involving reports of sexual violence or sexual harassment UCSF shall implement the procedures set forth in PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework, policy.ucop.edu/doc/2710641/PACAOS-Appendix-E. UCSF will also apply PACAOS Appendix E to resolve reports of other violations of University policies that apply to students that occur in connection with violations of the SVSH Policy (PACAOS Grounds for Discipline 102.26).

Administration of Student Discipline

A. STUDENT RIGHTS

1. Students charged with alleged policy violation(s) are entitled to a notification of the allegations and alleged policy violation(s).

2. A student may choose not to participate (i.e. not providing written or verbal information) in the resolution of their alleged violation(s). In this situation, the disciplinary process will proceed to a resolution without the participation of the student.

3. If a student chooses not to participate during the entire proceeding then no inference will be drawn from the decision of the student. The University will reach a decision and conclusions based on the information available.

The University may, however, draw adverse inferences when a student selectively participates in the Administrative Disciplinary Resolution process, such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other information gathered. The Student Conduct Officer (or designee) may consider the selective participation in evaluating the student’s credibility.

4. The failure by the student to appear or respond to any parts of the proceedings by the stated deadlines will not be cause to delay, cancel, postpone, or reschedule, unless for good cause shown and approved by the Student Conduct Officer (or designee).

5. A student has the right to an advisor and a support person of their choosing, pursuant to terms outlined in Section VI.G.

6. A student may elect to have their case resolved through a Formal Disciplinary Hearing Process and upon election, the student will be provided the procedural process outlined in Section VIII.C.1.

B. COMMUNICATION

At all stages of the process, all written communications with the student, including responses and submissions outlined in these procedures, will be via UCSF email unless other arrangements have been made for the student with the prior written approval of the Student Conduct Officer (or designee). It is the responsibility of the student to inform the University of any issues or interruptions of their UCSF email service.

C. CONSULTATION

The Student Conduct Officer (or designee) may consult with any appropriate University officials at all stages of the process. It is important to note that the consultation with the student’s Dean (or designee) may trigger reporting obligations under the requirements and policies of the individual School or the Graduate Division.
D. STANDARD OF PROOF
The standard of proof at all stages of the Administrative Disciplinary Resolution and Formal Disciplinary Hearing Process, is preponderance of the evidence (i.e. more likely than not).

E. INTERIM MEASURES
The University will consider and take interim measures as appropriate to ensure the safety and well-being of its students. Interim measures may include, but are not limited to, the following: University directives, holds on University records, and Interim Suspension (Section X.G). Interim measures may be evaluated at any time, including to ensure that the measures are restrictive only to the minimum extent necessary.

F. TIMELINE
All deadlines contained in these procedures may be extended by the University, based on the totality of the circumstances and for good cause shown and documented.

G. ADVISOR AND SUPPORT PERSON
At all stages of this process, the student has the right to an Advisor and a Support Person of their choosing. The Advisor and/or the Support Person may be any person (including an advocate, attorney, friend, or parent) who is not otherwise a party or a witness involved in this process. The Advisors primary role is to provide guidance through the process. The Support Person’s primary role is to provide emotional support. The Advisor and the Support Person may not speak on behalf of a student or otherwise disrupt any meetings or proceedings in any manner. The University reserves the right to exclude an Advisor or Support Person who does not abide by these procedures.

H. CLOSED TO THE PUBLIC
All stages of the process are closed to the public. The reporting party, responding student, support persons, advisors (including attorneys), and witnesses are not permitted to record any stage of the process.

Incident Report
Upon learning of an incident report, the Student Conduct Officer (or designee) will review the information submitted in consultation with the responding student’s Dean (or designee) and any appropriate University officials to determine the appropriate method of resolution.

A. FILING A COMPLAINT
Any person may submit a written incident report of alleged policy violation(s) of the Grounds for Discipline 102.02 to 102.25, and 102.27 to the Student Conduct Officer (or designee). Incident reports must be submitted within sixty (60) days of the date the reporting party knew or should reasonably have known of the alleged violation.

Exceptions to deadlines for reporting misconduct include, but are not limited to:
1. Reports involving alleged physical abuse.
2. Reports where the law or an external agency requires that information be withheld.
3. Reports in which the law or other policy provides for a longer reporting period.
4. Reports in which the reporting party provides proof of hardship or justifiable excuse for the delay. The Student Conduct Officer (or designee) has discretion whether to grant an exception taking into consideration the impact of the delay in reporting upon the responding student, including availability of witnesses or evidence.

B. INCIDENT REPORT INFORMATION
A report should include the follow information:
1. Name and contact information of reporting party.
2. Approximate date of alleged violation.
3. Brief description of alleged misconduct. The report may include the names and contact information of any witnesses, if any, and copies of any supporting documentation, if any.
C. FACTORS TO CONSIDER
In determining the appropriate resolution, several factors may be taken into account, including but not limited to:

1. The alleged policy violation(s) would not be a first offense;
2. Multiple policy violations in connection with the incident;
3. Presence of weapons, use of force, violence, physical injury; or
4. The alleged policy violation(s) could result in a notation of suspension or dismissal in the student’s transcript.

At any point during the process, as new or additional information becomes available the University will reevaluate the most appropriate response. If a written notice of alleged violation was sent out to the student, the notice may be amended. Amendments may include additional alleged policy violation(s) under the Grounds for Discipline 102.02 to 102.25, and 102.27, as well as the corresponding range of potential sanctions. Referrals may be made to the appropriate officials for other violations.

Methods of Resolution
Incident reports may be resolved through an Alternative Resolution, Administrative Disciplinary Resolution, or Formal Disciplinary Hearing Process.

A. ALTERNATIVE RESOLUTION
Alternative Resolution may be used to resolve incidents that do not involve the filing of allegations and alleged policy violation(s) against a student. See factors to consider in Section VII.C. This process is not considered a formal disciplinary process.

1. Alternative Resolution Meeting: The student will be invited to meet with the Student Conduct Officer (or designee) to discuss what happened and the student’s options for an Alternative Resolution such as mediation, facilitated dialogue, restorative justice conference, etc. The student has five (5) business days from the date of the notice to contact the Student Conduct Officer (or designee) to schedule a meeting.

If the responding student requests a Formal Disciplinary Hearing Process or if the matter is not resolved through an Alternative Resolution, the incident will be resolved in a Formal Disciplinary Hearing.

2. Agreement of Resolution: The goal of the Alternative Resolution meeting(s) is for the responding student to acknowledge responsibility as appropriate, identify harm and obligations, and develop a restorative plan agreed upon by the person responsible and the impacted parties, if applicable. The student will be informed in writing and during the meeting that upon accepting the Agreement of Resolution, a student waives the right to a Formal Disciplinary Hearing and any further appeal.

Responsibility for monitoring compliance with the Agreement of Resolution rests with those who signed it, with the full understanding that if the agreed upon restorative plan is not completed by the deadline, disciplinary sanctions may be imposed. Allegations of repeated behavior will be subject to Administrative Disciplinary Resolution. Records of Alternative Resolutions will be maintained as a non-disciplinary record.

B. ADMINISTRATIVE DISCIPLINARY RESOLUTION
Upon review of the factors to consider outlined in Section VII.C, the Student Conduct Officer (or designee) may determine to resolve the matter through Administrative Disciplinary Resolution.

1. Administrative Disciplinary Resolution: Administrative Disciplinary Resolution is a process between a Student Conduct Officer (or designee) and the responding student, in which they meet to discuss the incident, hear and receive the student’s information and perspective, meet with applicable witnesses, discuss the student’s responsibility for the alleged violation(s), and if the student accepts responsibility, assign fair and appropriate sanctions.

2. Notice of Alleged Policy Violation: If the Student Conduct Officer (or designee) determines to resolve the matter through Administrative Disciplinary Resolution a written notice will be sent to the student.

The written notice of alleged violation will include the following:

a) A brief summary of the allegations and alleged policy violation(s), the identities of the parties involved, including wherever possible, the date, time and location of the reported incident along with the corresponding range of potential sanction(s);

b) The purpose of the Administrative Disciplinary Resolution meeting;

c) A statement that the decision will be based on a preponderance of the evidence standard (i.e. more likely than not);

d) A summary of the process;

e) A summary of student rights and responsibilities; and
A list of campus resources to help them navigate the process. A list of resources can be found at the Student Success website at success.ucsf.edu.

3. Law Enforcement: When a law enforcement agency is conducting its own investigation, the Student Conduct Officer (or designee) may coordinate with the law enforcement investigation. At the request of law enforcement, the Administrative Disciplinary Resolution process may be delayed as needed to meet any specific needs of the criminal investigation.

4. Student Response to the Notice of Alleged Violation: The student has five (5) business days from the date of the notice of alleged violation to contact the Student Conduct Officer (or designee) to schedule a meeting.

If the student does not schedule an Administrative Disciplinary Resolution meeting, the Student Conduct Officer (or designee) will determine the student’s responsibility for the alleged policy violation(s) and assign disciplinary sanctions based on the information in their possession without the student’s participation.

5. Information and Witnesses: The Student Conduct Officer (or designee) will meet separately with the student and witnesses who may have relevant information, and will gather other available and relevant information. The Student Conduct Officer (or designee) may follow up with the student as needed to clarify any inconsistencies or new information gathered. The University recognizes it cannot compel any individual to participate as a witness. However, witnesses are encouraged to participate.

The Student Conduct Officer (or designee) may determine and weigh the relevance of any witness or other information to the allegations and may exclude certain types of information that it determines is irrelevant or immaterial. In general, the Student Conduct Officer (or designee):

a) Will consider direct observations and reasonable inferences from the facts.

b) Will not consider statements of personal opinion as to anyone’s general reputation or any character trait.

c) May consider prior or subsequent conduct of the student in determining pattern, knowledge, intent, motive, or absence of mistake.

6. Notice of Administrative Disciplinary Resolution Decision: Upon completion of the Administrative Disciplinary Resolution process, the Student Conduct Officer (or designee) will send the student a written notice of the decision.

The written notice of decision will include the following:

a) A statement of the determinations as to whether the charges have been substantiated based upon the preponderance of evidence;

b) A description of any policies that have been violated, and if so, a description of the sanctions, including a description of new or continuing interim measures, if applicable;

c) The rationale for the determinations and the assigned sanctions.

7. Student Response to the Notice of Decision: The student has ten (10) business days from the date of the notice of Administrative Disciplinary Resolution decision to contact the Student Conduct Officer (or designee) to submit their response.

a) Accept Responsibility and Sanction – The student accepts responsibility and the disciplinary sanction. Upon accepting the Administrative Disciplinary Resolution decision, the student waives the right to a Formal Disciplinary Hearing Process and any further appeal.

b) Requests for a Sanction Review – If the student accepts responsibility but does not agree with the proposed disciplinary sanction of Suspension or Dismissal, the student may request that the Hearing Body determine the appropriate sanction, on the grounds that the sanction assigned is disproportionate to the policy violation. Upon pursuing a Sanction Review, the student waives the right to a Formal Disciplinary Hearing on the question of whether the alleged policy violations occurred and any further appeal. The purpose of the Sanction Review is not to revisit the question of whether the alleged policy violations occurred, but to consider appropriate sanctions based on the acceptance of responsibility.

c) Deny Responsibility – If the student does not accept responsibility and the disciplinary sanctions, the student may request a Formal Disciplinary Hearing Process.

C. FORMAL DISCIPLINARY HEARING PROCESS

A Formal Disciplinary Hearing Process, consistent with the University’s educational mission, is a process whereby members of our community (students, career faculty, and professional staff) receive information and make determinations of regarding whether the alleged policy violations occurred. The Formal Disciplinary Hearing Process is not a court proceeding.

1. Procedural standards: When a formal hearing is deemed to be appropriate for fact finding, the campus shall provide
the following minimum procedural standards to assure the accused student a fair hearing:

a) Written notice, including a brief statement of the factual basis of the charges, the University policies or Implementing Regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing;

b) The opportunity for a prompt and fair hearing where the University shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the University; no inference shall be drawn from the silence of the accused;

c) A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and

d) An appeals process.

2. Sanctions and Interim Measures: If a request for formal hearing is submitted, disciplinary sanctions will not be imposed until the hearing process is completed. Interim measures, such as no contact orders, exclusions, etc. will generally remain in effect during the hearing process, but may be modified as appropriate.

3. Hearing Body Composition and Training: The Hearing Body will be composed of three individuals who may be students, career faculty, or professional staff appointed for a term by each of the Deans (or designee). Hearing Body members should be unbiased, impartial, and without any conflicts of interest with the parties involved. The Hearing Body will be trained periodically on the Formal Disciplinary Hearing process.

The student may, for good cause, submit one written challenge of the assignment of one or more particular Hearing member to the Chair of the Hearing Body within two (2) business days of learning about the composition of the Hearing Body. No written challenges will be accepted beyond this timeframe. The Chair of the Hearing Body will provide a written decision within two (2) business days of receipt of the written challenge.

a) Example of good cause: Involvement in the incident or a close personal relationship with the responding student or expected witnesses in the proceeding could, depending on the circumstances, warrant disqualification of the Hearing member.

4. Hearing Coordinator: The Hearing Coordinator will assist the Hearing Body on administrative and procedural aspects of the hearing. The Hearing Coordinator will not participate in deliberations and will not make recommendations to the Hearing Body regarding what decision the Hearing Body should make. The Hearing Coordinator will be trained periodic on the Formal Disciplinary Hearing process.

5. Scheduling Formal Disciplinary Hearing: Upon the student requesting to schedule a hearing, not less than ten (10) business days before the hearing, the Chair of the Hearing Body will send a written notice to the student informing them of the hearing date, time, location, and applicable procedures.

6. Hearing Documents and Information: No later than ten (10) business days before the hearing, the student will submit to the Hearing Body a statement of what facts, if any, are disputed and relevant to the determination of whether a policy violation occurred and/or sanctions, and the information they intend to present at the hearing on each issue, including all documents to be presented, the names of all requested witnesses, and a brief summary of such witnesses’ expected testimony.

The Hearing Body will determine what disputed issues are relevant to the determination of whether a policy violation(s) occurred and/or whether the sanctions are appropriate. No later than five (5) business days prior to the hearing, the Hearing Body will notify the student and Student Conduct Officer (or designee) of the scope of the Formal Disciplinary Hearing and will receive copies of all the relevant information that will be considered at the Formal Disciplinary Hearing, including any documents that will be considered, the names of potential witnesses and a summary of the information they are expected to provide.

