

# Sexual Violence and Sexual Harassment

ALL STUDENTS ARE REQUIRED TO READ THIS POLICY

## University of California Policy Summary

*“The University of California 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 the community should be aware that the University prohibits sexual violence and sexual harassment, retaliation, and other prohibited behavior (“Prohibited Conduct”) 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 this policy on Sexual Violence and Sexual Harassment (hereafter referred to as Policy).”*

*This Policy addresses the University of California’s responsibilities and procedures related to Prohibited Conduct in order to ensure an equitable and inclusive education and employment environment free of sexual violence and sexual harassment. The Policy defines conduct prohibited by the University of California and explains the administrative procedures the University uses to resolve reports of Prohibited Conduct.”*

— POLICY SUMMARY, UNIVERSITY OF CALIFORNIA, OFFICE OF THE PRESIDENT, JANUARY 1, 2016

## Overview

The following University of California Education Abroad Program (UCEAP) policy on sexual violence and sexual harassment includes the **University of California Policy on Sexual Violence and Sexual Harassment**.

The policy and procedures apply to students, and academic and non-academic appointees serving on behalf of UCEAP.

The UCEAP Sexual Violence and Sexual Harassment Policy is based on the **UC Office of the President systemwide Policy on Sexual Violence and Sexual Harassment**.

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

## Policy on Sexual Violence and Sexual Harassment

### GENERAL

The University of California Education Abroad Program is committed to creating and maintaining a community free of sexual violence and sexual harassment.

Any member of the University community may report conduct that may constitute sexual violence, sexual harassment, retaliation, and other prohibited behavior (“Prohibited Conduct”). The University will respond promptly and equitably to such reports, and will take appropriate action to stop, prevent, and remedy the Prohibited Conduct, and when necessary, to discipline the Respondent.

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. Harassment that may not be sexual, but still contributes to a hostile work or academic environment, may also violate the University’s other non-discrimination policies.

Violations of the UCEAP policy 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 violence or sexual harassment should be directed to the UCEAP **Title IX Liaison** or other UC responsible employees. 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.

The University of California Policy 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. Therefore, 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 to the extent permitted by law.

This policy statement and procedures do not apply to students, faculty, and staff of host institutions abroad. The host university abroad will be following its local policies regarding complaints within their campus community.

## Definitions

**Complainant:** Any person who files a report of sexual violence or sexual harassment or other prohibited behavior or retaliation or any person who has been the alleged subject of such Prohibited Conduct or retaliation.

**Consent:** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons 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 persons involved should 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). Consent cannot be given when a person is incapacitated. A person cannot consent when unconscious or experiencing intervals of consciousness. A person cannot consent under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment.

**Consensual Relationships:** While romantic and sexual relationships between members of the University community may begin as consensual, instances of Prohibited Conduct may occur within such relationships. Accordingly, a report of Prohibited Conduct that occurs within the context of a consensual relationship will be treated as any other report.

**Respondent:** A person alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behavior, or retaliation is made.

**Responsible Employee:** Any University employee who is not a Confidential Resource (UC campus CARE Advocates, licensed counselors, Ombuds, or any person with a professional license requiring confidentiality) and who receives, in the course of employment, information that a student (undergraduate, graduate, or professional) has been a target of Prohibited Conduct shall promptly notify the UCEAP Title IX Liaison or designee.

UCEAP employees and officials acting on behalf of UCEAP (e.g., UCEAP Regional Directors, supervisors, Study Center Directors, Resident Directors, UCEAP representative abroad and other UCEAP representatives (administrative managers, program officers, etc.)), have an obligation to respond to reports of Prohibited Conduct, even if the individual making the report requests that no action be taken.

## Prohibited Conduct

The UCEAP Sexual Violence and Sexual Harassment Policy (SVSH Policy) prohibits, sexual violence, sexual harassment, retaliation, and other prohibited behavior as defined in this section.

### SEXUAL VIOLENCE

Sexual violence is a term which, at the University of California, encompasses these four issues: sexual assault, domestic violence, dating violence and stalking. Like discrimination and harassment, they are all prohibited under the law and under University policy.

**Sexual Harassment** is unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, when 1) a person's submission to such conduct implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program; or 2) such conduct is sufficiently

severe 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 and services of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.

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

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

Consistent with the [University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00](#) on Student Conduct and Discipline, Section 102.09, harassment is defined as that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities. Harassment includes, but is not limited to, conduct that is motivated on the basis of a person's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identify, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

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, as ignoring it may escalate the situation.

**Domestic Violence** is conduct by a current or former spouse or intimate partner of the Complainant; or a person with whom the Complainant shares a child in common, that intentionally, or recklessly, causes bodily injury to the Complainant or another, or places the Complainant or another in reasonable fear of serious bodily injury.

