

2019 ANNUAL REPORT ON SEXUAL VIOLENCE/SEXUAL HARASSMENT:

# PREVENTION, INCIDENCE, AND RESPONSE

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**1.0**

*Forward*

This is the second in a series of annual reports on sexual violence and sexual harassment (SVSH). As Chancellor, I commissioned these annual reports as part of a broader effort to build a culture at UC Berkeley which is based on respect, inclusivity and equity of experience.

An issue to which I have been attuned throughout my career, SVSH has a deep impact on survivors and on the community they live and work in. It is important to address SVSH through the kind of concerted, specific initiatives and offices described in this report.

But it is also important to view SVSH prevention efforts, in particular, as part of a broader mission to create a healthy campus climate. Understanding and addressing the individual, institutional and societal factors that can give rise to harassment and violence benefits everyone in ways that go beyond the strict definitions of SVSH. Only in a truly healthy climate will all members of the community be able to fulfill the promise of their talents and ambitions.

Over the past years, I have been inspired by efforts to create a campus climate aligned with our values and principles of community. I am grateful for the hard and heartfelt work of our dedicated students, faculty and staff - and to you, the reader, for your interest in this important topic.

Fiat lux!

Carol T. Christ  
*Chancellor, University of California, Berkeley*

2.0

*Preface*

Each Annual Report on Sexual Violence/Sexual Harassment (SVSH) presents a portrait of a year's worth of campus history. This, the second annual report, is the continuation of what we hope will be a long series of opportunities to report updates and track progress. This 2019 Annual Report covers the time span between July 1, 2018 and June 30, 2019, just as the 2018 Annual Report covered the time span between July 1, 2017 and June 30, 2018.

In the year since the first Annual Report, UC Berkeley has continued to see growth in the use of campus services for those who have survived SVSH recently or in the past; those who are supporting survivors; those seeking assistance in improving the climate in their academic departments and student groups; and those who are concerned they may have caused harm. The Berkeley campus, as part of the UC system, has also adapted to several changes in UC, state, and federal policies that govern the campus response to SVSH. This report is also informed by data coming out of the 2018 "MyVoice" survey of campus SVSH awareness, attitudes, and incidence rates.

A theme running through this report is accountability. Accountability has a lot of components; for that reason, in usage, the term "accountability" can mean different things to different people at different times. Some use "accountability" in thinking about the need for those who have harmed others to be sanctioned. Some use "accountability" to mean that the campus needs to be open and transparent about incidents that have occurred, and actions taken in response. For others, the term "accountability" can mean that the campus community explicitly assumes responsibility for preventing harm from occurring, through understanding and mitigating the risk factors that can lead to SVSH. This report strives to address all of these components of accountability, in covering prevention and response efforts as openly and transparently as possible.

As you read the report, we hope that you will find useful information and a community connection in these pages. By painting as complete a portrait as possible of our campus efforts, this report models the philosophy that preventing sexual harassment and violence is a community responsibility. Thank you for reading; thank you for being part of our community.

Sharon Inkelas  
*Special Faculty Advisor to the Chancellor on Sexual Violence/Sexual Harassment  
and Professor, Department of Linguistics*

3.0

*Executive  
Summary*

This report is designed to provide accessible information about recent history, campus infrastructure, and current efforts to prevent and respond to sexual violence and sexual harassment in the Berkeley campus community. It covers the time span between July 1, 2018 and June 30, 2019, just as the 2018 Annual Report covered the time span between July 1, 2017 and June 30, 2018.

**A shifting landscape.** The recent history of policies and practices around SVSH prevention and response is dynamic; 2018-19 is no exception. Sections 4 and 5 cover a number of changes which have impacted the campus in a variety of ways.

**A complex network.** The campus network of offices, groups, and administrators with responsibility for SVSH prevention and response is highly complex, distributed across many different parts of campus. Section 6 illuminates this network with descriptions of campus and off-campus partners and the ways in which they collaborate.

**Prevention.** SVSH affects the entire community; consequently, preventing SVSH is a responsibility shared by everyone connected to UC Berkeley. Section 7 portrays the multifaceted and, in some cases, innovative efforts on campus to address the root causes of SVSH and create the safe environment that the community deserves.

**Survivor support.** When SVSH occurs, it is essential that survivors receive care and support. Survivor support resources on campus are the focus of section 8. Multiple offices on campus provide survivor support services for students, faculty, and staff who have been impacted. This report explains the individual functions of these offices as well as the student groups that have formed to support survivors.

**Reporting and response.** Section 9 explains the process for reporting SVSH incidents to the campus Office for the Prevention of Harassment and Discrimination (OPHD) and the University of California Police Department (UCPD). Section 11 provides detail about the difference between investigation and adjudication and lays out the steps of each phase, as they apply to students, staff, and faculty. Section 11 also provides aggregated data on case outcomes.

**Quantifying impact.** Since not all incidents are formally reported, the best way to understand the full impact of SVSH on the campus is to view incidence rates and types through multiple lenses. Section 10 of this report provides this opportunity by providing data from formal reporting to UCPD and OPHD, data regarding utilization of confidential support services, and data from the 2018 MyVoice survey of the entire campus community.

**Next steps.** The Berkeley campus continually strives to improve, recognizing that we as individuals, and as a community, are all responsible for transforming our culture and living up to our values. Section 12 examines progress towards goals that were identified in the 2019 Annual Report, and elevates some new priorities for 2020. There is still considerable work to be done.

4.0

*Introduction  
and Aims*

SVSH, an acronym which literally expands as “sexual violence and sexual harassment,” encompasses a broad spectrum of experiences. These include, but are not limited to, relationship (domestic and dating) violence, sexual assault, sexual harassment, stalking, and retaliation against those who have reported misconduct, as defined in the University of California Policy on Sexual Violence and Sexual Harassment (“UC SVSH Policy”).

SVSH is fundamentally at odds with the university’s mission and principles of community. The efforts to prevent and respond to SVSH documented in this report are integral not only to the university’s diversity, equity, and inclusion initiatives, but also to the university’s pursuit of excellence.

The goal of this report, which covers the period from July 1, 2018 through June 30, 2019, is to illuminate ongoing efforts at UC Berkeley to prevent and respond to SVSH on campus. As the second in a series, this year’s report is an opportunity to track patterns and progress year over year. It represents a sustained commitment to hold the campus accountable for transforming campus culture to ensure that SVSH is never tolerated, and that incidents which do occur are responded to effectively. This report is a rich portrait of a particular segment in time. It situates that segment both in historical context and in the context of the aspiration for a future free of SVSH.

UC Berkeley is part of a collective effort in higher education to develop and evaluate effective, data-driven approaches to eliminating sexual harassment and violence. National organizations such as the National Academies of Sciences, Engineering and Medicine; National Institutes of Health; National Science Foundation; and the Association of American Universities are also conducting studies and issuing reports. The initiatives surveyed here, and this report itself, are part of campus efforts to track our progress toward these aims and contribute knowledge to the field of sexual violence prevention and response.