7. Pre-hearing Procedures: Prior to the hearing and/or during the hearing, the Hearing Body may:

a) Exclude information and/or witness testimony that is irrelevant in light of the policy violation(s) charged, not in dispute, or unduly repetitive,

b) Decide any procedural issues for the hearing, and/or

c) Make any other determinations necessary to ensure an orderly, productive, timely, and fair hearing.

8. Hearing Procedures: In keeping with the University’s educational purposes, students and reporting parties are expected to present to the Hearing Body on their own behalf at the hearing.

a) The written Notice of Alleged Violation and Notice of Administrative Disciplinary Resolution Decision will be entered as part of the record at the hearing.
b) The student will have the opportunity to present the reasoning for the information they submitted.

c) The student has the right to hear all individuals who present at the hearing and to propose questions to be asked of all individuals who present at the hearing. The student shall propose questions to be asked of all individuals who present at the hearing in accordance with the mechanism specified by the Hearing Body.

d) The Hearing Body will determine the content and order of questioning. Whenever possible, the Chair of the Hearing Body will ask the questions as they are submitted and will not rephrase or change them. The Hearing Body may, however, exclude questions that are unduly repetitive, clearly not relevant, or unduly time consuming.

e) The hearing will be audio recorded. The failure to record all or part of the hearing, including, but not limited to, if a recorder malfunctions, will not be grounds for invalidating the Formal Disciplinary Hearing Process.

f) Formal rules of evidence will not apply. The Hearing Body may consider the form in which information is presented, as well as the credibility of any party or witness at the hearing, in weighing the information and reaching its decision.

9. Standards of Deliberation: The Hearing Body will deliberate in private and reach a decision based on a preponderance of the evidence standard. The Hearing Body shall attempt to reach consensus on a decision, but the majority shall make the decision if consensus cannot be reached.

The Hearing Body shall take into account the record developed by the Student Conduct Officer (or designee) and the information presented at the hearing. The Hearing Body can make its own findings of fact, findings of policy violation(s), and credibility determinations based on all of the information before it.

10. Notice of Hearing Decision: The Hearing Body will summarize its decision in the Notice of Hearing Decision that includes a summary of the information considered by the Hearing Body, the decision of the Hearing Body, and the rationale for the decision.

11. Grounds for Appeal: The student may appeal the Formal Disciplinary Hearing decision of the Hearing Body on one or more of the Grounds for Appeal. The appeal must be in writing and should identify the reason(s) why the party is challenging the outcome under one or more of the following ground(s):

   a) Factual errors in the Disciplinary Record that were not identified at the Formal Disciplinary Hearing, if such failure would have changed the Hearing Body’s decision.

   b) Failure of the Hearing Body to follow the procedure set forth in the Formal Disciplinary Hearing process, if such failure would have changed the hearing body’s decision.

12. Appeal Process: To appeal, the student must submit a written request for review to the Vice Chancellor of Student Academic Affairs (or designee) within five (5) business days of the Hearing Body’s issuance of the Notice of Formal Disciplinary Hearing Decision.

13. Notice of Appeal Decision: The Vice Chancellor of Student Academic Affairs (or designee) will decide whether the student has proven the asserted ground(s) for appeal. They may consider the information presented at the Formal Disciplinary Hearing Process and the record developed. They will not make their own factual findings, nor any witness credibility determinations. If the ground(s) for appeal are substantiated, the Vice Chancellor of Student Academic Affairs (or designee) may modify the Hearing Body’s decision.

The Vice Chancellor of Student Academic Affairs (or designee) will issue a written Notice of Appeal Decision to the student, within ten (10) business days after the request for review is received. This review is documentary in nature and there is no hearing and no in person meetings. The Vice Chancellor of Student Academic Affairs’ (or designee) decision will be final and there is no further right to appeal.

Inspection and Review of Student Records by Students

The disciplinary record can be made available to the student for inspection upon request pursuant PACAOS Section 130.40. It may be redacted as necessary to protect student privacy rights.

A. DISCIPLINARY RECORD

The disciplinary record must be retained by the Student Conduct Officer (or designee) and will consist of the:

1. Written Notices: The written notices to the student consists of the Notice of Alleged Violation, Notice of Decision, Notice of Hearing Decision, Vice Chancellor of Student Academic Affairs Notice of Decision (if applicable);

2. Documentary Information: Information that was relied upon by the Student Conduct Officer (or designee) and Hearing Body (if applicable); and
3. **Formal Disciplinary Hearing Audio Recording:** The Formal Disciplinary Hearing will be the only audio recording. At the conclusion of the Formal Disciplinary Hearing, the student may request to schedule a time to listen to the recording. The recording may be listened to in a location specified by the Student Conduct Officer (or designee) in the presence of a designated staff member.

**B. EXPUNGING OF DISCIPLINARY RECORD**

A disciplinary record may be expunged by the Vice Chancellor of Student Academic Affairs (or designee) where there were no finding of responsibility.

To submit a request, the student must write a letter of request for their disciplinary record to be expunged, indicating their request and any explanation as to why the Vice Chancellor of Student Academic Affairs (or designee) should consider approving their request. If a student’s disciplinary record is expunged, the violation and sanctions will no longer be reported when the student has authorized a release of their disciplinary record. The Vice Chancellor of Student Academic Affairs (or designee) will issue a written decision to the student, normally within ten (10) business days after the request is received.

**C. RECORDS RETENTION**

The disciplinary record of a student found responsible of any violation of non-academic/non-professionalism policy violations (Grounds for Discipline 102.02 to 102.25, and 102.27), will normally be retained by the Student Conduct Officer (or designee) for five (5) years after the end of the academic year in which the case is closed or as otherwise required by law (whichever is longer).

The disciplinary record of a student when the sanction is dismissal or revocation of degree will normally be retained for 50 years after the end of the academic year in which the student no longer attends the University.

The disciplinary record of a student found not responsible for all non-academic/non-professionalism policy violations (Grounds for Discipline 102.02 to 102.25, and 102.27), will be normally retained for five (5) years after the end of the academic year in which the case is closed or as otherwise required by law (whichever is longer). However, such records will not be considered while determining sanctions in a subsequent case.

Records of Alternative Resolutions will be maintained as a non-disciplinary record, will normally be retained by the Student Conduct Officer (or designee) for five (5) years after the end of the academic year in which the case is closed or as otherwise required by law (whichever is longer).

Records which are subject to maintenance under the Campus Security Act (also known as the Jeanne Clery Act) will be retained for seven (7) years after the end of the academic year in which the case is closed or as otherwise required by law (whichever is longer).

It is important to note that the student’s School or the Graduate Division may have different requirements and policies regarding records retention that may result in different records retention schedule.

**Types of Student Disciplinary Action**

When a student is found in violation of University policies or campus regulations, any of the following types of student disciplinary action may be imposed. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.

The following types of student Disciplinary Actions may or may not be used sequentially.

**Warning/Censure** – Written notice or reprimand to the student that a violation of specified University policies or Implementing Regulations has occurred and that continued or repeated violations of University policies or Implementing
Regulations may be cause for further disciplinary action, normally in the form of Disciplinary Probation, and/or Loss of Privileges and Exclusion from Activities, Suspension, or Dismissal.

**Disciplinary Probation** – A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the student’s privileges or eligibility for activities may be imposed. Misconduct during the probationary period or violation of any conditions of the probation may result in further disciplinary action, normally in the form of Probation, Suspension or Dismissal.

**Loss of Privileges and Exclusion from Activities** – Exclusion from participation in designated privileges and activities for a specified period of time. Violation of any conditions in the written Notice of Loss of Privileges and Exclusion from Activities, or violation of University policies or Implementing Regulations during the period of the sanction may be cause for further disciplinary action, normally in the form of Probation, Suspension or Dismissal.

**Suspension** – Termination of student status for a specified period of time with reinstatement thereafter certain, provided that the student has complied with all conditions imposed as part of the suspension and provided that the student is otherwise qualified for reinstatement. Violation of the conditions of Suspension or of University policies or campus regulations during the period of Suspension may be cause for further disciplinary action, normally in the form of Dismissal.

A student may not transfer or register for courses at another campus or location of the University of California during the period of Suspension.

**Dismissal** – Termination of student status for an indefinite period. Readmission to the University shall require the specific approval of the Chancellor of the campus to which a dismissed student has applied. Readmission after dismissal may be granted only under exceptional circumstances.

**Exclusion from Areas of the Campus or from Official University Functions** – Exclusion of a student as part of a disciplinary sanction from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions, when there is reasonable cause for the University to believe that the student’s presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

**Interim Suspension** – Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Suspension, before final determination of an alleged violation. A student shall be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student’s participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. A student placed on Interim Suspension shall be given prompt notice of the charges, the duration of the Interim Suspension, and the opportunity for a prompt hearing on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged with respect to employment or academic status.

1. **Notice of Interim Suspension**: The Notice of Interim Suspension may be verbal but must be confirmed in writing by the student’s Dean (or designee), after which the Dean (or designee) shall immediately inform the Chancellor (or designee). For matters related to Grounds for Discipline 102.02 through 102.27, the Deans designee will be the Student Conduct Officer (or designee). The notification to the Chancellor shall include the student’s name, the reasons for the Interim Suspension, and the student’s contact information. All written communications with the student, including responses and submissions outlined in these procedures, will be via UCSF email unless other arrangements have been made for the student with the prior written approval of the Student Conduct Officer (or designee).

Within twenty-four hours of the imposition of the Interim Suspension, the Chancellor (or designee) shall affirm or overrule the Interim Suspension.

2. **Chancellor Overrules the Interim Suspension**: If the Chancellor (or designee) does not affirm the Interim Suspension by the end of the twenty-four hours, it shall be deemed void and the Chancellor (or designee) shall immediately inform the student that the Interim Suspension is void and is no longer in effect. Should the Interim Suspension
be voided, such an action shall have no bearing on the University’s disciplinary proceedings arising from the conduct which gave rise to the Interim Suspension. Any disciplinary proceedings shall be conducted under the normal procedures provided in these policies. If during the formal proceedings, more information becomes available, interim measures, including Interim Suspension may still be imposed.

3. Chancellor Affirms the Interim Suspension: If the Chancellor (or designee) affirms the interim suspension by the end of the twenty-four hours, the Chancellor (or designee) shall immediately inform the student that the Interim Suspension is upheld and that the student may request, in writing, a meeting with the Dean (or designee) to challenge the basis of the Interim Suspension. The written request must be submitted within ten (10) business days from when the student was first notified of the Interim Suspension. Upon receipt of the request, the Dean (or designee) will notify the student of the time, place, and date of the meeting to challenge the basis of the Interim Suspension. The Dean (or designee) shall convene this meeting within five (5) business days from the date of receipt of the request. During this meeting, the student may present relevant information such as, but not limited to supporting documents that may be exculpatory or corroborate their account of the incident(s), verified information that may mitigate the factors weighed for the student’s exclusion and witness statements that support the challenge to the basis of the Interim Suspension.

Convening the meeting shall not restrict the University’s right to initiate disciplinary proceedings for the conduct which gave rise to the Interim Suspension. Any formal proceedings shall be conducted under the normal procedures provided for in these policies.

Restitution – A requirement for restitution in the form of reimbursement may be imposed for expenses incurred by the University or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who alone, or through group or concerted activities, participates in causing the damages or costs.

Revocation of Awarding of Degree – Subject to the concurrence of the Academic Senate, revocation of a degree obtained by fraud. Such revocation is subject to review on appeal by the Chancellor.

Educational and Administrative Sanctions – Other disciplinary actions may be assigned instead of, or in addition to those specified in Section X at the discretion of the Student Conduct Officer (or designee). Other disciplinary actions may include, but are not limited to University directives, educational task or project, counseling assessment, monetary fines, community service, or holds on requests for transcripts, diplomas, or other student records to be sent to third parties, as set forth in Implementing Regulations.

Student Organization Sanctions – In addition to the disciplinary actions listed above, violations by the Student Government or Student Registered Campus Organizations may also result in revocation of the organization’s recognition or revocation of recognition of the organization’s officers. A Student Registered Campus Organization may be sanctioned where a member or members of the organization violated University policy with the knowledge and consent of the organization’s officers, or acted in concert with other members of the organization.

Posting Suspension or Dismissal on Academic Transcripts – When, as a result of violations of the Policy on Student Conduct and Discipline, a student is suspended or dismissed, a notation that the discipline was imposed must be posted on the academic transcript for the duration of the suspension or dismissal. Thereafter, notations of Suspension or Dismissal reflected on a student’s transcript may be removed as set forth in campus regulations. A notation of suspension will be removed from a student’s transcript at the conclusion of the suspension. A notation of dismissal will not be removed from a student’s transcript.

Faculty/Non-Represented Academic Appointees Conduct Process

The University’s procedures for resolving complaints of sexual violence and sexual harassment where the respondent is a faculty member, including violations of University policy. See: https://facultyacademicaffairs.ucsf.edu/academic-personnel/misconduct-grievances-and-performance-management/Interim-Procedure-for-Faculty-and-Other-Non-represented-Academic-Appointees-5.3.pdf.

See also the UC SVSH Investigation and Adjudication Framework for Senate and Non-Senate Faculty Interim Revisions https://www.ucop.edu/title-ix/_files/faculty-framework-final.pdf
Applicability

This Interim Procedure applies in cases where a Senate faculty member, a non-Senate faculty member, or a non-faculty academic appointee is alleged to have violated: the SVSH Policy or the SVSH Policy in conjunction with the Nondiscrimination Policy; in such cases this Interim Procedure also applies to violations of the Nondiscrimination Policy.

This Interim Procedure implements APM 015, APM 016 and APM 150 with respect to the imposition of discipline on faculty and non-faculty academic appointees in these cases.

