



## Local Procedure for Claims of Sexual Violence & Sexual Harassment Involving Student Respondents

<b>Responsible Official:</b>	Associate Chancellor
<b>Responsible Office:</b>	Office of Campus Culture and Compliance
<b>Issuance Date:</b>	<b>2/5/2016</b>
<b>Effective Date:</b>	<b>1/01/2016</b>
<b>Summary:</b>	This Procedure is to provide local guidance for reporting and resolution processes in cases of sexual violence and sexual harassment when the alleged perpetrator is a University student.
<b>Scope:</b>	This Procedure applies to all University employees involved in cases where undergraduate and graduate students have been accused of engaging in sexual violence and sexual harassment.

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### I. REFERENCES AND RESOURCES

#### Federal Laws and Regulations

- Title VII of the Civil Rights Act of 1960 (42 U.S.C.S \_ 2000e-2(a)(1))
- Title IX of the Education Amendments of 1972 (20 U.S.C.S. \_1681)
- Equal Employment Opportunity Commission (EEOC) Guidelines on Discrimination Because of Sex (29 C.F.R. 1604, 1604.11)
- Equal Employment Opportunity Commission (EEOC) Policy Guidance on Sexual Harassment, Fair Emp. Prac., Manual (BNA) at 405:6681-6701 (March 19, 1991)
- Office of Civil Rights "Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties," U.S. Department of Education (January 19, 2001)
- Office of Civil Rights "Dear Colleague Letter" on Sexual Violence, U.S. Department of Education (April 4, 2011)
- Violence Against Women Reauthorization Act of 2013 (Public Law 113-4)

#### State Laws and Regulations

- Government Code 12940 (h), (i)
- Cal. Code Regs., tit. 2, 7287.6

#### UC Policies

- UC Policy on Sexual Violence and Sexual Harassment: (insert policy)
- [Policies Applying to Campus Activities, Organizations and Students \(PACAOS\)](#)

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## II. POLICY/PROCEDURE SUMMARY & SCOPE

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UC Merced is committed to creating and maintaining a community dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of UCM should be aware that the University prohibits sexual violence and sexual harassment, retaliation, and other prohibited behavior ("Prohibited Conduct" as outlined in [UC Policy on Sexual Violence and Sexual Harassment](#)) that violates law and/or University policy. The University will respond promptly and effectively to reports of Prohibited Conduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates policy.

This procedure provides local guidance and outlines reporting and resolution processes for sexual violence and sexual harassment for complaints involving student Respondents. The procedures addressed in this local procedure follow the UC Policy on Sexual Violence and Sexual Harassment. Nothing within these local procedures is intended to conflict with the UC Policy on Sexual Violence and Sexual Harassment. In the case of any unintended conflict, the systemwide UC Policy on Sexual Violence and Sexual Harassment shall supersede the local policy.

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## III. DEFINITIONS

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UC Merced utilizes the definitions of Sexual Harassment, Sexual Violence and other terms as stated in the UC Policy on Sexual Violence and Sexual Harassment. The definitions for these terms can be found in the UC Policy on Sexual Violence and Sexual Harassment (Section II, pages 2-7).

**Advisor:** The advisor may be any individual of the Complainant's or Respondent's choosing, such as a parent, advocate, attorney, or an advisor provided by the university. The advisor may provide support, guidance, or advice and is allowed to accompany the Complainant or Respondent to all interviews. The advisor may not speak on behalf of a student, and does not represent the Complainant/Respondent and may not interfere with or disrupt the interview. An advisor failing to comply with this standard will be removed from the interview, meeting, or hearing.

**Business Days:** The term "business days" refers to the days that the University is operational. This does not include Saturdays, Sundays, or days that the University is closed.

**Complainant:** Any person who files a report of sexual harassment or sexual violence or any person who has been the alleged subject of sexual violence, sexual harassment, or retaliation.

**Preponderance of Evidence:** A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not to have occurred.

**Respondent:** A person alleged to have engaged in a prohibited conduct.

**Responsible Employee:** UC Merced employee who is not a confidential resource and who receives information about possible sexual violence or sexual harassment involving a student is a Responsible Employee and must promptly notify the Director of Compliance or designee. This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees. Employees who work in the capacity of the [UCM Campus Advocacy, Resources & Education \(CARE\)](#) Office are exempt from this responsibility.