**Dating Violence** is conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the Complainant in reasonable fear of serious bodily injury.

**Stalking** is repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic 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 of a non-sexual nature is addressed by other University policies including but not limited to the [Policy on Student Conduct and Discipline Section 102.10](#).

**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.

**Invasions of Sexual Privacy** without a person's consent, watching or enabling others to watch that person's nudity or sexual act in a place where that person has a reasonable expectation of privacy. Without a person's consent, making photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material depicting that person's nudity or sexual acts in a place where the person has a reasonable expectation of privacy. Using depictions of nudity or sexual activity to extort something of value from a person is also an invasion of sexual privacy.

**Sexual intercourse with a person under the age of 18.**

**Exposing one's genitals in a public place for the purpose of sexual gratification.**

**Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under this Policy.**

## Reporting

Below is an overview of procedures that UCEAP uses to respond to reports of Prohibited Conduct. While the complainant's campus Title IX Officer will have general responsibility for oversight of the reporting process and investigation of a report, UCEAP and the local UCEAP staff, faculty, or partners will facilitate the process, work on accommodations, ensure compliance with temporary measures as stipulated by the UC campus, and consulted as necessary.

## Contacts at the Systemwide Office of the UC Education Abroad Program

Members of the University community can consult for advice and information regarding making a report of sexual harassment or sexual violence.

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 Director, International Health, Safety, and Emergency Response and Title IX Liaison,  
**Ines DeRomana**  
**Office:** 1+ (805) 893-7936  
**Mobile:** 1+ (805) 451-1704

### Contacts for Students on UC Campuses

Students who have experienced sexual violence abroad can also speak confidentially to their **campus CARE advocate** to understand their rights and reporting options, including the option not to report. Students will also receive written explanations of these rights and reporting options. In addition, CARE advocates will inform students about counseling and other support resources that are available.

Students accused of sexual violence or sexual harassment can contact their **local Respondent Services Coordinator** to help them understand their rights, the university's investigation and adjudication process, and available resources. If you are accused, it can be frightening. You may feel confused, angry, and defensive. It is important to remain calm and cooperative. If you are accused, take the complaint seriously.

### Reporting Sexual Violence and Sexual Harassment to the UCEAP Title IX Liaison

Any member of the UCEAP community may report prohibited conduct 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 UCEAP Title IX Liaison, the UC home campus Title IX Office, or any other responsible employee.

Requests for confidentiality of prohibited conduct reports will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the Respondent to be informed of the allegations and their source.

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

Any individual, who is the target of Prohibited Conduct, may request an administrative investigation. UCEAP Liaisons (**ideromana@eap.ucop.edu** for students; **bbock@eap.ucop.edu** for staff/faculty) will engage the specific UC campus Title IX Officer and the campus designated investigator.

A Title IX investigation is not a criminal procedure. The UC Campus Title IX Officer cannot initiate an investigation without the written consent of the Complainant. All conversations with students, faculty, and staff will be treated with the highest level of confidentiality, and will always respect a Complainant's request for anonymity.

The University has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence.

### 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**. A prompt and effective response includes, but is not limited to, early resolution, formal investigation, and/or targeted training or educational programs.

This policy 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 UCEAP representative abroad 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 International Health, Safety & Emergency Response Director (also the UCEAP Title IX Liaison) for students on the program.

The Study Center Director, UCEAP representative abroad, 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 notifying the Study Center Director or UCEAP representative abroad, he or she may report the incident directly to the Regional Director or the UCEAP contacts 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 UCEAP Title IX Liaisons ([ideromana@eap.ucop.edu](mailto:ideromana@eap.ucop.edu) for students; [bblock@eap.ucop.edu](mailto:bblock@eap.ucop.edu) for staff/faculty).

## Required Notifications for Reports of Sexual Violence

UCEAP and/or the student's UC campus Title IX Officer will provide a written explanation of available rights and options, including procedures to follow, upon receipt of a report that the student or employee has been a victim of Prohibited Conduct.

The written information can include:

- a. to whom the alleged offense should be reported;
- b. options for reporting to local law enforcement and/or local host institution authorities, the right to be assisted by UCEAP authorities in notifying law enforcement authorities if the complainant so chooses and the possibility to decline to notify such authorities;
- c. the rights of complainants, if available through local laws, regarding local lawful orders;
- d. the importance of preserving evidence, as necessary, to prove Prohibited Conduct, or to obtain a protection order, if available through local laws;
- e. the direct contact to the student's UC campus confidential CARE advocate;
- f. existing local university/partner and local community services available for the Complainant, including counseling, health, mental health, arranging with UCEAP assistance providers for referrals and counseling; victim advocacy, legal assistance, etc.;
- g. options for, and available assistance to, change academic, housing, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the Complainant chooses to report the crime to the host institution or local law enforcement;
- h. any applicable procedures for institutional disciplinary action against the Respondent.