1. FACULTY RESPONDENT:

a. Conduct does not fall within the purview of the SVSH Policy and/or the Nondiscrimination Policy: In cases where a faculty member is alleged to have violated APM 015 by engaging in conduct that does not fall within the purview of the SVSH Policy and/or the Nondiscrimination Policy (when applicable) under this Interim Procedure, the investigation of the alleged misconduct is governed by UCSF’s Procedure for Investigation of Faculty Misconduct and the Administration of Discipline (Faculty Misconduct Investigation Procedure).

b. Conduct falls within the purview of Nondiscrimination Policy only: In cases where a faculty member is alleged to have violated the Nondiscrimination Policy, but no violation of the SVSH Policy is alleged, the investigation of the alleged misconduct is governed by the Faculty Misconduct Investigation Procedure.

c. Conduct that falls within the purview of the SVSH Policy only, or SVSH Policy and Nondiscrimination Policy, and other University policy(ies): In cases where a faculty member is alleged to have violated the SVSH Policy, either by itself or in conjunction with the Nondiscrimination Policy, as well as other University policies, this Interim Procedure applies to the investigation and imposition of discipline relating to the alleged violations of the SVSH Policy and the Nondiscrimination Policy, and the Faculty Misconduct Investigation Procedure applies to the investigation and imposition of discipline with regard to the remaining allegations, including allegations of harassment and/or discrimination for arbitrary and personal reasons, i.e., harassment and/or discrimination that is not based on a protected class. See APM 015, Part II-A-2, Part IIC-5, and Part II-D-2.

d. Other Types of Possible Misconduct: The Title IX/OPHD investigation and/or investigation may result in a finding that neither the SVSH Policy nor the Nondiscrimination Policy (when applicable) were violated by the Respondent, but that the alleged conduct may violate other University policies. In this case, the Title IX/OPHD investigator shall make the appropriate findings as to the SVSH Policy and the Nondiscrimination Policy (when applicable), and will note in the investigation report that the conduct may also violate other University policies, but make no determination as to violations of other policies.

The Vice Provost of Academic Affairs shall be provided with the Title IX/OPHD investigation report, and shall ensure that the conduct is reviewed and/or investigated by the appropriate campus unit(s). It is possible that the conduct noted in the investigation report, which did not implicate the SVSH or Nondiscrimination Policies, may require a Faculty Code of Conduct investigation by an ad hoc committee under the Faculty Misconduct Investigation Procedure.

e. Standard of Proof – Probable Cause: When the Title IX/OPHD investigator makes a finding based on a preponderance of the evidence standard that a faculty member violated the SVSH Policy and/or the Nondiscrimination Policy (when applicable) under this Interim Procedure, the findings shall be sufficient to constitute a finding of probable cause that the Faculty Code of Conduct was violated.

2. NON-FACULTY ACADEMIC RESPONDENTS:

a. Conduct does not fall within the purview of the SVSH Policy and/or the Nondiscrimination Policy: In cases where a non-faculty academic appointee is alleged to have violated a University policy by engaging in conduct that does not fall within the purview of the SVSH Policy, either by itself or in conjunction with the Nondiscrimination Policy (when applicable) under this Interim Procedure, the alleged misconduct shall be addressed in accord with APM 150.

b. Conduct falls within the purview of the SVSH Policy and/or the Nondiscrimination Policy, and other University policy(ies): In cases where a non-faculty academic appointee is alleged to have violated the SVSH Policy, either by itself or in conjunction with the Nondiscrimination Policy (when applicable) under this Interim Procedure, the alleged misconduct shall be addressed in accord with APM 150.

c. Other Types of Possible Misconduct: The Title IX/OPHD investigation may result in a finding that neither the SVSH
Policy nor the Nondiscrimination (when applicable) were violated by the Respondent, but that the alleged conduct may violate other University policies. In this case, the Title IX/OPHD investigator shall make the appropriate findings as to the SVSH Policy and the Nondiscrimination Policy (when applicable), and will note in the investigation report that the conduct may violate other University policies, but make no determinations as to violations of other policies. It is possible that the conduct noted in the investigation report may require further handling in accord with APM 150.

d. Standard of Proof – Good Cause: In cases involving alleged violations of the SVSH Policy either by itself or in conjunction with the Nondiscrimination Policy (when applicable), a finding by the Title IX/OPHD investigator that a non-faculty academic appointee has violated the SVSH Policy and/or the Nondiscrimination Policy (when applicable) under this Interim Procedure, shall be sufficient to constitute a finding of good cause under APM 150.

OVERVIEW: Investigation, Assessment and Consultation, and Disciplinary Sanctions or Corrective Action Phases

1. INVESTIGATION PHASE (STAGE 1)

The Title IX Office/OPHD is responsible for assessing and/or investigating all alleged violations of the SVSH Policy and the Nondiscrimination Policy. If the Office of the Vice Provost receives such allegations, they will immediately be referred to the Title IX Office/OPHD.

The Title IX/OPHD investigation shall be conducted in accord with the provisions of the SVSH Policy, the Systemwide Frameworks, and when applicable, the Nondiscrimination Policy. In accord with the Systemwide Frameworks, the Title IX/OPHD investigation shall constitute the single investigation to establish whether the SVSH Policy was violated.

The investigation of alleged SVSH Policy violations shall be completed promptly, typically within 60 business days of its initiation, unless extended by the Title IX/OPHD Officer for good cause, followed by written notice to the Complainant and Respondent stating the reason for the extension and the projected new timeframe. Notifications required by applicable University Policy, the Systemwide Frameworks and/or the law shall be given.

At the time the Title IX Office/OPHD initiates a formal investigation of allegations that a faculty member or a non-faculty academic appointee violated the SVSH Policy, either by itself or in conjunction with the Nondiscrimination Policy, the Title IX Office/OPHD will notify the Office of the Vice Provost, which will place any academic action or advancement packet for that individual on hold due to the initiation of the investigation. The faculty member or non-faculty academic appointee will be notified of the hold. The Title IX Office/OPHD will send the complainant and respondent a written notice of investigation outcome, which will generally be accompanied by a copy of the investigation report, which may be redacted as necessary to protect privacy rights.

The Title IX Office/OPHD will also send the notice of investigation outcome and report to the Chancellor and/or Chancellor’s designee.

2. ASSESSMENT AND CONSULTATION PHASE FOLLOWING ISSUANCE OF INVESTIGATION REPORT (STAGE 2)

Detailed information on the Assessment and Consultation Phase is provided in Section II below. During the Assessment and Consultation Phase:

1. The Complainant and the Respondent will have an opportunity to meet with the Chancellor’s Designee and/or to comment in writing on the Title IX/OPHD investigation report.

2. A Peer Review Committee (PRC) will make a recommendation to the Chancellor/Chancellor’s Designee regarding discipline or early resolution in cases involving violations of the SVSH Policy, either by themselves or in conjunction with violations of the Nondiscrimination Policy.

3. DISCIPLINARY SANCTIONS OR CORRECTIVE ACTION PHASE (“DECISION PHASE”) (STAGE 3)

The Disciplinary Sanctions or Corrective Action Phase (“Decision Phase”) is administered by the Chancellor’s Designee and shall, together with the Assessment and Consultation Phase, take no more than 40 business days from the date the Chancellor and/or Chancellor’s Designee receives the Title IX/OPHD investigation report.

Extensions to the timeframe for the Assessment and Consultation and Decision Phases may be granted by the Chancellor for good cause, with written notice to the Complainant and the Respondent stating the reason for the extension and the projected new timeframe. If the matter has not been otherwise resolved within 40 business days and an
extension has not been granted, a charge(s) will be filed with the Academic Senate Committee on Privilege and Tenure for a Senate Faculty respondent. For a Non-Senate Academic Appointee respondent, a notice of intent shall be issued.

Detailed information on the Decision Phase is provided in Section III below. During the Decision Phase:

1. The Chancellor/Chancellor’s Designee shall decide on appropriate discipline or early resolution, which shall be proposed to the faculty member or non-faculty academic appointee in writing.

2. The Chancellor and/or Chancellor’s Designee will, when appropriate, either close the case or propose discipline or early resolution to the Respondent.

4. POST-DECISION PHASE

The Post-Decision Phase follows the Decision Phase only when the Respondent and the Chancellor do not reach agreement regarding discipline or early resolution. See Section IV on page 57.

TIMEFRAMES

1. The time for the entire Assessment and Consultation and Decision Phases in cases with allegations that the SVSH Policy has been violated shall not exceed 40 business days from the date the Chancellor/Chancellor’s Designee receives the Title IX/OPHD investigation report, unless an extension is granted by the Chancellor. Extension requests must be made in writing, supported by good cause and submitted as soon as the need for an extension arises. If an extension is granted, the Complainant and Respondent will be provided with written notification stating the reason for the extension and the projected new timeframe.

2. Any deadline that falls on a weekend or University, state or national holiday shall automatically be extended to the next business day.

3. For faculty, APM 015, Part III-A-3 states: “The Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when it is reported to any academic administrator at the level of department chair or above. Additionally, for an allegation of sexual violence or sexual harassment, the Chancellor is deemed to know about an alleged violation of the Faculty Code of Conduct when the allegation is first reported to any academic administrator at the level of department chair or above or the campus Title IX Officer. The Chancellor must initiate related disciplinary action by delivering notice of proposed action to the Respondent no later than three years after the Chancellor is deemed to have known about the alleged violation. There is no limit on the time within which a Complainant may report an alleged violation.”

EARLY RESOLUTION

Early resolution is the process leading to the acceptance of discipline and/or agreement on a negotiated resolution between the Chancellor/Chancellor’s Designee and the faculty or nonfaculty academic Respondent after the Title IX/OPHD investigation report is submitted. The Chancellor/Chancellor’s Designee may seek to resolve potential or actual disciplinary charges informally through negotiations or mediation when acceptable to the administration and the Respondent. The Complainant shall be informed of the outcome of any such agreement, including the rationale.

UNFOUNDED ALLEGATIONS

If it is determined that the Complainant or anyone else was involved in intentionally or maliciously bringing unfounded allegations of violations of the SVSH Policy, either by itself or in conjunction with the Nondiscrimination Policy against a faculty member or non-faculty academic appointee, the Chancellor/Chancellor’s Designee may take appropriate action.

ASSESSMENT AND CONSULTATION PHASE (STAGE 1) – PROCESS

The Assessment and Consultation Phase begins when the Chancellor and/or Chancellor’s Designee receive(s) a Title IX/OPHD investigation report relating to a faculty or a non-faculty academic Respondent. The Chancellor and/or
Chancellor’s Designee shall review the Title IX/OPHD investigation report. The Chancellor/Chancellor’s Designee may consult with each other and/or with the Title IX Office/OPHD.

A. Opportunity for Complainants and Respondents to Respond to the Title IX/OPHD Investigation Report

1. The Complainant and the faculty and/or non-faculty academic Respondent will be notified by the Title IX Office/OPHD of the opportunity to meet individually with the Chancellor’s Designee and/or to submit comments on the Title IX/OPHD investigation report in writing to the Chancellor’s Designee. The purpose of this response is not to challenge the factual findings in the Title IX/OPHD investigation report or present new evidence, but to provide the Complainant and the Respondent with an opportunity to express their perspectives and address what outcome they wish to see. The parties will have 5 business days after the Title IX Officer sends the investigation report to respond.

   a. The Complainant and the Respondent must respond to the meeting opportunity notification within 5 business days after the date the investigation report is sent. If no response is received by the deadline, the non-responding party will forfeit his/her opportunity to meet.

   b. The meeting shall take place no later than 7 business days after the acceptance of the meeting opportunity unless the Chancellor’s Designee approves a later date.

   c. Written comments from the Complainant and Respondent must be received by the Chancellor’s Designee no later than 5 business days from the date the Title IX Officer sends the investigation report.

B. Closure of Case Where No Policy Violations are Found

1. When the Title IX/OPHD investigation report does not find any violation of the SVSH Policy and when applicable, the Nondiscrimination Policy, the Chancellor/Chancellor’s Designee shall close the case after the Complaint and the Respondent have had the opportunity to meet with the Chancellor’s Designee and/or comment in writing on the Title IX/OPHD investigation report.

   a. Complainants and Respondents may object to a PRC member(s) on the basis of a conflict of interest. Any objection must be (1) in writing, (2) set out facts to support the objection, and (3) submitted to the Chancellor’s Designee no later than 5 business days after receipt of the notification of the opportunity to meet with the Chancellor/Chancellor’s Designee and/or comment on the Title IX/OPHD investigation report.

C. Title IX/OPHD Findings of SVSH Policy Violations

If the Title IX/OPHD investigation results in a finding that a violation of the SVSH Policy, either by itself or in conjunction with the Nondiscrimination Policy occurred, the Chancellor’s Designee shall engage the Peer Review Committee (PRC).

D. Peer Review Committee (PRC)

The Chancellor and/or Chancellor’s Designee shall appoint the PRC. The names of the PRC members are available online.

1. Charge: The PRC is charged with providing a recommendation regarding discipline or early resolution to the Chancellor and Chancellor’s Designee when a Title IX/OPHD investigation report results in a finding that a faculty member or nonfaculty academic appointee violated the SVSH Policy, either by itself or in conjunction with a finding that the faculty member or non-faculty academic appointee violated the Nondiscrimination Policy.

2. Possible Conflict of Interest: PRC members must be unbiased and impartial. The Chancellor’s Designee shall notify the PRC of the identity of the Complainant and Respondent when the PRC is convened. PRC members shall immediately advise the Chancellor’s Designee if they believe they have a conflict of interest or otherwise cannot be impartial in any given case.

   a. Complainants and Respondents may object to a PRC member(s) on the basis of a conflict of interest. Any objection must be (1) in writing, (2) set out facts to support the objection, and (3) submitted to the Chancellor’s Designee.
OPHD investigation report, as described above. Objections that are not timely submitted shall be deemed to be waived.

b. The Chancellor’s Designee shall review the information provided by any PRC member, the Complainant and/or Respondent, and shall determine whether a PRC member should not serve on a particular case due to a conflict of interest.

3. The Chancellor’s Designee may appoint PRC members to serve as “leads” with primary responsibility for reviewing the case, leading discussions and submitting the recommendations. The expectation is that the PRC members who are not recused shall participate in the discussions and recommendations to the maximum extent possible. It is possible that not all PRC members will be able to participate in a particular case, but all members shall be notified of all recommendations.

4. The PRC shall review the Title IX/OPHD investigation report and any attachments and/or any written comments to the report submitted by the Complainant and/or Respondent. The PRC shall not interview any witnesses.