**Support Person:** This support person may be any person of the Complainant's or Respondent's choosing, including but not limited to a parent, attorney, victim's advocate, or an individual provided by the university. The role of the support person is to provide support and assistance in understanding and navigating the investigation process. The support person does not represent the Complainant/Respondent and may not interfere with or disrupt the interview. A support person failing to comply with this standard will be removed from the interview, meeting, or hearing.

**Note on Sex Discrimination:** In addition to sexual harassment, discrimination based on sex, gender, gender identity, gender expression, sex- or gender-stereotyping, and sexual orientation violates law and other university policies. Such discrimination may also contribute to the creation of a hostile work or academic environment based on sex and thus constitute or contribute to sexual harassment.

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## **IV. PROCEDURES**

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### **A. REPORT OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT**

All members of the UC Merced community are encouraged to contact the Title IX/Sexual Harassment Officer, hereafter referenced as the Director of Compliance, if they observe or encounter conduct that may be subject to this protocol. (Section VI)

1. All responsible employees are required to notify the Director of Compliance to review and investigate sexual violence and sexual harassment complaints involving a student whenever a report is received. Responsible employees are not required, but are encouraged, to offer contact information for confidential resources to those who are potential Complainants. (Section VI)
2. Reports of sexual violence and sexual harassment should be brought forward as soon as possible after the alleged conduct occurs. All incidents should be reported even if a significant amount of time has passed. While all incidents should be reported even if significant time has elapsed, prompt reporting will better enable the University to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate.
3. Reports may be made anonymously or by third parties, however campus responses will be limited to information that can be verified by independent fact gathering or investigation. The university's ability to respond to an anonymous report may be limited by the amount of information available, however the university will seek to identify available steps to investigate or otherwise determine whether there is a hostile academic or working environment, consistent with its obligation to eliminate prohibited conduct, prevent its recurrence, and remedy its effects.

4. The University's jurisdiction over reports of sexual violence and/or sexual harassment can be found in the UC Policy on Sexual Violence and Sexual Harassment (Section V.A.2.b)
5. The UC Merced campus does not consider itself on notice if students disclose incidents of sexual violence (unless information such as name, location, etc. is specified) during public awareness events such as the "Clothesline Project," "Take Back the Night," "survivor speak outs," candlelight vigils, protests, or other forums where students may disclose incidents. These events may inform the need for campus-wide education and prevention efforts, and UC Merced will provide information about Title IX rights to students at these events.

The University will complete the investigation and adjudication process, including all appeals, within 120 business days from the date of Title IX's receipt of a report and decision to proceed with an investigation. The deadline and all deadlines contained herein may be extended for good cause shown and documented. The Complainant and Respondent will be notified in writing of any extension.

## **B. INITIAL ASSESSMENT**

Upon receipt of a report of or information about alleged sexual violence and/or sexual harassment, the Director of Compliance will determine whether an investigation should be initiated.

### **1. Health and Safety**

The Director of Compliance shall make an immediate assessment concerning the health and safety of the Complainant and the campus community, implement remedies immediately as necessary, and inform the Complainant about campus and community resources, rights, and reporting options. The Director of Compliance may consult with the CARE advocate during the assessment.

### **2. Notification**

The Director of Compliance will notify Complainants and other reporters about the policies applying to confidentiality and the range of possible outcomes of the Title IX assessment process. If the information from the initial assessment warrants a full investigation, the Director of Compliance and Director of the Office of Student Conduct will jointly notify the Complainant and Respondent that an investigation will be conducted, with a list of all charges. If an investigation will not be conducted, the Director of Compliance will notify the Complainant in writing and explain the rationale for the determination.

### **3. Requests that the university not proceed, or not use the Complainant's name:**

All such requests shall be evaluated by the Director of Compliance, who will make a risk determination that seeks to balance a Complainant's request for anonymity with campus safety. Factors to be considered may include, but are not limited to, age of Complainant, predation, violence, weapon, use of force, or evidence suggesting a pattern of a sexual violence by the Respondent. In the event that the university determines that an investigation shall proceed, the Complainant shall be notified in writing. The Director of Compliance will notify the Complainant that requests for anonymity will be considered but cannot guarantee that anonymity can be maintained.