## Options for Resolution

Individuals reporting sexual harassment and sexual violence shall be informed about the range of possible outcomes of the report, including interim protections, disciplinary actions, and about options for resolving potential violations of the UC Policy on Sexual Violence and Sexual Harassment., that might be taken against the Respondent as a result of the report, including information about the procedures leading to such outcomes.

These options include:

1. Early Resolution (may include an inquiry into the facts, but typically does not include a formal investigation)
2. Formal Investigation
3. Filing Complaints or Grievances (can be filed either instead of or in addition to making a report to the Title IX Officer or other official designated to review and investigate sexual harassment and sexual violence complaints)

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.

Requests regarding the confidentiality of reports of sexual violence or sexual harassment will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the Respondent to be informed of the allegations and their source.

Early Resolution may be appropriate for responding to anonymous reports and/or third-party reports. All efforts should be documented.

Some reports of sexual harassment or sexual violence may require a Formal Investigation at the discretion of the Title IX Officer or other appropriate official designated to review and investigate sexual harassment complaints. The University will not compel a complainant to engage in mediation. Mediation, even if voluntary, may not be used in cases involving sexual violence.

## Formal Investigation

In cases where Early Resolution is inappropriate or in cases where Early Resolution is unsuccessful, the location may conduct a Formal Investigation. In such cases, the individual making the report may 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 or sexual violence.

In cases where there is no written request, the UC campus Title IX Officer or other appropriate official designated to review and investigate sexual harassment complaints, potentially in consultation with the administration, may initiate a Formal Investigation after making a preliminary inquiry into the facts.

In cases where a Complainant states he or she does not want to pursue a Formal Investigation, the Title IX Officer should inform the Complainant that the ability to investigate may be limited. When determining whether to go forward with a Formal Investigation, the following will be considered: 1) the seriousness of the allegation, 2) in the case of a Complainant, the age of the student, 3) whether there have been other complaints or reports against the Respondent and 4) the rights of the Respondent to receive information about the Complainant and the allegations if formal proceedings with sanctions may result from the investigation.

Even if a Complainant does not want to pursue an investigation, under some circumstances, the Title IX Officer may have an obligation to investigate a complaint, such as when there is a risk to the campus community if the Respondent remains on campus. The Complainant should be made aware of this independent obligation to investigate the complaint.

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.

## Filing Complaints or Grievances

An individual who has made a report of Prohibited Conduct also may file a complaint or grievance alleging that the actions taken in response to the report of sexual harassment or sexual violence did not follow Policy. A complaint or grievance may be filed following a report of Prohibited Conduct to the Title IX Officer or other appropriate official designated to review and investigate under this Policy.

Such a complaint or grievance may not be filed to address a disciplinary sanction imposed upon the Respondent. Any complaint or grievance regarding the resolution of a report of sexual harassment or sexual violence must be filed in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment or sexual violence investigation or other resolution process pursuant to this Policy, and/or of the actions taken by the administration in response to the Prohibited Conduct, whichever is later.

## Privacy

UCEAP will protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent required by law and University of California policy. A report 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 Prohibited Conduct. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals.

The Complainant who makes a report of Prohibited Conduct may be advised of sanctions imposed against the Respondent when the Respondent 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). If the matter results in a disciplinary proceeding, at the conclusion of that proceeding, the Complainant and Respondent will be simultaneously informed in writing of the outcome of the disciplinary proceeding including the final determination of the alleged offense, any sanction that is imposed and the rationale for the results; any available appeal rights and procedures, and; any subsequent changes to the results and when results become final.

## Confidentiality of Reports of Sexual Violence and Sexual Harassment

UCEAP has identified two individuals within the UCEAP systemwide office (Human Resource Director for staff/faculty and International Health, Safety & Emergency Response Director (for students) with whom members of the UCEAP community can consult for advice and information regarding making a report of Prohibited Conduct. These resources provide individuals who may be interested in bringing a report of Prohibited Conduct with a safe venue to discuss their concerns and learn about the procedures and potential outcomes involved.

A Complainant's requests regarding the confidentiality of reports of Prohibited Conduct 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 and sexual violence and the due process rights of the Respondent 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, UCEAP representative abroad, and UCEAP staff will facilitate information for educating students and other UCEAP-affiliated entities about appropriate conduct, including:

- 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
- Educating students about local laws and mandated reporters (e.g., medical professionals, etc.)
- Providing contact information for the UCEAP Title IX Liaison with whom the student can consult for advice
- Providing information regarding making a report of Prohibited Conduct
- Informing the Complainant making a report about options for resolving violations, which include: Early Resolution, Formal Investigation, and Filing Complaints or Grievances