5. The PRC may use any reasonable means to conduct its deliberations, including but not limited to: meeting in person, meeting via phone, Zoom or other conferencing mechanism, discussion via email, or any combination.

6. A representative from the UCSF Office of Legal Affairs and PRC staff may attend the PRC meeting(s).

7. PRC members shall keep all information confidential to the maximum extent permitted by policy and law. See Appendix D for confidentiality guidelines for the PRC.

8. Before submitting its recommendations to the Chancellor/Chancellor’s Designee, the Chancellor’s Designee shall meet with the PRC at least once. This meeting may be held via any reasonable means. The Chancellor’s Designee may share with the PRC any information received from his/her meetings with the Complainant and/or Respondent. The PRC may also consult with the Title IX/OPHD Officer or investigator at its discretion.

9. The PRC shall deliberate and submit its written recommendation to the Chancellor/Chancellor’s Designee.

10. The PRC recommendation in each case shall be approved by a simple majority of PRC leads plus any other PRC members who participate.

11. The PRC may recommend appropriate discipline, early resolution, or no discipline. APM 016 authorizes imposition of more than one form of discipline. The Peer Review Committee may also provide a recommendation on other corrective or remedial measures as deemed appropriate.

12. The PRC’s recommendation shall be submitted to the Chancellor and/or Chancellor’s Designee in writing, shall be signed by the participating PRC members and shall provide the following information at a minimum:

- The identity of the PRC members who participated in the recommendation and any PRC members who were recused
- The identity of any PRC members who served as “leads” for the particular case
- A list of all information and documents reviewed and/or relied on by the PRC in forming its recommendation. These documents are not required to be attached to the recommendation.
- The PRC’s recommendation
- The rationale for the PRC’s recommendation

III. DISCIPLINARY SANCTIONS OR CORRECTIVE ACTION PHASE (“DECISION PHASE”) (STAGE 3) – PROCESS

A. Proposal of Discipline or Early Resolution

1. Faculty Respondents: Upon receipt of the PRC’s recommendation, the Chancellor shall make a determination regarding the proposed discipline and/or early resolution. In all cases where a Senate or non-Senate faculty Respondent is found responsible for violating the SVSH Policy, the Chancellor or Chancellor’s Designee will consult with the campus Title IX Officer on how to resolve the matter, including the appropriate discipline or other corrective measures. The Chancellor and the Chancellor’s Designee may also consult with each other and/or with other appropriate advisors in making this determination. In addition, the Chancellor and/or Chancellor’s Designee may recommend remedial measures.

2. Non-Faculty Academic Respondents: Upon receipt of the PRC’s recommendation, the Chancellor or the Chancellor’s Designee shall make a determination regarding the proposed discipline and/or early resolution. In all cases where a non-faculty academic Respondent is found responsible for violating the SVSH Policy, the Chancellor or Chancellor’s Designee will consult with the campus Title IX Officer on how to resolve the matter, including the appropriate discipline or other corrective measures. The
Chancellor and the Chancellor’s Designee may also consult with each other and/or with other appropriate advisors, in making this determination. In addition, the Chancellor and/or Chancellor’s Designee may recommend remedial measures.

3. Written Notice of Discipline/Early Resolution Proposal: The Chancellor or Chancellor’s Designee shall communicate the proposed discipline and/or early resolution to the Respondent in writing.

a. Faculty Respondents who are Members of the Academic Senate: The proposed discipline and/or early resolution terms shall be communicated in a letter. The Complainant shall be contemporaneously notified of the proposed discipline.

b. Non-Senate Faculty and Non-Faculty Academic Respondents: The proposed discipline/early resolution shall be communicated to the Respondent in a letter that meets the requirements of a Notice of Intent as specified in APM 150-31-c. Per the Systemwide Frameworks, the Complainant is not required to receive notice of the proposed discipline, but will be informed of any final resolution.

B. Response to Proposed Discipline or Early Resolution

Response Time: All Respondents shall have 14 calendar days to respond to the Chancellor's written proposal/Notice of Intent. The Respondent may accept or decline the proposal.

Non-Response Indicates Acceptance of the Proposed Discipline or Early Resolution: If the Respondent does not respond to the Chancellor’s proposal by the stated deadline, the Respondent will be deemed to have accepted the proposal. The Respondent’s response may include any other information s/he wishes to present.

1. Acceptance of Discipline: If the Respondent accepts the proposed discipline affirmatively or through non-response, the agreed-upon discipline shall be imposed as soon as reasonably possible after the notification of acceptance is received or the response deadline passes without response.

a. Respondent who are Members of the Academic Senate who accept the proposed discipline shall receive a final discipline letter implementing the discipline.

b. Non-Senate Faculty and Non-Faculty Academic Respondents who accept the proposed discipline shall receive a Notice of Action that meets the requirements of APM 150-32-e.

c. The Vice Provost shall be notified of the discipline imposed and shall ensure that the hold on any academic action or advancement packet of a Respondent is released as soon as possible after the discipline is imposed.

d. The Complainant shall receive the appropriate notifications per SVSH Policy and Systemwide Frameworks and/or the law.
2. Early Resolution: If the Chancellor/Chancellor’s Designee and the Respondent reach agreement on early resolution before the end of the Assessment and Consultation or Decision Phases, the terms of the agreement shall be documented in writing and signed by the Respondent and the Chancellor or Chancellor’s Designee; the terms shall be implemented as soon as reasonably possible after agreement is reached.

   a. The Vice Provost shall be notified of the discipline imposed and shall ensure that the hold on any academic action or advancement packet of a Respondent is released as soon as possible after the discipline is imposed.

   b. The Complainant shall receive the appropriate notifications per the SVSH Policy, the Systemwide Frameworks and/or the law.

3. Rejection of Proposed Discipline or Early Resolution: If the Respondent declines the proposed discipline and/or early resolution:

   a. For Respondents Who are Members of the Academic Senate: The Chancellor or Chancellor’s Designee shall file charges with the Academic Senate Committee on Privilege and Tenure (P&T Committee) at or before the end of the Decision Phase, regardless of whether discussions are in progress. The filing of charges ends the Decision Phase and initiates the Post-Decision Phase for these Respondents.

   b. For Non-Senate Faculty and Non-Faculty Academic Respondents: Rejection of the proposed discipline or early resolution ends the Decision Phase, and initiates the Post-Decision Phase for these Respondents.

   c. The Vice Provost shall be notified of the discipline imposed and shall ensure that the hold on any academic action or advancement packet of a Respondent is released as soon as possible after the discipline is imposed.

   d. The Complainant shall receive the appropriate notifications per University Policy, the Systemwide Frameworks and/or the law.

IV. POST-DECISION PHASE

The Post-Decision Phase follows the Assessment and Consultation and Decision Phases when the Respondent and the Chancellor or Chancellor’s Designee do not reach agreement regarding discipline or early resolution.

A. Faculty Respondents who are Members of the Academic Senate

For Faculty Respondents who are members of the Academic Senate, there are two ways in which a charge(s) may be filed with the Academic Senate Committee on Privilege and Tenure:

1. If the matter has not been otherwise resolved within 40 business days and an extension has not been granted, a charge(s) will be filed with the Academic Senate Committee on Privilege and Tenure.

2. If following the Assessment and Consultation and Decision Phases the Chancellor proposes discipline which is not accepted by the Respondent, then a charge(s) will be filed with the Academic Senate Committee on Privilege and Tenure.

The process following the filing of charges with the P&T Committee is set forth in APM-015 and APM016, and is governed by Senate Bylaw 336 and other applicable Senate bylaws, as well as UCSF divisional bylaws.

1. If a charge(s) is filed, the Title IX investigation report and/or hearing officer’s notice of determination under a DOE Grievance Process, if any, shall be accepted as evidence in the P&T proceeding.

2. The Complainant and the Respondent shall receive periodic updates on the status of the P&T proceedings.

3. The P&T Committee shall make a recommendation to the Chancellor, which the Chancellor shall review and consider. Within 14 calendar days of receiving the recommendation from P&T, in accordance with APM-016 and any other applicable procedures, the Chancellor shall make a final decision regarding discipline and shall impose the discipline he/she finds to be appropriate, unless the decision involves dismissal for a faculty member who has tenure. In the case of a faculty member with tenure, the process outlined in APM-016, Section II.6. shall apply. Extensions to this timeline may be granted for good cause with written notice to the Complainant and Respondent stating the reason necessitating an extension and the projected new timeline.

4. The Vice Provost shall ensure that the hold on any academic action or advancement packet of a Respondent continues until the Chancellor’s final decision is imposed.

5. The Complainant and the Respondent shall receive the appropriate notifications per University Policy, the Systemwide Frameworks and/or the law.
B. Faculty Respondents who are not Members of the Academic Senate

1. The corrective action and dismissal for non-Senate Faculty Respondents are governed by APM-150.

2. When a non-Senate faculty Respondent rejects the proposed discipline or early resolution, the Chancellor or Chancellor’s Designee shall issue a Notice of Action that meets the requirements of APM 150-32-e.

3. The Respondent may file a grievance pursuant to APM-140. The time frames and all other provisions of APM-140 shall apply.

   a. If the proposed discipline in a Notice of Intent includes dismissal that results in an early termination of a non-Senate faculty Respondent’s academic appointment, the Respondent may request an Academic Senate hearing on the dismissal only, pursuant to Standing Order of the Regents 103.9, APM-150 and Academic Senate Bylaw 337. A non-Senate faculty appointee is entitled to select only one grievance review mechanism.

4. The Vice Provost shall ensure that the hold on any academic action or advancement packet of Respondent continues until (1) the time to file an APM-140 grievance passes without the filing of a grievance, (2) the grievance is resolved, or (3) if an Academic Senate hearing is requested, until the Chancellor’s final decision is imposed.

5. The Complainant and the Respondent shall receive the appropriate notifications per University Policy, the Systemwide Frameworks and/or the law.

C. Non-Faculty Academic Respondents

1. Corrective action and dismissal for non-faculty academic Respondents are governed by APM-150.

2. When a non-faculty academic Respondent rejects the proposed discipline, the Chancellor or Chancellor’s Designee shall issue a Notice of Action that meets the requirements of APM 150-32-e.

3. The Respondent may file a grievance pursuant to APM-140. The time frames and all other provision of APM-140 shall apply.

4. The Vice Provost shall ensure that the hold on any academic action or advancement packet of a Respondent continues until (1) the time to file an APM-140 grievance passes without the filing of a grievance, or (2) the grievance is resolved.

5. The Complainant and the Respondent shall receive the appropriate notifications per University Policy, the Systemwide Frameworks and/or the law.

DISCIPLINARY SANCTIONS

According to Part II of the University Policy on Faculty Conduct and the Administration of Discipline (APM 016), the types of discipline that may be imposed on a member of the faculty, in order of increasing severity, are:

1. Written Censure: A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor.

2. Reduction in Salary: Reduction to lower salary without change in rank or step.

3. Demotion: Reduction to lower rank or step with corresponding reduction in salary.

4. Suspension: Suspension of a faculty member without pay for some stated period of time from the continuance of the appointment on its normal terms.

5. Denial or Curtailment of Emeritus Status: Denial or curtailment of current or future emeritus status of a faculty member, including the privileges associated with the emeritus status.

6. Dismissal from the Employ of the University: The Chancellor has authority to dismiss a faculty member who does not have tenure or security of employment.

According to APM 150, which sets forth the general University policy regarding Non-Senate Academic Appointees (faculty and non-represented non-faculty academics) the types of corrective action and dismissal that may be imposed are:

1. Written Warning: A communication that informs the appointee of the nature of the misconduct or deficiency, the method of correction, and the probable consequence of continued misconduct or deficiency.

2. Written Censure: A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor.

3. Suspension: Debarment without pay from appointment responsibilities for a stated period of time.

4. Reduction in Salary: Reduction to lower salary without change in rank or step.
5. Demotion: Reduction to lower rank or step with corresponding reduction in salary.

6. Dismissal: Termination of an appointment for good cause initiated by the University prior to the ending date of appointment.

Additional information about University discipline, including information specific to each type of discipline, may be found in APM 016 and APM 150.

Staff Conduct Process

Upon receipt of a report of or information about alleged prohibited conduct, the Title IX Officer will make an initial assessment in accordance with the SVSH Policy, which will include making an immediate assessment concerning the health and safety of the complainant and the campus community. After the Title IX Officer conducts a preliminary inquiry into the facts, the Title IX Officer may authorize an Alternative Resolution in accordance with the SVSH Policy. In cases where Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may authorize and oversee a Formal Investigation as contemplated in the SVSH Policy.

See also the UC SVSH Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel Interim Revisions. https://www.ucop.edu/title-ix/_files/staff-nfap-framework-final.pdf

FORMAL INVESTIGATION

When a Formal Investigation is commenced, the Title IX Officer or representative will notify the Chief Human Resources Officer (CHRO), or the CHRO’s back-up designee, the respondent’s Labor and Employee Relations (LER) Representative, and the respondent’s Department Head or Director. The Title IX Officer and/or representative will be sensitive when providing this notification and make efforts to protect the privacy of the parties and the neutrality of those being notified. Thereafter, the Title IX Officer or representative will ensure that these individuals are regularly updated regarding the status of the Formal Investigation.

When a Formal Investigation will be conducted, the Title IX Officer will send written notice of the allegations to the complainant and the respondent. The written notice will include:

a. A summary of the allegations and potential violations of the SVSH Policy;

b. The purpose of the investigation;

c. A statement that the investigative report, when issued, will make factual findings and a determination whether there has been a violation of the SVSH Policy;

d. A statement that the findings under the SVSH Policy will be based on the preponderance of the evidence standard;

e. A summary of the investigation and discipline processes, including the expected timeline;

f. A summary of the rights of the complainant and respondent, including the right to an advisor/representative;

g. A description of the resources available to the complainant and respondent; and an admonition against intimidation or retaliation.

INVESTIGATIVE PROCESS

The Title IX Officer will designate an investigator to conduct a fair, thorough, and impartial investigation.

During the investigation, the complainant and respondent will be provided an equal opportunity to meet with the investigator, submit information, and identify witnesses who may have relevant information.

The investigator will meet and/or speak separately with the complainant, the respondent and third-party witnesses who may have relevant information, and will collect and review other available and relevant information. The investigator may follow up with the complainant or the respondent as needed.