## C. RESOLUTION PROCESSES

The Director of Compliance will notify the Complainant and Respondent of the different types of resolution processes for addressing reports of sexual violence and sexual harassment.

### 1. Alternative Resolution

The goal of alternative resolution is to eliminate inappropriate behavior, with the cooperation of all parties involved. The campus will explore options for alternative resolution when appropriate, and when the parties desire to resolve the situation cooperatively and/or when a formal investigation is not likely to lead to a satisfactory outcome.

The Complainant and Respondent may each be accompanied by an advisor and/or support person at any meetings that are part of the alternative resolution process.

Alternative measures may include an inquiry into the facts with pertinent parties and witnesses, but typically do not include a formal investigation. Means for alternative resolution shall be flexible and encompass a full range of appropriate outcomes.

Alternative Resolution options include, but are not limited to:

- mediation (not permitted in cases of sexual violence);
- separating the parties;
- providing for safety;
- referring the parties to counseling;
- taking disciplinary action;
- conducting targeted preventative educational and training programs;
- conducting a follow-up review to ensure that the resolution has been implemented effectively.

All measures taken to encourage alternative resolution and agreements reached therein will be documented and maintained by the Director of Compliance.

### 2. Formal Resolution

While the campus encourages alternative resolution of a complaint, allegations of sexual violence and some reports of sexual harassment may not be appropriate for alternative resolution and may require formal investigation at the discretion of the Director of Compliance. The Complainant and Respondent have the right to request a formal investigation at any time.

Formal resolution is comprised of: a formal investigation conducted by the Title IX Investigator; the opportunity to meet and comment about the investigation with the Office of Student Conduct (OSC); a notice of decision and sanctions; and an appeal stage if necessary. A detailed explanation of the formal resolution process for student Respondents is provided below.

### 3. Protection for Complainants, Respondents, and Witnesses

- a. Retaliation: An individual who is subjected to retaliation (including threats, intimidation, reprisals, and/or adverse employment or educational actions) for having made a report of sexual harassment in good faith, who assisted someone with a report of sexual harassment, or who participated in any manner in an

investigation or resolution of a report of sexual harassment, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment and will be subject to these same procedures.

- b. Immunity/Amnesty (applicable only for student Complainants and Respondents): To encourage reporting, neither a Complainant nor witness in an investigation of sexual violence will be subject to disciplinary sanctions for drug or alcohol use policy violations, unless the violation placed the health or safety of another at risk, involves plagiarism, cheating, or academic dishonesty, or was otherwise egregious. All students accused of encouraging or voluntarily participating in the sexual violence are excluded from this grant of immunity.

#### **D. INVESTIGATION**

If a formal investigation is deemed necessary, the Compliance Office will conduct the investigation in a timely fashion (60 business days), unless an extension is granted, in writing, and notification sent to both parties. The Director of Compliance will assign the investigation to be conducted by a qualified Title IX investigator, who may be internal to UC Merced or external.

1. Formal Investigation:

The formal investigation of reports of sexual violence and sexual harassment shall incorporate the standards listed below.

- a. Notice of Charges: Once a decision has been made to proceed, the Director of Compliance and student conduct shall jointly provide the Complainant and Respondent with written notice of the investigation and the allegations, this local procedures document, the UC Policy on Sexual Violence and Sexual Harassment, applicable conduct documents such as the PACAOS, and resources available to them.
  - i. In the event that student conduct charges are pending against an individual in both the Office of Student Conduct (OSC) and the Compliance Office, both the Director of the OSC and the Director of Compliance shall have authority to determine whether those charges will be investigated jointly or separately by the OSC and Office of Compliance.
- b. Rights and Options: The Complainant and Respondent are encouraged to meet with the assigned Title IX investigator and shall be provided with information concerning their rights and options.
  - i. The Complainant and Respondent have the right to meet with the Title IX Investigator to discuss the investigation process.
  - ii. If the Respondent declines to present information on their own behalf, this shall not be construed as an admission of responsibility.
- c. Interviews: The Title IX investigator will gather information and evidence via interviews with the parties if available, interviews with other witnesses as needed, and a review of relative documents and other evidence as appropriate. Both the Complainant and the Respondent shall have the right to provide witness names and evidence, however they may not be present during the interview of any witnesses.
  - i. At the discretion of the Director of Compliance and the Director of OSC, information gathered by a Title IX investigator as part of any Title IX investigation may be shared with the Director of OSC and considered as part of any student conduct investigation, if appropriate. Similarly, information