This comprehensive report is not a short read, nor is it necessary to read from beginning to end. Readers may want to dip into particular sections to read about what interests them most.

#### **4.1. Guiding values**

UC Berkeley’s approach to SVSH prevention and response is shaped by the following guiding values, which are reflected in the structure of this report.

##### **4.1.1. Addressing SVSH is a community responsibility**

A central tenet of SVSH prevention and response efforts at UC Berkeley is that everyone in our community can be part of creating a more inclusive, respectful, and equitable place to learn and work. There are things every individual - student, staff, faculty, and even alumni - can do to prevent SVSH, and everyone has to take responsibility for doing what they can.

To embody this belief, the work of addressing SVSH on our campus cannot be limited to practitioners, administrators, activists, or survivors. A broad network of people and offices, sketched in section 6, collaborate to accomplish change across the various communities that make up the UC Berkeley campus.

SVSH is linked to other forms of oppression in its root causes, and people who hold marginalized identities are more likely to experience these types of harm in the campus community. Addressing SVSH is therefore integral to the campus goal of ensuring a diverse, equitable, and inclusive environment, and creating this environment is essential to addressing SVSH harm. These most basic values are articulated in the form of UC Berkeley's Principles of Community:

### **Berkeley Principles of Community**

[diversity.berkeley.edu/principles-community](https://diversity.berkeley.edu/principles-community)

*We place honesty and integrity in our teaching, learning, research and administration at the highest level.*

*We recognize the intrinsic relationship between diversity and excellence in all our endeavors.*

*We affirm the dignity of all individuals and strive to uphold a just community in which discrimination and hate are not tolerated.*

*We are committed to ensuring freedom of expression and dialogue that elicits the full spectrum of views held by our varied communities.*

*We respect the differences as well as the commonalities that bring us together and call for civility and respect in our personal interactions.*

*We believe that active participation and leadership in addressing the most pressing issues facing our local and global communities are central to our educational mission.*

*We embrace open and equitable access to opportunities for learning and development as our obligation and goal.*

#### **4.1.2. A prevention focus**

UC Berkeley utilizes a primary prevention approach, focusing on the ability of the university, and communities within it, to prevent harm from occurring before it happens. Primary prevention is aimed at creating environments that are respectful, equitable, inclusive - in short, environments in which students and employees thrive. In a primary prevention orientation, campus initiatives have the goal of empowering communities to address the root causes of harm, and drive culture shifts by promoting prosocial (socially positive) norms. Section 7 of this report presents data on coordinated campus-wide prevention efforts as well as initiatives developed for specific communities.

In 2019 the campus joined the National Academies of Sciences, Engineering, and Mathematics (NAEM) Action Collaborative, and will participate with other universities in the collective generation and sharing of data-driven best practices for campus prevention programs.

#### **4.1.3. Centering survivors**

Centering survivors means thinking about and listening closely to what survivors and their communities say about the impacts of SVSH. It means understanding that the survivor community is not monolithic, and that responses to trauma are diverse. It means recognizing that survivors' experiences, activism, and leadership have been and continue to be essential to all SVSH work.

Ideally, this survivor-centered orientation would result in perfectly trauma-informed, flexible, and just systems, but there are numerous limitations in any institutional process which make it difficult to fully live up to these goals. We must recognize that these limitations can cause frustration, pain, and re-traumatization for survivors. We seek to report on the current campus moment while acknowledging this fact with honesty and empathy. It is important to identify and acknowledge gaps in our practices and efforts in order to sustain progress. The campus approach to survivor support is described in section 8.

#### **4.1.4. Illuminating a complex system**

Section 11 of this report strives to illuminate the processes of reporting, investigating, and adjudicating, and presents aggregate data about outcomes. This information is important to survivors and those accused, as well as to community members, in order to understand how the university holds individuals accountable for their actions within a fair process that protects the safety and privacy of all. Sometimes, there is a tension between the kind of transparency needed for the community to fully assess accountability, and the rights of parties in a case to privacy.<sup>1</sup> It is hoped that clarity regarding processes, and aggregate data, strike the needed balance in this regard. Only with full understanding of campus processes can the community be fully empowered to ask the right questions and advocate for appropriate and needed improvements.

#### **4.1.5. Honoring those who do the work**

An impact of sexual violence that often goes unrecognized is the secondary trauma and stress experienced by those who do the difficult work surveyed in this report. Vicarious trauma, coupled with other stress factors such as long hours, staffing or resource shortages, and high caseloads, put many people who work in SVSH prevention and response at risk of burnout (see section 5.2). It is important to recognize the challenges in SVSH prevention and response and honor those who do this important work in the campus community.

#### **4.1.6. Seeking to improve**

No matter how much the campus improves, it can always get better. Section 12 assesses progress made towards the goals identified in the 2018 report and offers new, additional goals for the forthcoming year.

#### **4.2. Social change and a shifting policy landscape**

The history of SVSH prevention and response structures on university campuses is largely a combination of federal guidance (Title IX, in particular) and concerted advocacy by faculty, staff, and student activists. Section 3.3 (“History: how did we get here?”) of the 2018 Annual Report provides a detailed history of past SVSH structures at UC Berkeley.

<sup>1</sup> Inkelas, S. (2019, March 1). Assessing accountability in campus cases of sexual harassment. *The Daily Californian*. Retrieved from [dailycal.org/2019/03/01/assessing-accountability-in-campus-cases-of-sexual-harassment/](https://dailycal.org/2019/03/01/assessing-accountability-in-campus-cases-of-sexual-harassment/).

Most recently, the #metoo and Time's Up movements ignited a global reckoning with sexual violence and gender-based inequality. These survivor-led movements brought about an unprecedented amount of self-study and public discourse about issues of sexual violence, culture and power, healing, and accountability. Backlash to the activism has also mounted. Several off-campus events, including the Kavanaugh confirmation hearings, brought these issues to the fore in 2018-19.

In the context of these societal events, a number of anticipated or actual changes to policy impacted the campus. These changes are reviewed in this section.

#### **4.2.1. Proposed revisions to Title IX implementation guidance**

In November 2018, the federal Department of Education (DOE) issued new proposed Title IX regulations, after rescinding the previous administration's Title IX guidance in 2017. One stated motivation for the proposed changes was to protect due process rights for the accused. Many argued that these changes would increase the already considerable hurdles survivors face in seeking redress and accountability.<sup>2</sup>

The University of California system, UC Berkeley student leaders, and many others in the Berkeley campus community voiced opinions about the proposed regulations during the open comment period. In an op-ed published by *The Daily Californian*, Interim Systemwide Title IX Coordinator Suzanne Taylor articulated the University's "strong stance against parts of the rules," stating that "The UC system has made tremendous headway in the past few years, and we will not allow obstacles to halt our trajectory".<sup>3</sup> Janet Napolitano, President of the University of California system, also publicly expressed concerns with the proposals.<sup>4</sup>

While the proposed rule changes did not take effect during the time period covered by this report, they did create a climate of anxiety for many. DOE received more than 100,000 comments during the Notice-and-Comment period and is expected to respond to substantive submissions before issuing final regulations.