Disclosure of facts to persons interviewed will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be asked to...
maintain confidentiality when essential to protect the integrity of the investigation.

The complainant or the respondent may have an advisor/representative present when personally interviewed and at any related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by University policy or collective bargaining agreement. The respondent’s right to an advisor/representative ensures the respondent’s Weingarten rights in the event there is a reasonable expectation the investigation findings may lead to disciplinary action.

When a law enforcement agency is conducting its own investigation into the alleged conduct, the Title IX investigator will make every effort to coordinate his or her fact-finding efforts with the law enforcement agency. At the request of a law enforcement agency, the Title IX investigation may be delayed temporarily to meet specific needs of the criminal investigation.

INVESTIGATION REPORT AND FINDING
Following conclusion of the investigation, the Title IX investigator will prepare a written report. The written investigation report will include a statement of the allegations and issues, the positions of the parties, and a summary of the evidence. If the complainant or the respondent offered witnesses or other evidence that was not relied upon by the investigator, the investigation report will explain why it was not relied upon. The investigation report will include findings of fact and a determination whether there is a preponderance of the evidence to support a finding that the SVSH Policy was violated.

NOTICE OF INVESTIGATION OUTCOME
Upon completion of the Title IX investigation report, the Title IX Officer or representative will send to the complainant and the respondent a written notice of investigation outcome regarding whether a violation of the SVSH Policy was found. The notice of investigation outcome will generally be accompanied by a copy of the investigation report, which may be redacted as necessary to protect privacy rights.

The Title IX Officer or representative will also send the notice of investigation outcome and accompanying investigation report to the CHRO or the CHRO’s back-up designee, the respondent’s LER Representative, and the respondent’s Department Head or Director. The notice of investigation outcome will include:

a. A statement of whether a preponderance of the evidence demonstrated that respondent violated the SVSH Policy;
b. An admonition against intimidation or retaliation;
c. An explanation of any interim measures that will remain in place;
d. A statement that the complainant and respondent have an opportunity to respond in writing to the CHRO and the respondent’s Department Head or Director; and
e. A statement indicating whether it appears that further investigation by another appropriate body may be necessary to determine whether violations of other policies occurred, separate from any allegations of Prohibited Conduct that were investigated under the SVSH Policy.

In addition, if the investigation determined that respondent violated the SVSH Policy, the notice of investigation outcome will also include:

a. For matters involving PPSM-covered respondents, a description of the process for deciding whether and what discipline to impose, including a statement that the respondent’s Department Head or Director, in consultation with LER, will propose a resolution, which may include corrective action as defined by PPSM-62 or termination in accordance with PPSM-64, and that the proposal will be subject to review and approval by the CHRO or the CHRO’s back-up designee.
b. A statement that the complainant and the respondent
The complainant and the respondent will have an opportunity to respond to the notice of investigation outcome and accompanying investigation report through a written statement that will be submitted to the respondent’s Department Head or Director and the CHRO or the CHRO’s back-up designee. It can be submitted via electronic mail to: ELR@ucsf.edu; via mail or personal delivery to 3360 Geary Blvd., Suite 301, San Francisco, CA 94118; or via fax to (415) 353-4029.

**DECISION PROPOSAL AND SUBMISSION TO CHANCELLOR’S DESIGNEE FOR APPROVAL**

In the event that the Title IX investigation finds the respondent responsible for violating the SVSH Policy, the respondent’s Department Head or Director, in consultation with LER, will propose a decision regarding how to resolve the matter. The written response(s), if any, and the proposed decision on how to resolve the matter must be submitted to the CHRO or the CHRO’s back-up designee for review and approval.

In the event the CHRO or the CHRO’s back-up designee does not approve the proposed decision, he or she will send it back to the respondent’s Department Head or Director and LER, for reconsideration and submission of a revised proposed decision. In the event the CHRO or the CHRO’s back-up designee approves the proposed decision, he or she will inform the Department Head or Director and LER, who will take steps to implement the approved decision. This proposal and approval process will occur in all cases where the Title IX investigation has found the respondent has violated the SVSH Policy. LER and other appropriate offices will be consulted throughout the process.

**CORRECTIVE OR OTHER ACTIONS**

**Decision Approval and Implementation**

Following approval by the CHRO or the CHRO’s back-up designee, the respondent’s Department Head or Director, in consultation with LER, will implement the approved decision in accordance with applicable PPSMs, including PPSM-62 and PPSM-64. **Possible sanctions include oral or written warning, suspension without pay, reduction of pay within a class, demotion to a lower classification, and dismissal.**

**No Further Action**

The respondent’s Department Head or Director, in consultation with LER, may propose to resolve the matter without taking any further action. This proposal will be reviewed by the CHRO or the CHRO’s back-up designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated to both the complainant and the respondent.
Action Not Requiring Notice of Intent

The respondent’s Department Head or Director, in consultation with LER, may propose corrective or remedial actions that do not amount to corrective action as defined by PPSM 62 or termination under PPSM 64. The proposed actions will be reviewed by the CHRO or the CHRO’s back-up designee for approval. In the event it is approved, the decision will be implemented by the respondent’s Department Head or Director, in consultation with LER, and the decision and its terms and rationale will be promptly communicated to both the complainant and the respondent.

Notice of Intent

The respondent’s Department Head or Director, in consultation with LER, may propose to issue a notice of intent to institute corrective action in accordance with PPSM-62 or notice of intent to terminate in accordance with PPSM-64. The proposed terms of the notice of intent will be reviewed by the CHRO or the CHRO’s back-up designee for approval. In the event it is approved, the decision will be implemented by the respondent’s Department Head or Director and the notice of intent will be issued. Following the provision of a notice of intent, corrective action will be taken in accordance with PPSM-62 and/or actions to terminate will be taken in accordance with PPSM-64. The terms of the implemented action and its rationale will be promptly communicated to both the complainant and the respondent.

Timeframe for Implementation of Decision; Extension for Good Cause

The respondent’s Department Head or Director, in consultation with LER, should implement his or her approved decision promptly, typically within 40 business days of receipt of the notice of investigation outcome and accompanying investigation report. Unless there is an extension granted or the matter has otherwise been resolved, an action will be issued within 40 business days.

Extensions to this timeline may be granted by the CHRO or the CHRO’s back-up designee for good cause with written notice to the complainant and the respondent stating the reason for the extension and the projected new timeline.

Complaint/Grievance Process Following Action Taken

In the event that a PPSM-covered respondent submits a complaint under PPSM-70, the CHRO or the CHRO’s back-up designee will ensure that both the complainant and the respondent will receive regular updates regarding the status of the complaint or grievance.

Following any complaint or grievance processes, the complainant and the respondent will be promptly informed of the decision including any changes to prior outcome and decision including any changes to prior outcome and its rationale.

Non-Sex-Based Stalking

Non-sex-based stalking incidents not covered by the UC Policy on Sexual Violence and Sexual Harassment may fall under the UCSF Administrative Policy on Violence and Bullying. https://policies.ucsf.edu/policy/150-27
UCSF Administrative Policy 150-27 – Violence and Bullying

PURPOSE
The University of California, San Francisco, as an employer, is committed to maintaining a safe environment that is free from bullying, intimidation, threats, and/or acts of violence. When faced with such situations, UCSF will take prompt steps to assess, investigate allegations, and/or take remedial actions as the University deems appropriate to protect the rights of the UCSF community, including but not limited to faculty/non-faculty academics, staff, volunteers, and learners. All reported incidents will be reviewed and investigated as appropriate. https://policies.ucsf.edu/policy/150-27

DEFINITIONS

Act of Violence: A physical act, whether or not it causes actual bodily harm to another person or damage to the property of another. Acts of violence include, but are not limited to:
- Striking another with closed fist or open hand
- Kicking another person
- Pushing, shoving, grabbing, or elbowing another
- Throwing an object at, or near, another person
- Intentionally damaging University or personal property

Bullying/Abusive Conduct: Bullying is a form of conduct that is abusive and unjustified by UCSF’s legitimate business/educational interests. Bullying is defined as behavior of an individual or group of individuals that a reasonable person would find hostile, offensive, oppressive, and/or humiliating. It may include but is not limited to:
- Infliction of verbal/written abuse, such as the use of derogatory remarks, insults, and/or epithets, including but not limited to language that humiliates, belittles, and/or degrades
- Performance feedback that is delivered by yelling, screaming, making threats and/or insults
- Sabotaging or undermining a person’s work performance
- Spreading misinformation or malicious rumors
- Inappropriate comments about a person’s appearance, lifestyle, family or culture
- Teasing or making someone the brunt of pranks or practical jokes
- Interfering with a person’s personal property or work equipment
- Purposefully and inappropriately impacting a person’s work environment so as to exclude, isolate or marginalize a person from normal work activities
- Circulating inappropriate or embarrassing photos or videos, including electronically (e.g., via email or social media)
- Unwarranted physical contact, even if non-violent
- Electronic communications, such as social media, text or email, that are disparaging or derogatory
- A single act shall not constitute bullying, unless especially severe or egregious.

Intimidation: A physical, verbal, and/or written act toward another person(s), which causes them to reasonably fear for their safety and/or the safety of others. Although typically present as a pattern of behavior over time, a single act if egregious enough would constitute intimidation.

Retaliation: 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.

Threat of Violence: A physical, verbal, and/or written act that threatens bodily harm to another person and/or damage to the property of another, as distinguished from other kinds of threats such as legal action, non-physical retaliation, reports to authorities, or adverse media coverage.

Weapons: No person shall possess or have control of any firearm, deadly weapon, or prohibited knife, as legally defined, while on the property of the University of California, San Francisco, except as authorized by the UCSF Police Department.

Policy
All UC community members are expected to behave in ways that support UC’s Principles of Community and Regents Policy 1111 (Statement of Ethical Values and Standards of Ethical Conduct), which states that UC is committed to treating each member of the University community with respect and dignity. Abusive conduct and bullying behaviors are inconsistent with the values of the University and should be addressed directly and comprehensively. The University does not tolerate abusive conduct or bullying. Regardless of circumstances or setting, staff at all levels found to be engaging in abusive conduct should be held accountable. No member of the University community will be retaliated against for reporting bullying in good faith.
Any UCSF faculty member, student, or employee found to be in violation of this policy may be subject to discipline up to and including dismissal pursuant to applicable University personnel policies or collective bargaining agreements as well as criminal prosecution.

**Reporting**

**REPORTING EMERGENCY SITUATIONS, IMMINENT THREATS OF VIOLENCE OR PRIOR VIOLENCE**

Any emergency, perceived emergency, and/or suspected criminal conduct (including sexual violence) shall be reported immediately to the UCSF Police Department.

**REPORTING INTIMIDATION, THREATS OR ACTS OF VIOLENCE**

UCSF community members shall report intimidation, threats of violence and/or acts of violence to:

- UCPD (911 or (415) 476-6911), especially if violence has already occurred or is imminent
- FSAP (415) 476-8279, ask to speak with a member of the Threat Management Team

**REPORTING BULLYING/ABUSIVE CONDUCT**

Any UCSF community member who is the subject of, or a witness to, a suspected violation of this policy should report the violation to a supervisor or manager, or the appropriate UCSF official listed below.

Any UCSF supervisor, manager, or person in authority who receives a report of a suspected violation of this policy shall document the incident and notify the appropriate UCSF official listed below. Additionally, any UCSF supervisor, manager, or person in authority who receives a report of a suspected violation that also includes conduct potentially prohibited by the UC Policy on Sexual Violence and Sexual Harassment and/or the UC Policy on Discrimination, Harassment, and Affirmative Action in the Workplace shall report the conduct to the Office for the Prevention of Harassment and Discrimination.

**Faculty and Non-Faculty Academics** (not represented by a bargaining unit): Report to the Department Chair or Division Director. If unsure who that is, email AcademicEmployeeRelationsVPAA@ucsf.edu

**Staff and/or Employees Represented by a Bargaining Unit:** ELR@ucsf.edu or via phone at (415) 353-4012 or (415) 353-4107

**Students:** Student Life’s Student Conduct Officer at (415) 502-3302

**Community members** (e.g., patrons of UCSF athletic facilities, food services, etc.): Report to the manager on duty

**Patients and/or family members:** Report to the manager on site or Patient Relations

**Anyone** may report bullying/abusive conduct to the Whistleblower Hotline at: (415) 476-3851 or University-wide confidential web reporting (independently operated by EthicsPoint) 1-800-403-4744. Reports to the Whistleblower Hotline or EthicsPoint may remain anonymous.

**Disciplinary Procedures for Non-Sex-Based Stalking**

**STUDENTS**

PACAOS 100, Section 103.11 describes the minimum procedural requirements when conducting a formal hearing into alleged social misconduct, including non-sex-based stalking:

a) Written notice, including a brief statement of the factual basis of the charges, the University policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing;

b) The opportunity for a prompt and fair hearing where the University shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the University; no inference shall be drawn from the silence of the accused;

c) A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and

d) An appeals process.

The standard of evidence, like for SVSH Policy violations, is preponderance of the evidence. Possible sanctions include those mentioned above for violations of the UC SVSH Policy. These include warning/censure, disciplinary probation, loss of privileges and exclusion from activities, suspension, dismissal, exclusion from areas of campus or from official university functions, interim suspension, restitution, and revocation of awarding degree.
Disciplinary charges shall be filed by the appropriate Chancellor or Chancellor’s designee once probable cause has been established. The disciplinary charges shall be in writing and shall contain notice of proposed disciplinary sanctions and a full statement of the facts underlying the charges. The Chancellor must file disciplinary charges by delivering notice of proposed disciplinary action to the respondent no later than three years after the Chancellor is deemed to have known about the alleged violation.

The accused shall have 14 calendar days from the date of receipt of the disciplinary charges in which to file an answer in writing with the Committee on Privilege and Tenure.

Within five business days after receiving the disciplinary charges, the Chair of the Committee on Privilege and Tenure shall contact the accused, the Chancellor or Chancellor’s designee and/or their representatives in writing in order to schedule the hearing.

The hearing shall begin no later than 60 calendar days from the date disciplinary charges are filed with the Committee on Privilege and Tenure.

The Chancellor or Chancellor’s designee, the accused, and/or their representatives shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received. Each party shall have the right to be represented by counsel, to present its case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.

