



UCEAP SEXUAL ASSAULT AND UC SEXUAL HARASSMENT POLICY

This policy must be disseminated during student orientation

Introduction

“The University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University is strongly opposed to sexual harassment, and that such behavior is prohibited both by law and by University policy. The University will respond promptly and effectively to reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.”

University of California, Office of the President, February 10, 2006

Overview

The University of California Education Abroad Program (UCEAP) policies on sexual misconduct include the UCEAP Sexual Assault Policy and the University of California Policy on Sexual Harassment and two procedures; one that provides information on the reporting of sexual assault and one that provides information on the reporting of sexual harassment.

They are included together in this policy to help with its dissemination and the reporting of incidents of sex discrimination, sexual harassment, and sexual assault. The policy and procedures apply to students, and academic and non-academic appointees serving on behalf of UCEAP.

Any student, staff, or academic appointee who wishes to complain of a sex offense, but who cannot make a determination about which procedure to use, should consult with the Title IX/ Sexual Harassment Officer (SHO) as soon as possible, preferably within 24 hours of the offending action. The Title IX/SHO will designate an alternative resource to receive reports in the event the Title IX/SHO is unavailable.

Sexual harassment, sexual assault, and rape (which includes stranger rape and acquaintance/date rape) are violations of State and Federal laws, University of California policy, UCEAP policy, the UCEAP Student Code of Conduct, staff personnel policies, and the UC Faculty Code of Conduct for UC faculty. Besides requesting an investigation and action from UCEAP officials, complainants of sexual assault and rape may be able to file criminal charges against the perpetrator, depending on the country.

All protocols below apply to both the UCEAP Policy on Sexual Assault and the systemwide UC Policy on Sexual Harassment.

The University of California prohibits sexual assault and all other behavior described in Section 102.08 of the University of California Campus Regulations Applying to Campus Activities, Organizations, and Students. Section 102.08 specifically prohibits "... physical abuse, threats of violence, or conduct that threatens the health or safety of any persons on University property or in connection with official University functions. Such abuse, threats, or conduct may include sexual assault perpetrated either by a stranger or an acquaintance."

Policy on Sexual Assault

Sexual assault is a prominent issue in the U.S. and around the world. Such incidents cause pain and distress to the individuals who are directly involved. While these incidents are not restricted to the college or university environment, sexual assault is a serious issue on U.S. campuses (especially acquaintance rape). Colleges and universities around the world play important educational and administrative roles in addressing the problem of sexual assault.

Sexual assault is a general term, which covers a range of crimes, including rape. As defined under California law, rape is non-consensual sexual intercourse that involves the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any person who is the target of unwanted sexual behavior should immediately consult the local UCEAP Representative or the UCEAP Title IX/Sexual Harassment Officer (SHO) for advice, informal counseling, and help about how to deal with a sexual assault, or to stop the harassment by informal or formal means. Violations of the UCEAP policy prohibiting sexual assault and harassment by UCEAP students/faculty/staff will result in disciplinary or corrective action, ranging from a warning to dismissal, depending on the nature of the violation. All complaints which involve sexual assault or sexual harassment should be directed to the Title IX/SHO. Individuals who think they might at some point consider pursuing criminal prosecution are advised to report any physical or sexual assault immediately to the local host institution and the UCEAP Study Center.

This policy statement applies only when the accused perpetrator is a UCEAP and/or University Of California student.

Policy on Sexual Harassment

The University of California Policy on Sexual Harassment covers all members of the University community, including faculty and other academic personnel, staff employees, students, and non-student or non-employee participants in University programs. The Policy includes a definition of sexual harassment, clarification of the University's obligation to respond promptly and effectively to reports of sexual harassment, provisions for training employees and educating the University community regarding sexual harassment, and a statement that the policy shall be implemented in a manner that recognizes principles of free speech and academic freedom.

All persons who participate in UCEAP programs and activities are covered by this policy and are strongly urged to use the options and resources listed below to seek help and resolve complaints. Every effort will be made to maintain the privacy of all parties involved in the process.

This policy statement and procedures do not apply to students, faculty, and staff of host institutions abroad.

University of California Definition of Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile, or offensive working or learning environment. In the interest of preventing sexual harassment, the University will respond to reports of any such conduct.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, house staff, students, and non-student or non-employee participants in University programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex.

In determining whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Harassment that is not sexual in nature but is based on gender, sex-stereotyping, or sexual orientation also is prohibited by the University's nondiscrimination policies if it is sufficiently severe to deny or limit a person's ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, sex-stereotyping, or sexual orientation.