#### **4.2.2. Changes to the UC student adjudication framework**

In the midst of ambiguity about future Title IX regulations, the UC system made changes to its own policies and procedures, some in direct response to a January 2019 California appellate court ruling which required California universities to hold hearings for cases in which a student respondent faces potential sanctions categorized in the court ruling as "severe" (i.e., suspension or expulsion) and a determination of credibility is central to the investigation.

<sup>2</sup>Kidder, W. (2019). (En)forcing a Foolish Consistency?: A Critique and Comparative Analysis of the Trump Administration's Proposed Standard of Evidence Regulation for Campus Title IX Proceedings. *Journal of College and University Law*, vol. 45.

<sup>3</sup>Taylor, S. (2019, April 8). UC ensures integrity of Title IX process in face of uncertainty. *The Daily Californian*. Retrieved from [dailycal.org/2019/04/08/uc-ensures-integrity-of-title-ix-process-in-face-of-uncertainty/](https://dailycal.org/2019/04/08/uc-ensures-integrity-of-title-ix-process-in-face-of-uncertainty/)

<sup>4</sup>Napolitano, J. & Taylor, S. (2019, January 28). UC Title IX Letter. Retrieved from [sexualviolence.universityofcalifornia.edu/files/documents/uc-title-ix-letter.pdf](https://sexualviolence.universityofcalifornia.edu/files/documents/uc-title-ix-letter.pdf)

The student adjudication framework in place in Fall 2018 provided hearings only in cases of appeals and allowed parties the right to appeal only on specific grounds. In response to the appellate court ruling, the University of California's Office of the President (UCOP) issued interim revisions to the Sexual Violence and Sexual Harassment Student Adjudication Framework (PACAOS-Appendix E); these went into effect in March 2019. In the interim policy, parties in cases involving potential suspension or dismissal were afforded the expanded right to request an appeal hearing on any grounds. (On July 31, 2019, after the time period covered in this report, a new and revised version of Appendix E, with the provision of a hearing prior to the appeal stage, replaced the interim framework. The new procedures will be covered in more depth in the next report.)

Practitioners at all UC campuses were trained on the new procedures. All parties whose cases could be impacted directly by the change were notified by the Office for the Prevention of Harassment and Discrimination (OPHD) and/or the Center for Student Conduct. The impact of the change on outcomes and caseload will be assessed in a future report.

#### **4.2.3. Changes to the staff and faculty investigation and adjudication frameworks**

In response to a report issued by the California State Auditor in 2018, UCOP proposed changes to the systemwide investigation and adjudication framework for cases of alleged violations by staff and faculty of the University of California Policy on Sexual Violence and Sexual Harassment (“UC SVSH Policy”). These changes, which were discussed in the spring of 2019, went into effect on July 1, 2019 (after the time period covered by this report). The changes include a new requirement that the Chancellor's designee, who is responsible for faculty discipline, consult with the campus Title IX officer on proposed discipline for faculty, staff and non-faculty academic personnel found by a Title IX investigation to have violated the UC SVSH Policy, as well as a new, shortened timeline by which the Chancellor issues a final decision after receiving a recommendation from the Privilege & Tenure Committee of the Academic Senate regarding a Senate faculty member. More information about the faculty discipline process can be found in section 11.2.4; more information about the Auditor's recommendations and the university's response can be found at [compliance.response.berkeley.edu](http://compliance.response.berkeley.edu).

#### **4.2.4. Revisions to Senate Bylaw 336 and the Academic Personnel Manual**

In response to the California State Auditor's 2018 recommendations, the systemwide Academic Council approved a number of changes to Senate Bylaw 336<sup>5</sup>, which describes the process for imposing faculty discipline through the Privilege & Tenure Committee of the Academic Senate (see section 11.2.4). Reacting to concerns over how long faculty disciplinary cases have taken in the past, the changes introduced new, shorter timeframes for scheduling disciplinary hearings and producing decisions. The so-called ‘three-year rule,’ stated in Senate Bylaw 336 and in section 016 of the Academic Personnel Manual,<sup>6</sup> was also modified. Whereas before, the faculty disciplinary process had to be initiated within three years of the date on which the administration was informed of the corresponding allegations, the modified rule now requires disciplinary charges to be filed within three years (see section 11.5.2). These changes were approved in April 2019 but went into effect on July 1, 2019, just after the time period covered

Table 2: Selected (Condensed) Recommendations, 2016 Joint Committee Report

<sup>5</sup>University of California Academic Senate. (2019, July 1). Bylaws of the Academic Senate - Part III. Retrieved from [senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart3.html](http://senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart3.html)

<sup>6</sup>University of California Office of the President. Academic Personnel Manual. Retrieved from [ucop.edu/academic-personnel-programs/academic-personnel-policy](http://ucop.edu/academic-personnel-programs/academic-personnel-policy)

in this report. For more information about the changes, see [senate.universityofcalifornia.edu/\\_files/reports/rm-jn-assembly-approval-rev-sb336.pdf](https://senate.universityofcalifornia.edu/_files/reports/rm-jn-assembly-approval-rev-sb336.pdf). For evidence-based discussion of timelines in UC Berkeley faculty cases, see section 11.5.

#### **4.2.5. Revisions to the UC Policy on Sexual Violence and Sexual Harassment**

The UC SVSH Policy underwent revision in 2018-19, in response to reports in 2018 from the Department of Education Office for Civil Rights and the California State Auditor. Information about those reports can be found in section 3.3.6 in the 2018 SVSH Annual Report, and on [compliance.response.berkeley.edu](https://compliance.response.berkeley.edu). Proposed UC SVSH Policy changes included new and clearer definitions of types of prohibited conduct, clarification of jurisdictional scope, new timelines for investigation and Alternative Resolution, and a provision for the Title IX officer to initiate investigations under certain circumstances even when one of the parties is not identified.

After a substantial comment and revision period, UCOP issued the new UC SVSH Policy in July 2019, just outside the time period of this year's report. More information on the new policy can be found at [ophd.berkeley.edu](https://ophd.berkeley.edu) and will be provided in the next report.

5.0

*Infrastructural  
change on the  
Berkeley campus*

## **5. Infrastructural change on the Berkeley campus**

Overall, campus structures relating to SVSH prevention and response remain similar to 2017-18. Two infrastructural changes are noteworthy: a grant from the Office on Violence against Women (section 5.1), and a higher than usual rate of turnover in those campus departments that focus heavily on SVSH work (section 5.2).

### **5.1. OVW grant**

2018-19 was the second year of a three-year \$300,000 grant to the campus from the Office on Violence Against Women (OVW), which brought a number of improvements in the coordination of campus efforts. The OVW grant has five tracks: law enforcement, investigation and adjudication, prevention, victim services, and the Campus Coordinated Review Team (CCRT). A small subset of SVSH Core Team (representatives from OPHD, PATH to Care Center, Center for Student Conduct, Family Violence Law Center, and UCPD) attended a series of OVW-led Technical Training Institutes to inform a strategic planning process with a focus on training, identifying service and programmatic needs, program development and implementation, and effectiveness of programs and services. Two professional OVW Technical Assistance providers visited the campus in October 2018 to advise CCRT and SVSH Core Team.