gathered by the Office of Student Conduct may be shared with a Title IX investigator for consideration as part of any Title IX investigation.

- d. Evidence: The decision as to what evidence will be considered is made at the discretion of the Title IX Investigator.
  - i. The Title IX Investigator will provide both the Complainant and Respondent an opportunity to meet and discuss evidence as well as any other information that may have been unavailable at the time of his or her interviews.
  - ii. Character witnesses and documents attesting to character are not admissible and will not be considered.
- e. Advisor/Support Person: Complainants and Respondents may have both an advisor and/or support person present at all interviews throughout the investigation process. Other witnesses may have an advisor or support person present at the discretion of the investigator or as required by University policy. However, the advisor or support person may not be a witness who is participating in the Title IX investigation.
- f. Sexual History: The Complainant's past sexual history will typically not be used in determining whether the conduct occurred, except where consent is at issue, in which case prior consensual activity between the two parties, while not determinative, may be relevant to determining whether consent was sought and given. In addition, past sexual history may be relevant under limited circumstances, for example, to explain injury. The Respondent's past sexual history may be considered if relevant, similar past acts are determined to have occurred with others, even though those acts may not have amounted to sexual violence or sexual harassment as defined in this policy.
- g. Interim Measures: The Director of Compliance may recommend interim measures, such as no contact orders and interim suspension based on the initial assessment and any information gathered during the investigation that could warrant any possible health and safety risks.
- h. Extensions: The Title IX investigator upon approval of the Director of Compliance will grant Extensions for good cause during the investigation stage. The Complainant and Respondent will receive written notice of the extension, the reason for the extension, and a new projected timeline.
  - i. An extension may be granted if there is an on-going parallel criminal investigation. The length of the extension will be determined on a case-by-case basis, in order to still accommodate the University's responsibility to respond to cases of sexual violence and sexual harassment in a timely manner.

## 2. Final Report

Once the investigation is completed, the Title IX Investigator will provide a final report that includes:

- A statement of the allegations and issues,
- The positions of the parties,
- A summary of the evidence,
- Findings of fact, and
- A recommendation of whether or not there are any policy violations to the Student Conduct Officer for review and to determine sanctions.

All recommendations of policy violations will be made by a preponderance of the evidence standard. The report may be used as evidence in related disciplinary and grievance proceedings.

3. Note on Confidentiality

The Director of Compliance shall inform the Complainant that such confidentiality cannot be maintained. Participants in an investigation are advised to maintain confidentiality during the adjudication process when essential to protect the integrity of the investigation. Nothing herein, however, shall prevent a Complainant or Respondent from discussing the charges or the investigation with his/her advisor/support person.

**E. DECISION ON RESPONSIBILITY**

After receipt of the final investigation report, the Office of Student Conduct will determine if there was a violation of policy and sanctions. Extensions granted during this phase, if any, will be for good cause only and granted by the Student Conduct Officer.\*

1. Notice of Findings and Recommendation

The Compliance Office and Office of Student Conduct will jointly notify the Complainant and Respondent simultaneously in writing of:

- written notice of the investigation findings and the investigator's recommended determinations;
- a copy of the investigation report, which may be redacted to protect the privacy of any personal and confidential information other than information regarding the person who is provided with the report.
- an admonition against intimidation or retaliation;
- an explanation of any interim measures that will remain in place;
- A statement of the right to appeal;
- A statement that the OSC will determine whether the charges have been substantiated and policies have been violated, and will assess the disciplinary sanctions and inform the Complainant and Respondent of the sanctions within 10 business days; and
- A statement that the Complainant and/or Respondent may schedule a meeting with the OSC and/or submit a statement in writing to be heard related to the findings of any policy violations and the discipline, prior to finalizing the decision and the imposition of sanctions (see below).