A definition of sexual harassment abroad must take into account the norms of the given culture. Cultural norms abroad are often different from those in the U.S.; therefore, harassment issues may be particularly difficult to identify abroad. However, being culturally sensitive does not include relaxing personal boundaries. The individual should trust his/her judgment and intuition. If a situation makes him/her uncomfortable, it needs to be addressed. The individual should never ignore sexual harassment. Ignoring it will not make it go away—it will only get worse. Both males and females can be sexually harassed, and the perpetrator can be male or female and of the same or opposite gender.

Reports of Sexual Harassment

In addition to becoming familiar with cultural differences and the UCEAP policy outlined below, Study Center staff and faculty need to be familiar with whatever local sexual harassment policies may be in place at the host university and at local governmental levels.

Any member of the UCEAP community may report conduct that may constitute sexual harassment under this policy. In addition, supervisors, managers, and other designated employees are responsible for taking whatever action is necessary to prevent sexual harassment, to correct it when it occurs, and to report it promptly to the Title IX/Sexual Harassment Officer.

Contacts at the Systemwide Office of the UC Education Abroad Program

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| 1) Staff/faculty complaints
Human Resources Director, Bryna Bock
Office: 1+ (805) 893-3677
Mobile: 1+ (805) 450-5031 | 2) UCEAP student complaints or reports
Health, Safety, and Emergency Response
Director, Inés DeRomaña
Office: 1+ (805) 893-7936
Mobile: 1+ (805) 451-1704 |
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Reporting Sexual Assault, Rape and Sexual Harassment to the Title IX Officer

The [UCEAP Policy on Sexual Assault](#) applies to all students, staff, and academic appointees, and to members of the off-campus community who are participating in a University sponsored program or event.

Sexual assault, rape, and sexual harassment are violations of state and federal laws, UC and UCEAP policy, the UCEAP Student Code of Conduct, personnel policies for staff members and academic appointees. Any person who is the target of a sex offense should consult with the Title IX/Sexual Harassment Officer (SHO) (ideromana@eap.ucop.edu for students; bbock@eap.ucop.edu for staff/faculty) to receive information about your options and to receive referrals to appropriate resources.

If you have been the target of a sexual assault, including rape, you may request an administrative investigation by the Title IX/SHO (ideromana@eap.ucop.edu for students; bbock@eap.ucop.edu for staff/faculty), with or without

filing a police report. A Title IX investigation is not a criminal procedure. The Title IX/SHO will not initiate an investigation without the written consent of the survivor. The Title IX/SHO treats all conversations with students, faculty, and staff with the highest level of confidentiality, and will always respect a survivor's request for anonymity.

The Title IX/SHO will complete a fact-finding report. Sanctions for the accused may be proposed. In proven cases of sexual assault and rape the sanction will be either suspension or dismissal from UCEAP. In addition, the Title IX/SHO will ensure that appropriate actions are taken to aid the complainant, i.e. academic assistance, counseling referrals, housing assistance, permanent no contact restrictions for the accused, and protection from retaliation.

The only threshold a student must meet to receive assistance from the Title IX/SHO is if you are the target of uninvited, or unwelcome, or unsolicited, or unwanted conduct which is being directed at you because of your sex (male or female).

Response to Sexual Harassment Reports

UCEAP must provide a prompt and effective response to reports of sexual harassment in accordance with the [University of California Procedures for Responding to Reports of Sexual Harassment](#). See the *Procedures for Reporting and Responding* section below. A prompt and effective response may include early resolution, formal investigation, and/or targeted training or educational programs.

This information needs to be made available to students and staff so they are fully aware of their rights and their options. Students need to be informed that all alleged incidents of sexual harassment should be reported to the Study Center Director or Liaison Officer who will confer with the Regional Director, UCEAP Systemwide Office. The Regional Director will consult with the UCEAP Human Resources Director for staff and/or the Principal Analyst, for students, to bring the issue to resolution.

The Study Center Director, Liaison Officer, and Regional Director should keep a written record of any allegation of sexual harassment they receive and of steps taken to respond.

In the event that a student or staff person does not feel comfortable in dealing with the Study Center Director or Liaison Officer, he or she may report the incident directly to the Regional Director or the Sexual Harassment Officers listed above.

Any member of the University community who is found to have engaged in sexual harassment is subject to disciplinary action up to and including dismissal in accordance with applicable disciplinary procedures.

Generally, disciplinary action will be recommended when the harassing conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs.

Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment who knew about the harassment and took no action to stop it or failed to report the prohibited harassment also may be subject to disciplinary action.

What about Sexual Harassment?