The OVW Campus Program Coordinator serves the important function of staffing CCRT (see section 6.2) and SVSH Core Team (section 6.3), and supporting the four CCRT working groups (section 6.4).

### **5.2. Turnover in SVSH offices**

2018-19 was a year of significant turnover for a number of campus units which support SVSH prevention and response efforts, with many units doing searches to replace employees who left, and in some cases adding new positions. Units that were particularly affected were the Office for the Prevention of Harassment and Discrimination, Human Resources, the PATH to Care Center, Social Services, the Center for Student Conduct, and the Center for Support and Intervention.

Relatively rapid turnover is becoming more common in the kind of hard work that this report illuminates. Those highly trained and dedicated professionals who support survivors, counsel the accused, and conduct investigations and adjudications are at constant risk of burnout due to increasingly high workloads, complex processes, intensified, adversarial scrutiny and litigation, and vicarious trauma<sup>7</sup>. Frequent staffing changes increase the workload during transition times and require significant time investment in onboarding new staff and ensuring institutional memory.

<sup>7</sup>For more on these adverse effects on Title IX professionals, see Brown, Sarah. (2019). Life in the Title IX Pressure Cooker. The Chronicle of Higher Education

6.0

*Current context:  
understanding the  
complex mosaic of  
campus expertise  
and resources*

Preventing and responding to SVSH is a general responsibility shared by every member of the campus community. Engaging the community, shifting the culture, supporting survivors, and holding those who do harm accountable is also the specific work of a large network of independent groups, offices, and initiatives. This section takes the reader through this landscape. Section 6.1 begins with senior administration and the SVSH Advisor position. Sections 6.2-6.4 cover key campus committees which help coordinate the network of units working on SVSH prevention and response efforts: CCRT (section 6.2), SVSH Core Team (section 6.3), and four CCRT working groups (section 6.4). Section 6.5 reviews those campus centers which, either as their core mission or as part of a more general portfolio, offer direct service support to survivors, respondents, or others affected by SVSH; those offices focusing on formal SVSH reporting and response; and those centers whose work contributes to overall SVSH prevention. Section 6.6 focuses on student groups dedicated to sexual violence prevention. Lastly, two important off-campus community partners are described in section 6.7.

Though this section is long, and the list of those units covered may seem comprehensive, the review is inevitably incomplete. Grateful acknowledgements are due to those who work behind the scenes or who may otherwise inadvertently have been left out.

### **6.1. SVSH Advisor's office**

Berkeley is unique among the UC campuses in dedicating a cabinet-level senior administrative position - the Special Faculty Advisor to the Chancellor on Sexual Violence/Sexual Harassment ("SVSH Advisor") - to coordinate the range of SVSH resources on campus and serve as a liaison between the Chancellor's office and the rest of the campus community. Chancellor Carol Christ made the inaugural SVSH Advisor appointment in 2017. In 2018-19 the SVSH Advisor role was filled by Sharon Inkelas, working with special projects analyst Ava Blustein. The SVSH Advisor consults with academic departments; co-chairs CCRT; advises the Peer Review Committee; and helps elevate the importance of SVSH prevention and response on campus. The SVSH Advisor office also carries out special projects like revamping the SVSH hub website ([svsh.berkeley.edu](http://svsh.berkeley.edu)) and produces this Annual Report on SVSH. The SVSH Advisor represents Berkeley nationally in efforts like the American Association of Universities advisory board and the National Academies of Sciences, Engineering and Medicine Action Collaborative.

### **6.2. Coordinated Community Review Team (CCRT)**

Appointed by the Chancellor, the Coordinated Community Review Team (CCRT) provides advice and guidance to campus leadership on issues related to the prevention of and response to sexual and interpersonal violence and harassment. Given the large and decentralized nature of Berkeley's urban campus, CCRT is critical to a coordinated prevention and response effort. CCRT was formed in 2016, replacing a previous campus-wide SVSH advisory committee.

CCRT meets quarterly. Members of CCRT volunteer on various working groups (see section 6.4.) CCRT is co-chaired by the SVSH Advisor and the Deputy Associate Chancellor. The committee comprises a diverse collective of campus and community practitioners and stakeholders, including the following units:

Units represented on CCRT	
Academic Personnel Office	Family Violence Law Center (FVLC)
Academic Senate	Gender Equity Resource Center (GenEq)
Alameda County District Attorney's Office	Government and Community Relations
Alameda County Family Justice Center	Graduate Division
ASUC Intimate Partner Violence Commission	Greeks Against Sexual Assault (GASA)
ASUC Office of the President	Human Resources (HR)
ASUC Sexual Violence Commission (SVC)	New Student Services
Athletics	Office for the Prevention of Harassment and Discrimination (OPHD)
Bay Area Women Against Rape (BAWAR)	Ombuds Office for Students and Postdoctoral Appointees
Be Well at Work/ Employee Assistance	PATH to Care Center (PTC)
Berkeley Student Cooperative (BSC)	Residential Life
Berkeley Police Department (BPD)	Respondent Services Coordinators
Campus Clery Coordinator	Restorative Justice Center
Campus Counsel	Special Faculty Advisor to the Chancellor on SVSH (SVSH Advisor)
Center for Support and Intervention (CSI)	Staff Ombuds Office
Center for Student Conduct (CSC)	Summer Sessions
Communications and Public Affairs	UC Police Department
Dean of Students	University Health Services (UHS)
Deputy Associate Chancellor and Chief Operating Officer	

**Table 1: CCRT Roster**

### 6.3. SVSH Core Team

The SVSH Core Team, formerly called “Title IX Working Group,” is a smaller, more tactical group of key campus partners whose focus is on continuous improvement of strategic communications, information sharing, and best practices. The group meets twice a month throughout the year. The SVSH Core Team is currently chaired by the SVSH Advisor. Most of its members also serve on CCRT.

SVSH Core Team Roster	
Campus Counsel	Gender Equity Resource Center (GenEq)
Campus Clery Coordinator	Human Resources (HR)
Center for Student Conduct (CSC)	HR Labor and Employee Relations
Center for Support and Intervention (CSI)	Office for the Prevention of Harassment and Discrimination (OPHD)
Chief Ethics, Risk, and Compliance Officer (CERCO)	PATH to Care Center (PTC)
Communications & Public Affairs	Residential Life
Deputy Associate Chancellor and Chief Operating Officer	Special Faculty Advisor to the Chancellor SVSH (SVSH Advisor)
Dean of Students	UC Police Department
Family Violence Law Center (FVLC)	University Health Services (UHS)

**Table 2: SVSH Core Team Roster**

### CCRT Working Groups

**6.4.** This year, with the support of the Office on Violence Against Women (OVW) grant (see section 5.1), CCRT convened four working groups, each co-chaired by topic-area stakeholder members of the CCRT. The following section describes each working group and the products each created. All working groups from 2018-19 will be continuing their work in Fall 2019.