The Hearing Committee shall make its findings of fact, conclusions supported by a statement of reasons based on the evidence, and recommendation. These shall be forwarded to the parties in the case, the Chancellor or Chancellor’s designee, the Chair of the Divisional Committee on Privilege and Tenure, and the Chair of the University Committee on Privilege and Tenure, not more than 30 calendar days after the conclusion of the hearing.

Full text found here: 336. Privilege and Tenure: Divisional Committees – Disciplinary Cases

Non-Senate Academic Appointees/Corrective Action and Dismissal APM-150

Corrective action or dismissal may be instituted and implemented by the department chair, unit head, supervisor, or other appropriate administrative authority in accordance with campus procedures.

Prior to instituting corrective action or dismissal, efforts to resolve the issue(s) informally should be attempted where appropriate.

The University shall provide a written Notice of Intent to the appointee prior to initiating the actions of written censure, suspension without pay, reduction in salary, demotion, or dismissal. The Notice shall state: the intended action, including reasons for the action and the proposed effective date; the basis of the charges, including copies of pertinent materials supporting the charges; the appointee’s right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written Notice of Intent; and the name of the person to whom the appointee should respond.

Prior to instituting the dismissal of a non-Senate faculty member, the appointee should be apprised of the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate.

The appointee who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent.

If the University determines to institute the corrective action or dismissal following the review of a timely response, if any, from the appointee, and within thirty (30) calendar days of
the date of issuance of the written Notice of Intent, the University shall issue a written Notice of Action to the appointee of the corrective action or dismissal to be taken and its effective date.

For information on corrective action, refer to Personnel Policies for Staff Members (PPSM) 62 (Corrective Action).

Prior to placing an employee on an investigatory leave, management must consult with the local Human Resources office.

While on investigatory leave, the employee must be available to cooperate with the University's investigation.

B. Circumstances When Investigatory Leave May Be Warranted

The types of alleged conduct that may warrant placing an employee on investigatory leave include, but are not limited to:
- dishonesty;
- theft or misappropriation of University property;
- violation of federal or state law;
- exploitation, intimidation, discrimination, or harassment;
- acts endangering employees, students, visitors, or other University constituents;
- sexual violence, sexual harassment, or other prohibited behavior; or
- any other conduct that warrants removing the employee from the work site to conduct a University investigation.

For situations involving allegations of sexual violence and/or sexual harassment, please see the policy on Sexual Violence and Sexual Harassment.

For situations involving allegations of discrimination and harassment, please see the policy on Discrimination, Harassment, and Affirmative Action in the Workplace.

C. Written Notice

An employee placed on an investigatory leave must be notified in writing no later than three working days after commencement of the leave if the written notice is not provided when the leave commenced. The written notice must include the reason(s) for the leave and the expected duration of the leave. It should also direct the employee to remain available to speak with and provide information to the University investigator upon request. Such leaves may be extended by written notice to the employee.

Upon conclusion of the University’s investigation, the employee must be notified in writing of the outcome of the investigation and whether the investigation’s findings will result in continued employment, corrective action, or termination of employment. Refer to PPSM 62 (Corrective Action).
PPSM-64 – Termination and Job Abandonment provides for the following:

B. Termination: Professional & Support Staff

1. General: Regular status professional and support staff may be terminated from employment because of misconduct or failure to maintain appropriate work performance standards. Normally, termination is preceded by corrective action (see Personnel Policies for Staff Members 62 (Corrective Action) unless immediate dismissal is warranted.

2. Written Warning: When termination is for failure to maintain appropriate work performance standards, the employee must receive at least one written warning prior to termination unless the unsatisfactory performance warrants immediate dismissal. Termination for misconduct does not require a written warning.

3. Notice and Decision: The employee must receive written notice of the intent to terminate. This notice must include a statement of the reason(s) for the intended action, a copy of any materials upon which the termination is based, and a statement that the employee has the right to respond either orally or in writing within eight (8) calendar days of the date of the notice of intent to terminate. After the employee has responded or after eight (8) calendar days, whichever comes first, management must review the response, if any, and inform the employee of the action to be taken.

4. Pay in Lieu of Notice: The employee must receive at least 15 calendar days’ notice prior to termination or pay in lieu of notice. If the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate. If the employee provides a timely response to the notice of intent as described in Section III.B.3 of this policy, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth day following the date of the notice of intent to terminate.

C. Termination: Managers & Senior Professionals – Manager 3 and Below and Equivalent Positions

1. General: Managers and senior professionals who hold career appointments may be terminated when, in management’s judgment, the needs or resources of the department or the performance or conduct of the employee do not justify the continuation of the employee’s appointment.

2. Notice and Decision: When an appointment is to be terminated, the employee must receive written notice of the intent to terminate. This notice must include a statement of the reason(s) for the intended action, a copy of any materials upon which the termination is based, and a statement that the employee has the right to respond either orally or in writing within eight (8) calendar days of the date of the notice of intent to terminate. After the employee has responded or after eight (8) calendar days, whichever comes first, management must review the response, if any, and inform the employee of the action to be taken.

3. Pay in Lieu of Notice: An employee terminated for reasons other than misconduct must receive 60 calendar days’ notice prior to termination or pay in lieu of notice. The 60 calendar days must be counted from the date of the notice of intent to terminate. However, if the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate. If the employee provides a timely response to the notice of intent as described in Section III.C.3 of this policy, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth day after the date of the notice of intent to terminate.

D. Termination: Managers & Senior Professionals – Above Manager 3 and Equivalent Positions

1. General: Managers and senior professionals who hold career appointments serve at the discretion of the Chancellor and may be terminated at will and at any time with or without cause. The at-will status of these employees cannot be altered except by amendment of this policy.

2. Notice: Managers and senior professionals may receive, at the sole discretion of the Chancellor, up to sixty calendar days’ written notice prior to termination or pay in lieu of notice.

E. Termination Assistance: Managers & Senior Professionals

Managers and senior professional employees may be assisted, at the discretion of the Chancellor, as follows:

1. Assignment of the employee to another position, if a position is available, that the employee is qualified to perform and when the assignment is in the University’s interest.
2. Career counseling or outplacement services.

3. Reasonable time off with pay to interview for other positions both within and outside the University.

4. Severance
   a. A location may grant severance pay in the amount of one month of pay, or less, for each completed year of continuous University service up to a maximum of six (6) months of pay. In order to receive severance, the employee must enter into a written separation agreement that is approved by the University in accordance with the Policy on Settlement of Litigation, Claims, and Separation Agreements (Regents Policy 4105).
   b. No severance pay will be provided when termination is a result of misconduct, as determined by the Chancellor.
   c. An employee who is reemployed at any University location in any capacity during the paid severance period is required to repay to the University an amount equal to the severance pay received for the time period beginning with the date of hire in the new position to the end of the paid severance period. In the event the monthly salary in the new position is less than the monthly salary used to calculate the severance pay amount, the employee is required to repay to the University an amount based on the monthly salary of the new position for the time period beginning with the date of hire in the new position to the end of the paid severance period. A written repayment plan is to be agreed upon between the employee and the University before the employee begins work.

Additional Support for Victims of Sexual Violence

Housing Services: Incidents of sexual violence occurring in, or involving members of the University residential community shall be reported to the Director of Housing Services. At the discretion of the Director of Housing Services, the accused may be provided alternative housing assignments. UCSF will change a victim’s living situation after an alleged sex offense by contacting the Director of Housing Services, if those changes are requested by the victim and are reasonably available. Depending upon the outcome of a formal University hearing, the housing agreement of the accused may be terminated. Outcomes of the formal campus hearing process will supersede any previous arrangements made by Housing Services. Housing Services staff is also available to assist victims who live off campus in finding alternative off campus housing arrangements.

More information about Housing Services may be found on their website at www.campuslifeservices.ucsf.edu/housing or by contacting (415) 514-4550; housing@ucsf.edu.

Academic/Workplace Accommodation: It may be necessary to make changes in the victim’s workplace or academic schedule. Thoughtful facilitation and accommodation are encouraged. Students should consult with their respective academic or school/program dean. At a student’s request, UCSF may change the student’s academic situation after an alleged sex offense by contacting their program dean, to the extent reasonably available and consistent with department policy. Employees should see their supervisor, director, Labor and Employee Relations or the Title IX Officer.

Assistance for Victims: Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual violence and will provide victims with a written explanation of their rights and options. In California, a victim of sexual violence has rights.

The University may issue an institutional no contact directive if deemed appropriate or at the request of the victim or accused. To the extent of the victim’s cooperation and consent, University offices will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal University investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement.

Restraining Orders

The University complies with California law in recognizing orders of protection, called “restraining orders,” and requests that any person who obtains an order of protection from the State of California or any U.S. state provide a copy to UCSFPD and the Office of the Title IX Officer.

What Does a Restraining Order Do?

A restraining order (also called a “protective order”) is a court order that can protect someone from being physically or sexually abused, threatened, stalked, or harassed. The
The person obtaining the restraining order is called the “protected person.” The person the restraining order is against is the “restrained person.” Sometimes, restraining orders include other “protected persons” like family or household members of the protected person.

After a student or employee receives a restraining order, to mitigate any risk of harm, they may contact UCSFPD to develop a plan designed to increase their safety. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom locations, and other similar protective actions.

In general, restraining orders can include:

**PERSONAL CONDUCT ORDERS**
These are orders to stop specific acts against everyone named in the restraining order as a “protected person.” Some of the things that the restrained person can be ordered to stop are:

- Contacting, calling, or sending any messages (including email);
- Attacking, striking, or battering;
- Stalking;
- Threatening;
- Sexually assaulting;
- Harassing;
- Destroying personal property; or
- Disturbing the peace of the protected people.

**STAY-AWAY ORDERS**
These are orders to keep the restrained person a certain distance away (like 50 or 100 yards) from:

- The protected person or persons;
- Where the protected person lives;
- The protected person's place of work;
- The schools or places of child care of the protected person's children;
- The protected person's vehicle;
- Other important places where the protected person frequents.

**RESIDENCE EXCLUSION (“KICK-OUT” OR “MOVE-OUT”) ORDERS**
These are orders telling the restrained person to move out from where the protected person lives and to take only clothing and personal belongings until the court hearing.

These orders are only available in domestic violence or elder or dependent adult abuse restraining order cases.

For the person to be restrained, having a restraining order against them can have very serious consequences:

- They will not be able to go to certain places or do certain activities.
- They might have to move out of their home.
- It may affect their ability to see their children or other family members.
- They will generally not be able to own a gun. (They will have to turn in or sell any guns they have now and will not be able to buy a gun while the restraining order is in effect.)
- It may affect their immigration status if they are trying to get a green card or visa.

If the restrained person violates (breaks) the restraining order, they may go to jail, or pay a fine, or both.

**Types of Restraining Orders**
There are five kinds of orders you can ask for:

- Domestic Violence Restraining Order
  www.courts.ca.gov/1260.htm#domestic
- Elder or Dependent Adult Abuse Restraining Order
  www.courts.ca.gov/1260.htm#elder
- Civil Harassment Restraining Order
  www.courts.ca.gov/1260.htm#civil%20harassment
- Workplace Violence Restraining Order
  www.courts.ca.gov/1260.htm#workplace
- Gun Violence Restraining Order
  www.courts.ca.gov/33961.htm

Find more information: www.courts.ca.gov/1260.htm

**DOMESTIC VIOLENCE RESTRAINING ORDER**
You can ask for a domestic violence restraining order if:

- Someone has abused you, and
- You have a close relationship with that person (married or registered domestic partners, divorced, separated, dating or used to date, have a child together, or live together or used to live together – but more than roommates), or you are closely related (parent, child, brother, sister, grandmother, grandfather, in-law).

Find more information about domestic violence at www.courts.ca.gov/selfhelp-domesticviolence.htm.
ELDER OR DEPENDENT ADULT ABUSE RESTRAINING ORDER

You can ask for an elder or dependent adult abuse restraining order if:
- You are 65 or older, OR
- You are between 18 and 64 and have certain mental or physical disabilities that keep you from being able to do normal activities or protect yourself;

AND you are a victim of:
- Physical or financial abuse,
- Neglect or abandonment,
- Treatment that has physically or mentally hurt you, or
- Deprivation by a caregiver of basic things or services you need so you will not suffer physically, mentally, or emotionally.

Find more information about elder and dependent abuse at www.courts.ca.gov/selfhelp-elder.htm.

CIVIL HARASSMENT RESTRAINING ORDER

You can ask for a civil harassment restraining order if you are being harassed, stalked, abused, sexually assaulted, or threatened by someone you are not as close to as is required under domestic violence cases, like a roommate, a neighbor, or more distant family members like cousins, aunts or uncles, or nieces or nephews.

Find more information about civil harassment at www.courts.ca.gov/1044.htm.

WORKPLACE VIOLENCE RESTRAINING ORDER

You can ask for a workplace violence restraining order if:
- You are an employer, and
- You ask for a restraining order to protect an employee who has suffered stalking, serious harassment, violence, or a credible (real) threat of violence at the workplace.

An employee CANNOT ask for a workplace violence restraining order. If the employee wants to protect him or herself, he or she can ask for a civil harassment restraining order (or a domestic violence restraining order if the abuser is a partner/spouse or former partner/spouse or close family member).

Find more information about workplace violence at www.courts.ca.gov/1045.htm.

GUN VIOLENCE RESTRAINING ORDER

A Gun Violence Restraining Order is a court order that prohibits someone from having a gun, ammunition or magazines. It can order someone to:
- Not have (possess) a gun, ammunition or magazines;
- Not buy a gun, ammunition, or magazines; and
- Turn in any guns, ammunition and magazines to the police, sell them to or store them with a licensed gun dealer.

If you are afraid someone close to you may use a gun to hurt themselves, or another person, you can ask for a Gun Violence Restraining Order. Only a close family member or a law enforcement officer can ask a judge for a Gun Violence Restraining Order. Close family members are:
- Your spouse or domestic partner
- Your parents, children, siblings, grandparents, grandchildren and their spouses (including stepparents or step-grandparents)
- Your spouse’s parents, children, siblings, grandparents and grandchildren
- Any person who regularly lives in your house now, or within the last 6 months.

If you are not closely related to the person you want to restrain but are still concerned about what they may do with their gun, call the police.