The following lists some behaviors, which could be construed as sexual harassment:

- Sexual advances or requests for sexual favors
- Unwanted sexual contact
- Physical, verbal, or nonverbal behavior that is sexual in nature or is hostile, demeaning, or intimidating
- Terms of endearment
- Sabotaging a person's work or academic standing
- Withholding information. Exclusion from informal meetings/social events
- Sexual jokes, comments, or innuendoes
- Cartoons or visuals that ridicule or denigrate a person's gender
- Employment or academic decisions that are based solely or partially on a person's sex.

The investigatory procedure for sexual harassment is the same procedure discussed in the above section on sexual assault. If you have questions or just want to inquire about sexual harassment or sex discrimination; if you want to make a report or file a complaint; or if you want information, advice, referrals, contact the Title IX/SHO (ideromana@eap.ucop.edu for students; bblock@eap.ucop.edu for staff/faculty).

Retaliation

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, 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 the same procedures.

Intentional False Reports

Because sexual harassment frequently involves interactions between persons that are not witnessed by others, reports of sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or “proof” should not discourage individuals from reporting sexual harassment under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action.

Procedures for Reporting and Responding

All members of the UCEAP community are encouraged to contact the Title IX Sexual Harassment Officer if they observe or encounter conduct that may be subject to the University’s Policy on Sexual Harassment. Reports of sexual harassment should be made as soon as possible after the alleged conduct occurs, optimally within one year. Prompt reporting will enable the University to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. For reports of sexual harassment brought after one year, UCEAP shall respond to reports of sexual harassment to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

Options for Resolution

Individuals making reports of sexual harassment shall be informed about options for resolving potential violations of the UC Policy on Sexual Harassment. These options include:

1. Early Resolution
2. Formal Investigation
3. Filing Complaints or Grievances

UCEAP shall respond to the greatest extent possible to reports of sexual harassment brought anonymously or brought by third parties not directly involved in the harassment. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Individuals bringing reports of sexual harassment shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the harassment, and disciplinary actions that might be taken against the accused because of the report, including information about the procedures to such outcomes.

In response to reports of sexual harassment in cases where early resolution is inappropriate (such as when the facts are in dispute in reports of serious misconduct, or when reports involve individuals with a pattern of inappropriate behavior or alleged criminal acts such as stalking, sexual assault, or physical assault), or in cases where early resolution is unsuccessful, the location may conduct a formal investigation. In such cases, the individual making the report shall be encouraged to file a written request for formal investigation. The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a formal investigation of a report of sexual harassment. In cases where there is no written request, the Title IX Sexual Harassment Officer or other appropriate official designated to review and investigate sexual harassment complaints, in consultation with the administration, may initiate a formal investigation after making a preliminary inquiry into the facts. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

Privacy

UCEAP will protect the privacy of individuals involved in a report of sexual harassment to the extent required by law and University of California policy. A report of sexual harassment may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals.

An individual who has made a report of sexual harassment may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). However, information regarding disciplinary action taken against the accused shall not be disclosed without his/her consent, unless it is necessary to ensure compliance with the action or the safety of individuals.

Confidentiality of Reports of Sexual Harassment

UCEAP has identified two individuals (Human Resource Director for staff/faculty and Principal Analyst for students) with whom members of the UCEAP community can consult for advice and information regarding making a report of sexual harassment. These resources provide individuals who may be interested in bringing a report of sexual harassment with a safe venue to discuss their concerns and learn about the procedures and potential outcomes involved.

Individuals who consult with confidential resources shall be advised that their discussions in these settings are not considered reports of sexual harassment and that without additional action by the individual, the discussions will not result in any action by the University to resolve their concerns.

Certain University employees, such as the Title IX Sexual Harassment Officer, Regional Directors, supervisors, Study Center Directors, and Liaison Officers, have an obligation to respond to reports of sexual harassment, even if the individual making the report requests that no action be taken.

An individual's requests regarding the confidentiality of reports of sexual harassment will be considered in determining an appropriate response; however, such requests will be assessed in the dual contexts of UCEAP's legal obligation to ensure a working and learning environment free from sexual harassment for all students and the due process rights of the accused to be informed of the allegations and their source.

Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible.

The UCEAP Study Center Director, Liaison Officer, and UCEAP staff are responsible for educating students and other UCEAP-affiliated entities about appropriate conduct.

- Providing students with information about cultural practices and norms, which may impact them abroad
- Establishing and maintaining effective communication channels with UCEAP students
- Providing a safe, non-threatening, and helpful environment where students can come forward to discuss issues
- Providing contact information for the UCEAP Title IX Sexual Harassment officer with whom the student can consult confidentially for advice
- Providing information regarding making a report of sexual harassment
- Informing the individual making a report of sexual harassment about options for resolving violations, which include: Early Resolution, Formal Investigation, and Filing Complaints or Grievances
- The Study Center Director or Liaison Officer must work with the Regional Director on any complaints