#### Education and Prevention CCRT Working Group

**6.4.1.** The Education and Prevention CCRT Working Group established and refined a set of guiding principles and pillars for assessing and developing prevention and education content:

- Relevance to: undergraduates; graduate students; non-traditional students; staff; service workers; faculty
- Cultural competence and inclusivity
- Accessibility
- Message consistency
- Believability
- Ease of navigation
- Trauma-informed approach
- Evaluation method
- Perceived learning outcome(s)

In 2018-19, the Education and Prevention Working Group used these pillars to evaluate and provide feedback on a number of educational materials, including:

- Bear Pact (part of Golden Bear Orientation for new undergraduate students)
- “Foundations of Consent” and “Power, Privilege, and Consent” workshops (at the Berkeley Student Cooperative)
- Sexual Harassment and Bystander Intervention workshop (led by PATH to Care Center Peer Educators)

### Resource Review and Development Working Group

**6.4.2.** The Resource Review and Development Working Group assessed and created resource guides in order to illuminate the services available to various campus populations, make navigation of resources easier, and increase access to support. In the 2018-19 academic year, the Working Group worked to transform the existing “Where to Get Support” resource guide into a set of customized guides, each tailored toward specific populations (for example, by employment status or affinity group.) The first such “Quick Guide” to be completed focused on undergraduates, and will be distributed at new student orientation in Fall 2019. In the future, the Resource Review and Development group will continue to bring together various stakeholders across the community to design, customize, and distribute resource guides. The aim of this working group aligns with the MyVoice Survey action steps of Empowering Friends and Raising Awareness About Resources (see section 12.2).

### Restorative Justice and Transformative Justice Working Group

**6.4.3.** The Restorative Justice and Transformative Justice Working Group worked throughout Spring 2019 to develop a shared understanding of Restorative Justice (RJ) and Transformative Justice (TJ) practices that could inform campus prevention and response efforts. The group articulated the values and principles of RT/TJ and identified potential benefits, complexities and challenges that exist at the intersection of RJ/TJ and current university responses to SVSH. The RJ/TJ working group will be continuing in 2019-20.

This exploration is a result of popular interest in the campus community about alternative remediation, as well as recommendations in the National Academies of Sciences Consensus Report and the first annual report on SVSH.

### Website Audit Working Group

**6.4.4.** The Website Audit Working Group focused on improving the quality of online information about the University’s SVSH prevention and response efforts. In the 2018-19 academic year, the group conducted an extensive audit of all web pages associated with UC Berkeley that contained information about SVSH, concentrating on the following dimensions:

- Accuracy and breadth of information
- Trauma-informed content and layout
- Ease of navigation
- Consistency of branding, theme, and appearance
- Inclusivity and cultural competence
- Accessibility

The results of the audit indicated a need for updated information that is consistent in content and appearance across the web, as well as a centralized hub to simplify navigating the vast network of resources on campus. With that aim, the group brought together various stakeholders to create a “hub” website ([svsh.berkeley.edu](http://svsh.berkeley.edu)) that maps out all information and resources about SVSH response and prevention efforts at UC Berkeley. (The site went live in August 2019.) In 2019-20, the Website Audit Working Group plans to create guidance for updating SVSH content on Berkeley-affiliated websites and engage key departments to help align the content and presentation of their online material.

### Campus Units

**6.5.** The campus and broader community contain a large number of units whose work relates to SVSH prevention and response. Most of these are represented on the Coordinated Community Review Team (CCRT). This section describes these units, including their work related to CCRT and updates from the last year.

Some but not all of these units bear the designation of “Confidential Resource.” This term, like the term “Responsible Employee,” is defined with respect to the UC SVSH Policy. A Confidential Resource is exempt from Responsible Employee reporting requirements, meaning that they are not obligated to share information about SVSH incidents with OPHD. (On Responsible Employee reporting requirements, see section 9.2.1). The term “confidential” is sometimes used in other contexts, but should not be confused with the more specific term “Confidential Resource.”

Section 6.5 begins with the PATH to Care Center and several other Confidential Resources, followed by key offices, such as the Office for Prevention of Harassment and Discrimination (OPHD), to which SVSH incidents can be formally reported. Also covered in this section are the Gender Equity Resource Center (GenEq) and many other centers which support members of the campus community in a variety of important ways.

## PATH to Care Center (Confidential Resource)

**6.5.1.** Every University of California campus has a confidential CARE center. At Berkeley, this is the PATH to Care Center (PTC). ([care.berkeley.edu](http://care.berkeley.edu)). PATH is an acronym which stands for prevention, advocacy, training, and healing.

PATH to Care Center employees are designated as Confidential Resources under the UC SVSH Policy. In addition, PTC employees complete state certification in sexual assault and domestic violence counseling, making communications with survivors of those forms of harm privileged under the law.

Through CCRT, SVSH Core Team, and its many collaborations with academic and other units on campus, the PATH to Care Center engages the campus community in efforts to prevent, intervene, and respond to harassment and violence. The PATH to Care Center approaches this work through social justice and public health lenses, with the aim of changing culture and transforming the Berkeley campus into a community free of violence.

PATH to Care has grown considerably since its inception in 2014, when it had one employee. As of the end of the 2018-19 academic year, PATH to Care had eleven full time professional staff and numerous student employees.

The services of the PATH to Care Center are available equally to students, staff and faculty. The PATH to Care Center has two essential functions: survivor support and primary prevention.

## Survivor Support team

**6.5.1.1.** The highly trained, confidential advocates on the Survivor Support team provide 24/7 crisis response and coordination and ongoing affirming, confidential support and healing opportunities for those who have experienced sexual violence, sexual harassment, intimate partner violence, and stalking. (See section 8 for more discussion of campus survivor support services; utilization data is presented in section 10.) The PATH to Care Center's Survivor Support team grew in 2018-19 with the addition of one full-time professional confidential advocate position and two part-time advocates. PATH to Care Center advocates also offer consultations, assistance with protocol development, and 'first-line responder' training to other campus and community partners. These consults and trainings equip all, including those most likely to receive disclosures, with the tools to make survivors feel heard and supported, connect survivors to the appropriate resources, and fulfill their own Responsible Employee reporting obligations. In 2017, the PATH to Care Center hired their first Masters of Social Welfare Intern onto the Survivor Support team. Since then, PATH to Care has expanded their internship programs. In 2018-19 the team added an undergraduate student Healing Services Intern, focused on coordinating healing services.

In 2018-19, PATH to Care's Survivor Support team provided advocacy for 365 individual clients affected by SVSH. There was a 41% increase in advocacy service hours in Fall 2018 over Fall 2017.

### Prevention team

**6.5.1.2.** On the prevention side, a team of professional staff lead the campus efforts in primary prevention (see section 7). The PATH to Care Center’s Prevention team grew in 2018-19 with the addition of a Prevention Manager for Staff and Faculty Programs. This position is new to the unit and one of the first of its kind in the field of campus violence prevention.