Find more information about gun violence restraining orders at www.courts.ca.gov/33961.htm

The University cannot apply for a legal order of protection, a no contact order or a restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply for these services, directly. Information on how to obtain a restraining order, including an explanation of the judicial process and required forms, may be found at the following website: www.courts.ca.gov/1264.htm. For free assistance with this process contact The Cooperative Restraining Order Clinic (CROC) at (415) 969-6711.
**Sex Offender Notice (Megan’s Law)**

The federal *Campus Sex Crimes Prevention Act of 2002* and the *Adam Walsh Child Protection and Safety Act of 2006* require institutions of higher education to advise their campus communities where to obtain law enforcement information concerning registered sex offenders. Registered sex offenders are already required to register with the state where the person is employed, carries on a vocation, volunteers services, or is a student; the Act also obliges them to provide notice to each institution of higher education in that respective state.

The State of California requires sex offenders to register with the police in the jurisdiction in which they reside. California makes this registration information available to law enforcement agencies and members of the community. For more information, please contact the police department where you live or visit the website of the Office of the Attorney General – State of California at: meganslaw.ca.gov/.

**Workplace Violence & Intimidation**

UCSF has a zero-tolerance policy and program directed at workplace violence (Administrative Policy #150-27). See: policies.ucsf.edu/policy/150-27.

When an employee or student believes their safety is threatened or that they are working in a hostile environment, any member of the Threat Management Team (TMT) can be contacted. The TMT consists of personnel from the UCSF Police Department, Faculty Staff Assistance Program, Labor & Employee Relations and Legal Affairs. When alerted, the TMT will meet to discuss a situation and take necessary action to resolve it. All criminal acts are referred to the UCSF Police Department for criminal investigation.
Notification of Missing Students
Suspected missing students should be reported immediately to UCSFPD. If members of the UCSF community believe that a student has been missing for 24 hours, it is critical they report that information to UCSFPD by calling (415) 476-6911 or 999-1-1 when calling from an on-campus landline. A student is determined to be missing when UCSFPD has verified that reported information is credible and circumstances warrant declaring the person missing.

UCSF Housing Notification Process
Following determination by UCSFPD that a residential student is a missing person, notification will be made to the missing person contact, if contact information has been provided, within 24 hours. If the student is under the age of 18 and is not an emancipated individual, Housing Services will notify the student’s parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, UCSFPD will inform the San Francisco PD (or the local law enforcement with jurisdiction) that the student is missing within 24 hours of confirmation.

Missing Person Contact – UCSF Housing
UCSF Housing tenants, as part of the application/renewal process, have the option to identify a confidential missing person contact. The missing person contact will be notified by UCSF no later than 24 hours after the time the tenant is determined missing by UCSFPD. The confidential contact may be a person designated by the tenant in addition to the declared emergency contact. Should the tenant not formally declare a separate missing person contact, the emergency contact on record will be notified. UCSF tenants are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement. The information may not be disclosed outside of a missing person investigation.

Notification of this policy will be made directly to all tenants residing in campus housing annually. It is made available in conjunction with UCSF’s Annual Security Report, in compliance with the Clery Act. All students attempting to register for campus housing will also be notified of this policy at the time of online completion of housing related documents. During the online housing application and renewal process, (ucsf.starzhousing.com/StarRezPortalX/Login) specific campus housing emergency related contact information will be captured, and the tenant will have the opportunity to provide a separate missing person contact online. All information submitted online during the housing application and renewal process will remain on file and be considered accurate until the tenant voluntarily provides different information.

For more information: campuslifeservices.ucsf.edu/upload/housing/files/MissingPersonsProtocol.pdf.
UCSF strives to maintain drug-free work sites as defined in schedules I through V of the Controlled Substances Act, 21 United States Code 812, and by regulation 21 Code of Federal Regulations 1308. Unlawful manufacture, distribution, dispensing, possession, use or sales of alcohol or controlled substances by employees and students in the workplace, on University premises, at official University functions, or during University business is prohibited. Employees and students shall not abuse legal substances in a manner that impairs work performance, scholarly activities, or student life.

Alcohol
Consumption of alcoholic beverages shall occur only in the public areas approved for University-sponsored functions or events. UCSFPD will enforce California underage drinking laws. For further information on the UCSF Alcohol Policy see: policies.ucsf.edu/policy/200-31.

It is unlawful to sell, furnish or give away alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal.

Only under special circumstances is the consumption of alcohol permitted on campus. Further information on specific permissions and application forms can be found by viewing the University of California Policy on Substance Abuse, UCSF Policy 150-11 (policies.ucsf.edu/policy/150-11).

Drugs
The illegal consumption, possession, use and sale of any narcotic or unlawful drug will be grounds for disciplinary action and is prohibited at UCSF. UCSFPD will enforce federal and California drug laws. (Despite the passage of Proposition 64 in 2017, the federal Drug Free Schools and Communities Act and the Drug Free Workplace Act require that UC, which receives federal funding, have policies that prohibit marijuana use, possession and distribution on campus and in the workplace.) Employees and students found in violation of these laws are subject to corrective action, up to and including dismissal. All persons in violation of the law are subject to arrest.

For more information on health risks related to drug abuse see: www.campusdrugprevention.gov/drugs.

UCSF is committed to creating an environment free of drug and alcohol abuse. Federal law requires UCSF to notify faculty, students and staff about the institution’s compliance with the Drug Free Schools and Communities Act. For more information on UCSF’s policy and compliance see: policies.ucsf.edu/policy/150-11 and www.ucop.edu/marijuana-and-drug-policy/.

For more information on alcohol, drug and tobacco consultation for students, please see: studenthealth.ucsf.edu/alcohol-drug-tobacco-consultation.

For substance abuse counseling for faculty and staff, please see the following information about services available through the Faculty Staff Assistance Program: hr.ucsf.edu/service/faculty-and-staff-assistance-program.

University Alcohol and Drug Policy Violations: 2018–2020
The following information was gathered to comply with the 2008 reauthorization of the Higher Education Act. Due to the confidential nature of the reporting, the violations listed are University-wide and not associated with any given campus location.

2020 VIOLATIONS
Alcohol – There were five alcohol policy violations in 2020 which resulted in the following sanctions: One employee was suspected of being impaired while on duty. A notice of intent to dismiss for impairment was issued to the employee. The employee subsequently resigned during the notice period. One employee was observed to be impaired in the workplace and placed on investigatory leave. Investigation substantiated violation of the Substance Abuse in the Workplace policy and the employee was terminated. One employee was suspected of being impaired while on duty. The employee was placed on investigatory leave and investigation substantiated impairment. A Final Letter of Warning for violation of the policy was issued. One employee was observed to be impaired in the workplace on and placed on investigatory leave. Investigation substantiated violation of the Substance Abuse in the Workplace policy. Disciplinary action has not yet been issued because the employee is on a protected medical leave. One employee was suspected of being impaired while on duty. A notice of
intent to dismiss was issued to the employee and the employee was terminated.

**Drugs** – There were three drug policy violations in 2020 which resulted in the following sanctions: One employee was observed selling drugs on a UCSF shuttle bus in violation of the Substance Abuse in the Workplace policy. The employee was placed on investigatory leave. After an investigation, the employee was terminated for violation of the policy. One employee was included in a random drug screening which was positive. The employee was placed on investigatory leave and an investigation substantiated a violation of the Substance Abuse in the Workplace policy. The employee was issued a Final Letter of Warning. One employee was found to be impaired at work and tested positive for marijuana. An investigatory meeting was conducted and the determination of whether a disciplinary action is appropriate is pending.

**2019 VIOLATIONS**

**Alcohol** – There were three alcohol policy violations in 2019 which resulted in the following sanctions: One employee was suspected of violation of the Substance Abuse in the Workplace policy and was placed on investigatory leave. The investigation is ongoing. One employee was suspected of being impaired while on duty in violation of the Substance Abuse in the Workplace policy and directed to complete a screening. The lab conducting the screening did not return test results. However, investigation concluded the employee was more likely than not impaired at work. A Notice of Intent to Dismiss was issued. One employee was suspected of violation of the Substance Abuse in the Workplace policy. The employee underwent an investigatory meeting immediately after suspicion of being impaired while on duty in violation of the Substance Abuse in the Workplace policy. An investigation substantiated that the employee was in fact impaired while on duty and the employee received disciplinary action.

**Drugs** – There were three drug policy violations in 2019 which resulted in the following sanctions: One employee was suspected of being impaired while on duty and directed to obtain a screening. The lab conducting the screening did not return test results. However, investigation concluded the employee was more likely than not impaired at work. A Notice of Intent to Dismiss was issued. One employee was suspected of being impaired while on duty in violation of the Substance Abuse in the Workplace policy. The employee was placed on investigatory leave. Investigation substantiated that the employees were impaired while on duty in violation of the Substance Abuse in the Workplace policy and was directed to complete a substance abuse screening. The employee failed to complete the screening and discipline has been issued. One employee was suspected of medication diversion in violation of policy. The investigation is ongoing because the employee is currently on medical leave. One employee was suspected of being impaired while on duty in violation of the Substance Abuse in the Workplace policy and substance screening results confirmed the suspicion. The investigation is ongoing because the employee is currently on medical leave. One employee was suspected of being impaired while on duty in violation of the Substance Abuse in the Workplace policy and directed to complete a substance abuse screening. The employee failed to complete the screening and discipline has been issued. One employee was suspected of drug diversion and non-compliant handling of narcotics. The employee did not participate in the investigation and resigned before a disciplinary action was issued.

**2018 VIOLATIONS**

**Alcohol** – There were six alcohol policy violations which resulted in the following sanction: Three employees were placed on investigatory leave. Investigations substantiated that the employees were impaired while on duty in violation of the Substance Abuse in the Workplace policy and the employees received disciplinary action. One employee was placed on investigatory leave. Investigation was incomplete as the employee resigned before an investigatory meeting could be held. One employee was suspected of being impaired while on duty and was sent for a substance abuse screening. After testing positive, the employee resigned. One employee underwent an investigatory meeting immediately after suspicion of being impaired while on duty in violation of the Substance Abuse in the Workplace policy. An investigation substantiated that the employee was in fact impaired while on duty and the employee received disciplinary action.

**Drugs** – There were six drug policy violations which resulted in the following sanctions: One employee was placed on investigatory leave. Investigation substantiated that the employee was impaired while on duty in violation of the Substance Abuse in the Workplace policy. The employee resigned before a formal investigatory meeting could be held and discipline could be issued. One employee was suspected of being impaired while on duty in violation of the Substance Abuse in the Workplace policy, and substance screening results confirmed the suspicion. The investigation is ongoing because the employee is currently on medical leave. One employee was suspected of being impaired while on duty in violation of the Substance Abuse in the Workplace policy and directed to complete a substance abuse screening. The employee failed to complete the screening and discipline has been issued. One employee was suspected of medication diversion in violation of policy. The investigation is ongoing because the employee is currently on medical leave. One employee was suspected of being impaired while on duty in violation of the Substance Abuse in the Workplace policy and was directed to complete a substance abuse screening. The screening lab did not have the supplies to complete the screening and therefore the investigation is incomplete. The employee has received discipline based on other grounds (behavior during the same incident which resulted in patient neglect). One employee self-disclosed the use of an illegal substance after-hours and thereafter tested positive for violation of the Substance Abuse in the Workplace policy. The employee was terminated.
Counseling Services

Faculty Staff Assistance Program
Assessment, brief counseling, and referral resources are available to UCSF employees who may have substance abuse or dependency (drug or alcohol abuse). The Faculty Staff Assistance Program (FSAP) also offers services that attend to a broad range of work-related or personal stressors including: depression; crisis situations; grief and loss; traumatic events; anxiety; domestic violence; marital/partnership/family concerns; interpersonal conflict; elder/dependent care, etc. These services are confidential and are provided by a staff of licensed clinicians. The FSAP offices are located at Laurel Heights (3333 California St) in Suite 293 and Mission Center Building (1855 Folsom St) in Suite 500H, (415) 476-8279. The FSAP website for scheduling online appointments: [https://hr.ucsf.edu/service/faculty-and-staff-assistance-program](https://hr.ucsf.edu/service/faculty-and-staff-assistance-program).

For more information see the FSAP Confidential Psychological Counseling & Consultation Services Brochure, [hr.ucsf.edu/sites/hrw/files/2020-09/UCSF_FSAP_Brochure.pdf](http://hr.ucsf.edu/sites/hrw/files/2020-09/UCSF_FSAP_Brochure.pdf).

Student Health and Counseling Services
Students should contact Student Health & Counseling Services (SHCS) at (415) 476-1281 for evaluation, treatment, and referrals for medical conditions and injuries, mental health problems, and drug or alcohol problems.

**SHCS HAS TWO LOCATIONS:**
- **Parnassus Heights** – Millberry Union, 500 Parnassus Avenue, Level P8, MUH-005
- **Mission Bay** – William J. Rutter Center, 1675 Owens Street, 3rd Floor, Suite 330

Detailed information about the SHCS program and services can be viewed on the SHCS website at: [studenthealth.ucsf.edu](http://studenthealth.ucsf.edu).

Students seeking emergency counseling during non-business hours should call the main SHCS phone at (415) 476-1281 and select the prompt that will connect them to an after-hours crisis counselor, or go to the nearest Emergency Department. Students may also contact one of the public services agency telephone numbers listed in the Important Telephone Numbers section of this report (see page 86).
The University provides daily regularly-scheduled shuttle services that inter-link San Francisco campus locations (Parnassus Heights, Mission Bay, Mount Zion, Laurel Heights, Mission Center Building, Zuckerberg San Francisco General, etc.). Call (415) 476-GOGO (4646) for information and timetables or go to the website at: campuslifeservices.ucsf.edu/transportation.

See real-time departures at LiveShuttle.ucsf.edu on the UCSF Mobile app on the Go tab. Visit Trip Planner (https://m.ucsf.edu/#/shuttle) to plan your shuttle trip. For links to download the UCSF Mobile app go to: campuslifeservices.ucsf.edu/bts/services/ucsf_mobile_app.

Limited morning, evening and weekend shuttle service is also available to remote parking lots, public transit stops, and within a limited service area around the Parnassus Heights, Mission Bay and China Basin campuses after-hours. The shuttle service provides a safe means of transportation, especially during the evening hours.