2. Opportunity to Meet and Comment

The Office of Student Conduct will allow the Complainant and Respondent to meet, separately, with the student conduct officer within ten (10) business days to discuss the findings of the investigation and the potential determination as to whether or not there was a violation of policy and sanction(s), if any.

- a. At this meeting, the student conduct officer will not consider newly offered evidence and will not act as a fact-finder. Therefore both the Complainant and Respondent should submit any evidence or suggested witnesses to the Title IX investigator prior to the completion of the Title IX investigator's investigation.

**F. DISCIPLINARY SANCTIONS**

1. Notice of Decision, Sanctions, and Appeal Options



Within ten (10) business days of the notice of findings and recommended determinations, the OSC will send written notice to the Complainant and Respondent setting forth the decision. This notice will include:

- A description of the determinations on whether the charges have been substantiated and any policies have been violated, and if so, a description of the sanctions;
- The rationale for the determinations and the sanctions;
- A statement of the right to appeal, the procedure that will be followed in hearing the appeal, and the grounds upon which the appeal may be based and the office to which the appeal may be submitted; and
- An explanation that both Complainant and Respondent will receive a copy of any appeal prior to an appeals hearing.

2. Sanctions: During the adjudication process, the OSC will be responsible for disseminating information regarding sanctions, such as a list of possible sanctions (Appendix I).

## **G. APPEALS**

The Complainant and Respondent may contest the decision and/or the sanctions by submitting an appeal. The appeal process described below will normally be completed within sixty (60) business days of the date of notice of decision and sanctions, unless an extension was granted for good cause.

### **1. Appeal Submittal**

Appeals must be submitted to the Office of Student Conduct in writing, either electronically or in person, within 10 business days after receiving written notice of the decision and disciplinary sanctions. The appeal must be accompanied by an appeals cover sheet. If a timely appeal is received, disciplinary sanctions will not be imposed until the appeal process is completed. Interim measures, such as no contact orders, academic accommodations, etc. will remain in effect during the appeal process. The university also has the right to review any interim measures in place and determine whether those measures should be adjusted or revised.

Appeals should identify the reason(s) why the party is challenging the outcome under one or more of the following grounds:

- a. There was procedural error in the process that materially affected the outcome, such as the investigation was not fair, thorough or impartial;
- b. The decision was unreasonable based on the evidence;
- c. There is new, material information that was unknown and/or unavailable at the time the decision was made that should affect the outcome;
- d. The disciplinary sanctions were disproportionate to the findings.

If an appeal is deficient, the appeal will be returned to the student filing the appeal for correction, and student will be given one opportunity to revise the appeal. Any corrected or revised appeal must be filed within the original ten (10) day period or within three (3) business days of it being returned for correction, whichever is later. Any timely appeal document(s) accepted for appeal will be shared with the other party. Both Complainant and Respondent shall have the right, but not the obligation, to respond to any appeal filed. The Appeal Body will then review the information submitted and decide whether it contains sufficient information

concerning the grounds for appeal and the reasons related to those grounds, so as to identify the nature and scope of the issues to be addressed in the hearing.

## 2. Hearing Process

An appeal body comprised of one to three trained individuals will decide the appeal at a hearing. The appeal body prior to and/or during the hearing may decide any procedural issues and make any other determination necessary to ensure an orderly, productive, and procedurally proper appeal hearing. A hearing coordinator assigned by the Office of Student Conduct will assist the appeal body with the administration of the process. The hearing coordinator is not a voting member of the appeal body.