Students play an important role in PATH to Care’s prevention efforts. A robust program of undergraduate peer educators, trained through PATH to Care, deliver numerous prevention workshops on campus. PATH to Care’s “train the trainer” graduate student program promotes prevention and a culture of respect among the graduate and professional student community, offering a local alternative to the SVSH prevention education that incoming graduate students otherwise receive in large groups upon arrival on campus.

### PATH to Care Center Student Advisory Board

**6.5.1.3.** The PATH to Care Center’s Student Advisory Board is responsible for keeping the Center apprised of current trends, opportunities, concerns and ideas among graduate and undergraduate student populations. Board members are key advisors and utilize their life experience, alongside insights from peers and community, to inform the work of the PATH to Care Center. Board members are appointed from key student groups engaged in the activism and prevention of sexual violence and harassment, intimate partner violence, and stalking.

### Be Well at Work/Employee Assistance (Confidential Resource)

**6.5.2.** Be Well at Work - Employee Assistance ([uhs.berkeley.edu/bewellatwork](https://uhs.berkeley.edu/bewellatwork)) is a counseling unit within University Health Services which provides confidential counseling and referrals for UC Berkeley faculty and staff. The focus of Employee Assistance includes, but is not limited to, mental illness, chemical dependency, interpersonal problems, employee deaths, threats of violence, work stress, and change management. While Employee Assistance does not specialize in the trauma of sexual violence, they are a Confidential Resource and can offer counseling or guidance to faculty and staff, as well as consultation services for managers who are dealing with the effects of an SVSH-related situation in the workplace.

### Social Services (Confidential Resource)

**6.5.3.** Social Services ([uhs.berkeley.edu/socialservices](https://uhs.berkeley.edu/socialservices)) is a Confidential Resource within University Health Services that serves students. Social Services staff are professionally trained counselors who specialize in certain areas relevant to SVSH, including relationship violence and stalking, sexual violence, sexual health, and transgender identity. In addition to working with survivors, counselors provide support and psycho-education to students who have caused harm and are interested in working towards positive behavioral change. Counselors may also, with student consent, help facilitate arrangements with academic departments and assist with referrals to campus offices and the community. Social Services hosts support groups on varying topics each semester.

### Ombuds Offices (Confidential Resources)

**6.5.4.** Through two offices, UC Berkeley provides professional ombuds services to students, postdoctoral appointees, staff, and those faculty who are performing management functions. These offices qualify as Confidential Resources.

#### Ombuds Office for Students and Postdoctoral Appointees

**6.5.4.1.** The Ombuds Office for Students and Postdoctoral Appointees ([sa.berkeley.edu/ombuds](https://sa.berkeley.edu/ombuds)) is a confidential resource for both survivors and respondents that can be a useful first step or place of ongoing assistance. The Ombudsperson will listen to concerns, discuss options, and help empower visitors with information to determine next steps. This office is not dedicated to SVSH in particular, but is a place where visitors can speak freely about incidents without resulting in further action. This office can also connect visitors with PATH to Care, Social Services, OPHD, or any other helpful resource as appropriate.

#### Staff Ombuds Office

**6.5.4.2.** The Staff Ombuds Office ([staffombuds.berkeley.edu](https://staffombuds.berkeley.edu)) is an independent department that provides strictly confidential, impartial and informal conflict resolution and problem-solving services for all staff as well as for faculty who perform management functions. The Staff Ombuds Office provides a safe place for individuals to voice and clarify concerns, understand conflict situations, and think through how they want to proceed at their own pace. The majority of cases the Staff Ombuds Office worked with staff to resolve in fiscal year 2018-19 involved cases of incivility. According to the 2016 EEOC Special Task Force on the Study of Harassment in the Workplace, “incivility is often an antecedent to workplace harassment.” While the Staff Ombuds office is not dedicated to SVSH in particular, it connects survivors with PATH to Care, Employee Assistance, or OPHD as appropriate and ensures that individuals know about all available campus resources.

## The Gender Equity Resource Center

**6.5.5.** The Gender Equity Resource Center (“GenEq”) ([geneq.berkeley.edu](http://geneq.berkeley.edu)) is committed to fostering an inclusive experience for all. At GenEq, students, faculty, staff and alumni connect for resources, services, education and leadership programs related to gender and sexuality. GenEq has staff and student workers. Its programs focus on those who identify as men, women, lesbian, gay, bisexual, transgender, and/or queer; it provides a space for respectful dialogue about sexuality and gender, and advocates on behalf of survivors of sexual, gendered, dating, and hate-related harassment and/or violence. Prior to the establishment of PATH to Care, GenEq led many aspects of SVSH prevention programming, and still contributes to prevention efforts in many ways.

## Office for the Prevention of Harassment and Discrimination (OPHD)

**6.5.6.** The Office for the Prevention of Harassment and Discrimination (OPHD) ([ophd.berkeley.edu](http://ophd.berkeley.edu)) is directed by the campus Title IX Officer. OPHD is charged with overseeing campus compliance with policies that prohibit discrimination and harassment on the basis of sex, gender identity, sexual orientation and pregnancy for faculty, staff, students, applicants and visitors. OPHD also oversees compliance with institutional obligations under Title IX, the Violence Against Women Act, the Clery Act, other federal and state laws, and the UC SVSH Policy. OPHD advises campus leadership and the Athletic Director on compliance with Title IX-related gender equity requirements for athletics activities. OPHD also oversees compliance with conflict of interest policies and other nondiscrimination policies and legal requirements related to other protected categories, e.g., race, national origin, religion, etc., for faculty, academic staff, and students (Human Resources handles the equivalent matters for non-academic staff). OPHD provides consultation and training to campus and community partners on general policy guidance, best practices, and the Responsible Employee reporting obligation.

Given its compliance mandate, OPHD is an office of record. Allegations of sexual violence, sexual harassment, and other conduct prohibited under the UC SVSH Policy may (and in some cases must) be reported to OPHD, where highly trained complaint resolution officers conduct initial assessment, informal resolution, or formal investigation of sexual harassment, sexual violence, or other gender discrimination complaints. The outcomes of these processes can feed into the campus disciplinary (adjudication) process; that process is driven by other policies, and administered by other offices. More detail is provided in section 11.

## Case Management Team

**6.5.6.1.** OPHD oversees the campus team-based case management approach to cases of alleged conduct prohibited under the UC SVSH Policy, with the aim of providing a coordinated, trauma-informed, and effective response. There are separate case management teams (CMTs) for student respondent, staff respondent, and faculty and academic personnel respondent cases. Each CMT includes representatives of key response and support offices on campus to coordinate on specific reports of sexual misconduct and to review trends, identify areas of concern for the campus population, and initiate necessary actions to address those areas of concern.