On-Demand Shuttle Service

The Mission Bay Jitney offers on-demand shuttle service weekdays from 8 a.m. — 5 p.m. to transport riders within a ½ mile of the Mission Bay campus. (No service between 11:30 a.m. — 1 p.m. daily.)

To request a ride, go to ucsf.ridecell.com/request or call (415) 915-4283.

The after-hours and weekend on-demand service, known as the Mission Bay Local and Parnassus East/West routes, has been temporarily discontinued as of July 1, 2020 due to extremely low ridership and budget constraints.
UCSF Medical Center (UCSF Health)
The UCSF Medical Center (UCSF Health) encompasses:

- The three UCSF Medical Centers at Parnassus Heights, Mission Bay and Mount Zion
- The two UCSF Benioff Children’s Hospitals in San Francisco and Oakland
- The UCSF Faculty Practice
- Langley Porter Psychiatric Hospital and Clinics
- UCSF Benioff Children’s Physicians

UCSFPD operates a 24-hour on-site Security Services Department which is responsible for the safety and security of all Medical Center services and activities in San Francisco and is dedicated to the goal of helping patients, staff and visitors, and to enhance UCSF Medical Center as a safe and secure facility.

The scope of services includes:

- Coordination of Card Access Systems for San Francisco-based Medical Center buildings and departments;
- Mandatory Medical Center ID card program;
- Medical Center’s access and parking control requirements;
- Workplace Violence and Threat Management services;
- Safety escorts for patients, visitors, staff and students to neighborhood parking lots and bus stops;
- State Department of Health Services and the Joint Commission on Accreditation of Health Care Organizations (JCAHO) safety and security compliance standards;
- Security, Fire Life Safety and Emergency Preparedness programs;
- Personal Safety training, orientations and crime prevention workshops.

Campus personnel requesting card access authorization to Medical Center areas should email Medical Center Security management at: secaccess@ucsfmedctr.org.

Requests for security and non-emergency assistance can be made by calling Security Services Communications Center at (415) 885-7890.

For additional information, please contact the Medical Center Security Director at (415) 885-7890 or call Medical Center Administration at (415) 353-2733.

Zuckerberg San Francisco General
San Francisco Sheriff Patrol
Zuckerberg San Francisco General employs a 24-hour San Francisco Sheriff Patrol Department with authority as peace officers on hospital property. In conjunction with UCSFPD, the San Francisco Sheriff Patrol responds to police calls for service at these facilities and conducts preliminary investigations. The San Francisco Sheriff’s Department makes arrests and works closely with both UCSFPD and the San Francisco Police Department. The San Francisco Sheriff Patrol offers crime prevention services including night security escorts by calling (415) 206-8063.

UCSF Fresno
UCSF Fresno was created as a regional campus in 1975 to address the severe shortage of physicians in California’s San Joaquin Valley. UCSF Fresno is the San Joaquin Valley’s largest physician training program. Annually, UCSF Fresno trains 300 medical residents, 50 subspecialty fellows and more than 300 medical students.

Security services for the main campus location at 155 N Fresno St. in Fresno are provided by the Community Regional Medical Center. To contact UCSF Fresno Security call (559) 499-6401.

UCSF Benioff Children’s Hospital Oakland
UCSF Benioff Children’s Hospital Oakland employs contract security personnel with powers of civilian arrest limited to the Director of Security or Administration personnel. Their jurisdiction encompasses all of UCSF Benioff Children’s Hospital Oakland. Security at this location conducts new employee orientations, volunteer orientations, and periodic on-demand safety and security seminars on topics of personal safety, security and workplace violence.

UCSFPD provides police services for the main hospital location. The jurisdiction of UCSFPD is limited to the main hospital campus located at 747 52nd Street in Oakland. Criminal matters outside of this location are referred to the Oakland Police Department or local jurisdiction.

Individuals are requested to report crimes at UCSF Benioff Children’s Hospital by dialing “55” on internal phone lines or (510) 428-3600 and by dialing 9-1-1 from all other locations.
UCSF has responsibility for gathering statistics, identifying reportable crimes, and reporting/publishing statistics to the Department of Education, and to the public in compliance with the Clery Act. Crime statistics are reported in different formats and categories depending upon legal requirements. The Clery Act requires statistics to be reported from a wider geographic area than just University owned property (e.g., adjacent public property and off-campus student organization properties). The Clery Act also requires reports of student disciplinary referrals in addition to arrests for drug, alcohol and weapons offenses.

Information and statistics compiled for the UCSF Annual Security Report is for the previous three calendar years, and is based upon crime reports received by UCSFPD; from crime statistics received from the San Francisco Police Department, the Oakland Police Department, the Alameda County Sheriff's Office and other law enforcement agencies; and from incident reports received from Campus Security Authorities.¹⁷

Unfounded Crimes: According to FBI Uniform Crime Reporting (UCR) guidelines, a reported offense can be cleared as unfounded if the investigation shows that no offense occurred nor was attempted. Beginning with the 2014 calendar year, UCSF in accordance with the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4) began disclosing the number and types of Clery Act crimes deemed to be unfounded.

Clery Geography Definitions

On-Campus – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Consistent with the above definition, UCSF has five On-campus locations: Parnassus Heights, Mission Bay, Mount Zion, UCSF Benioff Children’s Hospital Oakland and UCSF Fresno.

Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Noncampus – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Clery Definitions of Reportable Crimes

Murder/Manslaughter – The willful killing (non-negligent) of one human being by another.

Negligent Manslaughter – The killing of another person through gross negligence.

Forcible Sex Offenses – Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. Including: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling.

Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling – The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Non-Forcible Sex Offense – Any unlawful, non-forcible sexual intercourse, including incest, and statutory rape.

Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault – Defined as an offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as categorized above. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex
offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

Robbery – Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary – The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – Theft or attempted theft of a motor vehicle.

Arson – Willful or malicious burning or attempt to burn, with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Arrest and Referrals for Disciplinary Action – Under the Clery Act institutions must also report arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

Domestic Violence – A felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence – Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined by the reporting party’s statement and based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Course of Conduct – Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with personal property.

Reasonable person – means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress – means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Hate Crimes – Includes all of the crimes listed above that manifest evidence that the victim was intentionally selected because the perpetrator’s bias against the victim based on one of the Categories of Prejudice listed below, plus the following crimes.

Larceny/Theft – Includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

Simple Assault – Unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism to Property (except Arson) – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
Categories of Prejudice

**Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.

**Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**Gender** – A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

**Gender Identity** – A preformed negative opinion or attitude toward a group of persons because the perceived gender of those persons may be different from the gender traditionally associated with their gender at birth. This bias may be based on their actual or perceived gender-related characteristics.

**Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

**Ethnicity/National Origin** – A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions.

**Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.
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The Mount Zion campus does not have on-campus student residences/housing.
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The UCSF Benioff Children’s Hospital Oakland campus does not have on-campus student residences/housing.
Crime Statistics – UCSF Fresno

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The UCSF Fresno campus does not have on-campus student residences/housing.
Contact Information

Important Telephone Numbers

**UCSF Police Department**
Emergency (on-campus landline) | 9-1-1
Emergency (cell phone) | (415) 476-6911
Non-emergency | (415) 476-1414
Crime Prevention/Security Surveys | (415) 502-9396

**San Francisco Police Department**
SF Police Department
(off-campus emergency – cellphone) | (415) 553-8090
SF Police Department (off-campus emergency) | 9-1-1
Zuckerberg SF General Sheriff’s Patrol | (415) 206-8063

**Sexual Assault/Rape**
Confidential UCSF CARE Advocate | (415) 502-8802
San Francisco Women Against Rape Crisis Center Counseling (24 hour) | (415) 647-RAPE (7273)
San Francisco Trauma Recovery Center | (415) 437-3000

**Security Desks**
Medical Center Security Services | (415) 885-7890
Parnassus Heights
■ Parnassus Heights Emergency Department | (415) 476-8274
■ Medical Sciences Lobby | (415) 476-6683
■ School of Dentistry | (415) 476-6100
■ Regeneration Medicine Building (Dolby) | (415) 476-9358
■ Parnassus Heights Library | (415) 476-9581

Mission Bay
■ Genentech Hall, 1st Floor Main Lobby | (415) 514-4020
■ Rock Hall, 1st Floor Main Lobby | (415) 514-4317
■ Sandler Neuroscience, Main Lobby | (415) 502-7511
■ Helen Diller, Main Lobby | (415) 514-4975
■ Smith Cardiovascular Research Building, Main Lobby | (415) 514-1271
■ Mission Hall | (415) 476-5190

Mount Zion
■ 2340 Sutter Street | (415) 502-1843
■ 2420 Sutter Street | (415) 514-8935

Laurel Heights, 1st Floor Main Lobby | (415) 476-8868
Mission Center Building, 1st Floor Main Lobby | (415) 476-0399

UCSF Fresno | (559) 499-6478
BCH Oakland | (510) 428-3600

**Other UCSF Resources**
Faculty Staff Assistance Program | (415) 476-8279
Title IX Officer | (415) 502-3400
Student Health & Counseling Services | (415) 476-1281
Office of the Ombuds | (415) 502-9600
Spiritual Care Services | (415) 353-1941, (415) 514-4200
Office of Diversity and Outreach | (415) 476-0733
Housing Services | (415) 514-4550
Student Life | (415) 502-1484
Transportation Services | (415) 476-4646 (GOGO)
Websites

**UCSF**

Student Academic Affairs  
studentaffairs.ucsf.edu/

Student Life  
studentlife.ucsf.edu/

Student Health Services  
studenthealth.ucsf.edu/

Office of the Ombuds  
ombuds.ucsf.edu/

Spiritual Care Services  
ucsfhealth.org/services/spiritual-care-services

Office of Diversity and Outreach  
diversity.ucsf.edu/

Faculty Staff Assistance Program  
https://hr.ucsf.edu/service/  
faculty-and-staff-assistance-program

Housing Services  
www.campuslifeservices.ucsf.edu/housing/

UCSF Police Department  
police.ucsf.edu/

Transportation Services  
campuslifeservices.ucsf.edu/transportation/

UCSF Confidential CARE Advocate  
careadvocate.ucsf.edu/

**Outside UCSF**

ValorUS  
www.valor.us

National Coalition Against Domestic Violence  
www.ncadv.org/

National Sexual Violence Resource Center  
www.nsvrc.org/

Rape, Abuse & Incest National Network (RAINN)  
www.rainn.org/

San Francisco Women Against Rape  
www.sfwar.org/

Clery Center for Security on Campus  
www.clerycenter.org/

U.S. Department of Justice Office on Violence Against Women  
www.usdoj.gov/ovw/
Appendix

Violence Against Women Act – State of California Definitions

The definitions of consent, sexual assault, relationship violence, and stalking under the relevant California laws are listed below. Note that under California law, dating violence is considered a form of domestic violence.

**Consent** is defined under California law, Penal Code Section 261.6, as positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution.

**Sexual Assault** in the state of California is defined under the following Penal Code Sections:

261. (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.
(c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

261.5. (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

261.6. In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

261.7. In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

261.9. (a) Any person convicted of seeking to procure or procuring the sexual services of a prostitute in violation of subdivision (b) of Section 647, if the prostitute is under 18 years of age, shall be ordered by the court, in addition to any other penalty or fine imposed, to pay an additional fine in an amount not to exceed twenty-five thousand dollars ($25,000).

262. (a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

1. Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

2. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.

3. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

   A. Was unconscious or asleep.

   B. Was not aware, knowing, perceiving, or cognizant that the act occurred.

   C. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

   4. Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

   5. Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in apprising the existence of duress.

(c) As used in this section, “menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

(d) If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

1. That the defendant make payments to a battered women’s shelter, up to a maximum of one thousand dollars ($1,000).

2. That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant’s offense.
For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

263. The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.

286. (a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(B) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.
(4) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.

(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) Any person who commits an act of sodomy, where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), “threatening to retaliate” means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars ($70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court, however, shall take into
consideration the defendant’s ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

287. (a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

(b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.

(c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(e) Any person who participates in an act of oral copulation where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or 

(B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(4) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.
Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.
(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.
(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.

Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

Any person who commits an act of oral copulation, where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

As used in subdivisions (c) and (d), “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars ($70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant’s ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

289. (a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.
(B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by
threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in this section:

(1) “Sexual penetration” is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant’s or another person’s genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.

(2) “Foreign object, substance, instrument, or device” shall include any part of the body, except a sexual organ.

(3) “Unknown object” shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), “threatening to retaliate” means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.

(m) As used in this section, “victim” includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

Sexual Battery in the state of California is defined under the following Penal Code Sections:

243.4. (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person’s will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of
either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars ($3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars ($2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars ($2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) “Sexual battery” does not include the crimes defined in Section 261 or 289.

(3) “Seriously disabled” means a person with severe physical or sensory disabilities.

(4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars ($10,000).

Incest in the state of California is defined under the following Penal Code Sections:

285. Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

Domestic Violence in the state of California is defined under the following Penal Code Sections:

243. (e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant’s child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and
successfully complete, a batterer’s treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

273.5. (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars ($6,000) or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

(1) The offender’s spouse or former spouse.

(2) The offender’s cohabitant or former cohabitant.

(3) The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.

(4) The mother or father of the offender’s child.

(c) Holding oneself out to be the husband or wife of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.

(d) As used in this section, “traumatic condition” means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, “strangulation” and “suffocation” include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

(e) For the purpose of this section, a person shall be considered the father or mother of another person’s child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

Dating Violence is defined under California Penal Code as the following:

Per California Penal Code Section 243(e)(1), as shown above, Domestic Violence includes a battery against someone with whom the defendant has currently or previously had a dating or engagement relationship.

Specifically, under section (f)(10), “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

13700. As used in this title:

(a) “Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

(b) “Domestic violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

(c) “Officer” means any officer or employee of a local police department or sheriff’s office, and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles, as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32.

(d) “Victim” means a person who is a victim of domestic violence.

Stalking is defined under the California Penal Code as the following:

646.9. (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than
Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars ($1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers.

“Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

This section shall not apply to conduct that occurs during labor picketing.

If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

For purposes of this section, the term “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.
Nondiscrimination Policy Statement

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