### a. Pre-Hearing Coordination

- i. The hearing coordinator will send a written notice to the Complainant and Respondent no less than ten (10) business days before the appeal hearing. This notice will include information about the date, time, location, a copy of the appeal(s) to be considered if not already provided, and any procedures as necessary.
- ii. The Complainant and Respondent will have an opportunity to submit to the appeal body information they intend to present at the appeal hearing. This includes documents, names of witnesses, and summaries of witnesses' expected testimony. This information must be submitted to OSC in a timely manner after receipt of the written notice of the appeal hearing (above).
  1. The appeal body may exclude information and/or witness testimony that is irrelevant in light of the grounds for appeal, not in dispute, or unduly repetitive. The appeal body reserves the right to exclude information prior to and/or during the hearing.
  2. The appeal body shall have the right to request the presence of additional witnesses, beyond those identified by either Complainant or Respondent, and to consider any additional relevant evidence.
- iii. At least two business days prior to the hearing, the hearing coordinator will send the Complainant and Respondent copies of the information that will be considered at the appeal hearing. This information will include the names of potential witnesses and a summary of information they are expected to provide.

### b. Appeal Hearing

- i. The appeal body may question the Title IX investigator, the Complainant, and/or the Respondent, and any relevant witnesses.
  1. Documents such as the Title IX investigator's report may be entered as evidence during the appeal.
- ii. The Complainant, Respondent, and/or witnesses may be physically or visually separated during the appeal hearing. Separation may be achieved by, but is not limited to, use of a physical partition, a separate physical location, videoconference and/or any other appropriate technology. Either party shall have the right to choose to be present via videoconference or other appropriate technology, but neither party may ban the other from being present. Both parties must be visible to all the appeal body members at the same time.
- iii. The Complainant and Respondent will have the opportunity to present the information they submitted to the appeal body during the process referenced in Section IV.G.2.b.iii. unless that information was excluded by the appeal body as pursuant to Section IV.G.2.a.1.

- iv. The appeal hearing will be audio recorded and a copy of that recording maintained with the appeal body's final evidence.
- v. Formal rules of evidence will not apply. The appeal body may consider the form in which information is presented, as well as the credibility of any party or witness, in weighing the information and reaching findings.
- vi. The appeal body will determine the order of questioning. Whenever possible, the appeal body will ask the questions as they are submitted by the Complainant and Respondent and will not rephrase or change them.
- c. Appeal Decision
  - i. The appeal body will deliberate in private and reach a decision based on a preponderance of the evidence standard. The appeal body shall attempt to reach consensus on a decision, but the majority shall make the decision if consensus cannot be reached.
  - ii. The appeal body may
    - 1. Uphold the findings and disciplinary sanctions;
    - 2. Overturn the findings or sanctions; or
    - 3. Modify the findings or sanctions
  - iii. The appeal body will summarize its decision in a written report that includes:
    - 1. A statement of the grounds for the appeal
    - 2. A summary of the process undertaken by the appeal body
    - 3. A summary of the information considered by the appeal body; and
    - 4. The decision of the appeal body and the rationale for the decision
  - iv. The hearing coordinator will be responsible to send a written notification to the Complainant and Respondent of the appeal body's decision. The written notification will include one of the decisions below:
    - 1. The findings and sanctions are upheld. If so, the matter is closed with no further right to appeal.
    - 2. The findings or sanctions are overturned or modified. If so, the Complainant and Respondent have the right to submit a written appeal to a senior level administrator identified by the chancellor. The information to submit an appeal to the chancellor's designee can be found in Section IV.F.3.a.
- d. Extensions: Extensions during the hearing process will be granted by the hearing coordinator upon approval from the Director of Compliance.

### 3. Appeal to Chancellor's Designee:

If, following the appeals hearing, the findings or sanctions were overturned or modified, a written appeal may be submitted to the chancellor's designee within five (5) business days. The chancellor's designee will then issue a written decision based solely on review of relevant documentation to the Complainant and Respondent normally within ten (10) business days, afterwards there is no further right to appeal.

- a. Written appeals to the chancellor's designee must be based on:
  - i. Procedural error that materially affected the outcome
  - ii. A sanction that was disproportionate to the findings
- b. If an appeal is submitted, the other party will receive a copy of the written appeal and may submit a written statement as well. While there is a right to respond to the written appeal, there is no obligation to do so, and the decision not to respond will not be regarded as evidence of agreement with the arguments raised on appeal.