## Center for Student Conduct

**6.5.7.** The Center for Student Conduct (CSC) ([sa.berkeley.edu/conduct](https://sa.berkeley.edu/conduct)) contributes to the holistic development of students by administering the Code of Student Conduct through equitable practices that promote education, foster a sense of accountability, and encourage community responsibility and mutual respect. CSC administers the Code of Student Conduct, and oversees the process which determines if a student or student organization engaged in behavior that violates the Code of Student Conduct. For alleged SVSH misconduct involving student respondents, OPHD and CSC coordinate their activities. More detail about the student conduct process in SVSH cases can be found in section 11.2.1.

## University of California Police Department (UCPD)

**6.5.8.** The University of California Police Department (UCPD) ([ucpd.berkeley.edu](https://ucpd.berkeley.edu)) is the law enforcement agency with jurisdiction over the Berkeley campus. UCPD coordinates with, but is separate from, the City of Berkeley Police Department (BPD). In collaboration with University and community partners, UCPD strives to provide the highest level of service to all those who attend, are employed by, or visit the Berkeley campus. UCPD addresses immediate and ongoing public safety concerns, investigates crime, and assists victims/survivors who choose to pursue criminal justice outcomes.

UCPD works closely with others involved in SVSH prevention and response efforts by participating in campus and community groups (e.g., CMT, CCRT, Title IX core group); by coordinating efforts and sharing information within the limits of legal and policy mandates; and by participating in and providing input for the content and delivery of prevention programs. These partners also contribute to the development of trauma-informed training and policies to help UCPD best serve those who have experienced harm in the community.

Members of the campus community have the option to report incidents of sexual violence to law enforcement (whether UCPD, BPD, or another police department), or to the campus Title IX office (OPHD), or both. UCPD is able to document any reported SVSH incident and investigate crimes that occurred in its jurisdiction, but only OPHD is able to investigate campus SVSH policy violations (including those that might have occurred at the same time as any crimes). UCPD investigators coordinate closely with OPHD in cases where SVSH allegations are concurrently being investigated under criminal and administrative procedures.

## Clery Coordinator

**6.5.8.1.** Universities are required by Federal law (the “Clery Act”) to provide an annual summary of incidents of sexual violence that are reported to campus security authorities, including law enforcement. A full accounting of sexual violence and other Clery-reportable incidents can be found in the Annual Security and Fire Safety Report, which provides data for the three previous calendar years.<sup>8</sup> In 2019 the campus hired a new campus Clery coordinator, whose appointment began after the time period covered in this report. More information about the work of the coordinator will be provided in the 2020 Annual Report.

## Center for Support and Intervention

**6.5.9.** The Center for Support and Intervention (CSI) in the Division of Student Affairs addresses prevention and intervention for harm and violence on campus and provides support to students experiencing or causing distress in the campus community. CSI's violence prevention work is directed by a Violence Prevention Coordinator (section 6.5.9.1) and includes the Bears that CARE program (section 6.5.9.2). CSI's support functions include case management; limited risk assessment; consultation; collaboration; and intervention with, and for, students, faculty, staff, and other campus and community colleagues in order to prevent students and the campus community from experiencing harm and violence. CSI also runs the Students of Concern Committee (6.5.9.3) and Student Respondent Services (6.5.9.4).

## Violence Prevention Coordinator

**6.5.9.1.** The Violence Prevention and Education Program Coordinator organizes campus-wide violence and harm prevention programs, implementing new initiatives in partnership with campus stakeholders to promote a culture of care. The Coordinator oversees the Bears that CARE program, which supports active bystander culture to encourage members of the campus community to "TAKE ACTION" in a situation that could be potentially harmful to another person. The Coordinator also chairs the Violence Prevention Collaborative, a cross-divisional team of professionals and students dedicated to reducing violence and harm in the campus community. They work to create a campaign or product on an annual basis that contributes to prevention efforts. Past campaigns include a workshop on racial microaggressions and asset mapping to create a comprehensive list of resources. Though the Violence Prevention Coordinator does not work exclusively on sexual violence, these issues are included within the range of violence and harm experienced by students, and thus are significant elements of the work.

## Bears that CARE

**6.5.9.2.** The Bears that CARE ([sa.berkeley.edu/csi/btc](http://sa.berkeley.edu/csi/btc)) program educates and empowers the campus community to recognize potential harm as it occurs and intervene safely and effectively. Bears that CARE offers two distinct sexual violence prevention workshops focused on bystander intervention, as well as a selection of other workshops related to bystander intervention that can be customized for any specific needs or issues. Bears that CARE has a trained student staff team as well as a university staff facilitator team and provides workshops for undergraduate students, graduate students, staff and faculty.

<sup>8</sup>UC Berkeley. (2019). Berkeley 2019 Annual Security and Fire Safety Report. Retrieved from [ucpd.berkeley.edu/sites/default/files/2019\\_uc\\_berkeley\\_asfsr.pdf](http://ucpd.berkeley.edu/sites/default/files/2019_uc_berkeley_asfsr.pdf)

### Students of Concern Committee

**6.5.9.3.** The Students of Concern Committee ([sa.berkeley.edu/csi/socc](http://sa.berkeley.edu/csi/socc)) provides a centralized place for campus departments to communicate relevant information, coordinate institutional response, and consult about students of concern. Students are referred to the Center for Support and Intervention when they exhibit behaviors that are of concern in relation to their personal, physical, and emotional well-being; select cases are then brought to the Students of Concern Committee, which can use the NABITA assessment rubric (National Behavioral Intervention Team Association; [nabita.org](http://nabita.org)) to assess current risk to self or others. The Students of Concern Committee is not dedicated to SVSH in particular, but SVSH is included in the broad range of situations that it covers.

### Respondent Services Coordinator for students

**6.5.9.4.** The Respondent Services Coordinator for students assists student respondents - those about whom complaints of SVSH misconduct have been reported to OPHD - in understanding the investigation and adjudication process, and their rights. The Respondent Services Coordinator is not an advocate, nor a Confidential Resource. They can point respondents to resources on or off-campus.

### Human Resources and Labor Relations

**6.5.10.** Central Human Resources (HR) provides work-related resources to all employees, with a focus on non-academic staff. Various units within HR provide general guidance related to employee relations, labor relations, and offer resources for coaching managers and ensuring a healthy workplace.

When a staff member is a respondent in an SVSH case, HR plays a role in the adjudication process (see section 11.2), and offers respondent services for staff (section 6.5.10.1).

### Staff Respondent Services Coordinator

**6.5.10.1.** The Staff Respondent Services Coordinator ([hr.berkeley.edu/conflict-resolution/sexual-harassment/svsh-respondent-services](http://hr.berkeley.edu/conflict-resolution/sexual-harassment/svsh-respondent-services)) assists staff respondents - those about whom complaints of SVSH misconduct have been reported to OPHD - in understanding the investigation and adjudication process, and their rights. The Respondent Services Coordinator is not an advocate, nor a Confidential Resource. The Coordinator can point respondents to resources on or off-campus. **Staff respondent services worked with 5 respondent service requests in 2018-19.**

### Academic Personnel Office

**6.5.11.** The Academic Personnel Office (APO) provides work-related resources to faculty and academic staff at Berkeley, and ensures that academic appointees are aware of their rights and obligations. APO plays a role in the adjudication of certain disciplinary cases (see section 11.2). APO is the future home of Faculty Respondent Services. This function was still under development during the 2018-19 academic year.