- c. Extensions for additional time to file or respond to an appeal during this second appeal phase will be granted by the chancellor's designee.

\*All individuals granting extensions throughout the adjudication process must notify the Director of Compliance of the length of the extension, the rationale for the extension and are responsible for providing written notice to both the Complainant and Respondent.

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## VI. RESPONSIBILITIES AND RESOURCES

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At UC Merced, the following roles and responsibilities are critical in the implementation of this procedure.

- Director of Compliance: General oversight of the complete Title IX process
- Title IX Investigator: Independent investigation of facts, report writing, determinations of recommendations related to policy violations
- Adjudication of Policy Violations: Office of Student Conduct
- Hearing Coordinator: Responsible for coordinating the appeal hearing process
- CARE Campus Advocate: Support and resource for victims (students and employees) of sexual violence, primary prevention education
- Respondent Services Coordinator: Support and resource for those accused of sexual violence
  - Students: Assistant Vice Chancellor of Health and Wellness/Dean of Students

### Primary contacts and Resources:

Subject	Contact	Phone	Email or Web
Primary Contact for this Policy	Director of Compliance and Title IX Officer	209-285-9510	<a href="mailto:mslalvador2@ucmerced.edu">mslalvador2@ucmerced.edu</a>
Office of Campus Culture and Compliance (OC3)	Associate Chancellor and Campus Ethics and Compliance Officer	209-228-2407	<a href="mailto:lputney@ucmerced.edu">lputney@ucmerced.edu</a>
CARE Office	Campus Advocate	209-386-2051	<a href="http://prevent-violence.ucmerced.edu/">http://prevent-violence.ucmerced.edu/</a>

UC Merced's Office of Campus Compliance embodies the Title IX Officer, Sexual Harassment Officer, and support staff. Reports of sexual violence and sexual harassment are to be submitted to the Office of Campus Compliance.

- Office of Campus Compliance
  - **Website:** <http://dsvp.ucmerced.edu>
  - **Complaint Form:** [http://dsvp.ucmerced.edu/sites/dsvp.ucmerced.edu/files/documents/discrimination\\_complaint\\_form.pdf](http://dsvp.ucmerced.edu/sites/dsvp.ucmerced.edu/files/documents/discrimination_complaint_form.pdf)

UC Merced offers the following *confidential* (non-reporting) campus resources for sexual violence and sexual harassment:

- CARE Campus Advocate
  - **Phone:** 209-386-2051 (cell)

- **Website:** <http://prevent-violence.ucmerced.edu>
- Counseling and Psychological Services
  - **Phone:** 209-228-4266
  - **Website:** <http://counseling.ucmerced.edu>
- Office of the Ombuds
  - **Phone:** 209-228-4410
  - **Website:** <http://ombuds.ucmerced.edu>

UC Merced offers the following resources for those accused of sexual violence and harassment:

- Respondent Services Coordinators
  - **Website:** <http://sexualviolence.ucmerced.edu/Accused>

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## VII. POLICY OR PROCEDURE REVISION HISTORY

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Date	Action/Summary of Changes
February 5, 2016	Original Procedure Issued

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## APPENDICES

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### APPENDIX I - Disciplinary Procedures

The following are the disciplinary procedures and policies if a report of sexual harassment or sexual violence results in a recommendation for disciplinary action:

- A. The [\*Policies Applying to Campus Activities, Organizations and Students\*](#) (PACAOS) sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that may be imposed for violation of University policies or campus procedures.
- B. The UC Merced Student Handbook sets forth in Section 700.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that may be imposed for violation of University policies or campus procedures. The Student Handbook can be found on the Office of Student Conduct's website:  
[https://studentlife.ucmerced.edu/sites/studentlife.ucmerced.edu/files/documents/ucm\\_student\\_org\\_policies\\_regs\\_6\\_10\\_14\\_r.3\\_.pdf](https://studentlife.ucmerced.edu/sites/studentlife.ucmerced.edu/files/documents/ucm_student_org_policies_regs_6_10_14_r.3_.pdf)
- C. The list of potential sanctions can be found on the Office of Student Conduct's website:  
<http://studentlife.ucmerced.edu/content/disciplinary-process#sanction>