## The Student Advocate's Office (SAO)

**6.5.12.** The Student Advocate's Office (SAO) ([advocate.berkeley.edu](https://advocate.berkeley.edu)) - effectively a public defender for students - is an executive, nonpartisan office of the Associated Students of the University of California (ASUC). The SAO offers free and confidential assistance and advice to any student or student group with issues related to academics, conduct, financial aid, and other grievances. The Conduct Division works with student respondents in SVSH cases, and the Grievance Division works with student complainants/survivors. Last year, **these divisions supported 24 individuals (15 respondents, 9 complainants/survivors)** with SVSH-related cases. Prior to serving, the 10 caseworkers handling SVSH matters in the SAO are extensively trained by their internal leadership team and senior case workers, as well as by experts within PATH to Care, the Ombuds Office for Students and Postdoctoral Appointees, the Center for Student Conduct, and University Health Services.

Because SAO caseworkers are not employed, in that capacity, by UC Berkeley, they are not considered Responsible Employees in their SAO work (see section 9.2.1).

## LEAD Center

**6.5.13.** The Leadership, Engagement, Advising, and Development (LEAD) Center, an office within Student Affairs, is UC Berkeley's hub for student involvement. The LEAD Center provides administrative, advising, and programmatic support to various student communities, including approximately 1,100 registered and sponsored student organizations (RSOs), 65+ recognized fraternities and sororities (the Greek system), undergraduate and graduate student government (the ASUC and Graduate Assembly), and many other student groups and activities.

The LEAD Center participates in the CCRT as a partner in SVSH prevention and response in order to support the cultivation of a healthy campus community.

## Engaged Student Groups

**6.6.** UC Berkeley is known historically and globally for student activists who work tirelessly to better the community. Student groups and activists have been integral to holding the university accountable for making improvements to SVSH policies and resources.

This section features several formalized student-only organizations which are focused on cultivating a safe learning and living environment. These are in addition to the students who work out of offices already mentioned above, including PATH to Care Peer Educators, the Bears that Care program within the Center for Support and Intervention, and others.

The list is necessarily incomplete, leaving out many individuals and informal groups who have fought for equality and recognition through their own cases or within their own communities. For more information about finding such groups, visit [svsh.berkeley.edu/home/ways-get-involved](https://svsh.berkeley.edu/home/ways-get-involved).

### ASUC Sexual Violence Commission

**6.6.1.** The Sexual Violence Commission (SVC) ([callink.berkeley.edu/organization/asucsexualassaultcommission](http://callink.berkeley.edu/organization/asucsexualassaultcommission)) of the ASUC is comprised of individuals who are committed to holding the university accountable for transforming university sexual assault policies and resources; improving, expanding, and publicizing services and resources for survivors; improving educational awareness and consciousness-raising among students; and otherwise fostering a culture of consent on campus and in the community to ensure student safety and to create a more inclusive campus climate. The SVC uses a cross campus approach to ensure all such efforts are intersectional, welcoming, and considerate to all who have been impacted by sexual violence and harassment. In the 2018-2019 academic year, the **SVC engaged with 200 students.**

In April of 2019 the SVC reinstated its annual conference in honor of Sexual Assault Awareness Month. The conference highlighted the themes of allyship, ASUC accountability, and holistic well-being.

### ASUC Intimate Partner Violence Commission

**6.6.2.** The Intimate Partner Violence (IPV) Commission of the ASUC is dedicated to supporting students who have experienced intimate partner violence. The IPV Commission provides on-campus resources and engages in community outreach and advocacy work, including workshops, educational events, referrals to local agencies and campus resources, peer-to-peer support groups and a high school dating violence prevention program. The commission takes an intersectional approach to IPV and addresses it as a public health issue by focusing their outreach towards those communities disproportionately affected by abuse. Through education and advocacy, the IPV Commission hopes to actively support survivors and change the normalized culture of violence.

In 2018-19, the **IPV Commission educated 2,500 students** in the Bay Area community, mostly high school students. The IPV Commission also collaborated with the Alameda County Family Justice Center to provide workshops for community members affected by intimate partner violence.

### Greeks Against Sexual Assault (GASA)

**6.6.3.** Greeks Against Sexual Assault (GASA) is a group of representatives from fraternities and sororities whose mission is to spread awareness and provide accessible prevention resources surrounding issues of sexual violence to the four councils of the Greek System. GASA strives to garner community and coalition building against sexual violence and destigmatize the circumstances on reporting assaults. Presentations by GASA, often coordinated with PATH to Care, are one of the ways in which fraternities and sororities meet their goals of regular prevention education (see section 7.1.6).

### Consent Working Group

**6.6.4.** The Consent Working Group (CWG) is a cohort of Berkeley Student Cooperative (BSC)([bsc.coop](http://bsc.coop)) members established to create and implement consent education for the BSC's 20 residential units. CWG workshops cover the main tenets of consent, employing innovative forms of consent education that discuss underlying causes of consent violations. Some examples of these topics include consent within ongoing relationships; consent in LGBTQIIA+ relationships; and the effects of hypersexualization, gender performance and other power structures on consent and on survivors. In 2018-19 (including Summer 2018, Fall 2018 and Spring 2019), the CWG educated approximately **1,200 students over the course of 103 workshops**.

### Community partners

**6.7.** UC Berkeley's rich network of campus partners is enriched by its connections with community partners. This section highlights two with whom connections have been particularly strong.

### Bay Area Women Against Rape (BAWAR)

**6.7.1.** Bay Area Women Against Rape (BAWAR)([bawar.org](http://bawar.org)) is a sexual violence crisis center serving Alameda County through a variety of crisis intervention, training, and prevention programs. BAWAR offers 24/7 support and advocacy to survivors of sexual violence of all gender identities and backgrounds, supplementing and providing an alternative to the advocacy and survivor support services offered to UC Berkeley affiliates by PATH to Care. In 2018-19, BAWAR served as PATH to Care's after-hours partner on the 24/7 Care Line (see section 8.1). BAWAR's close partnership with the campus is reflected in its membership in CCRT.

### Family Violence Law Center

**6.7.2.** The Family Violence Law Center (FVLC)([fvlc.org](http://fvlc.org)) helps diverse communities in Alameda County heal from domestic violence and sexual assault, advocating for justice and healthy relationships. FVLC provides survivor-centered legal and crisis intervention services, offers prevention education for youth and other community members, and engages in policy work to create systemic change. FVLC frequently works with survivors of domestic violence, dating violence, sexual assault, and stalking who are part of the UC Berkeley community. FVLC's close partnership with the campus is reflected in its membership in CCRT.

# 7.0

## *Prevention*

Led by the PATH to Care Center but a product of the collaborative work of many, the Berkeley campus has adopted a comprehensive SVSH primary prevention strategy based on the social ecological model, recommended as an evidence-based best practice in the public health domain. This model identifies individual, relational, community, institutional, and structural levels at which work can take place; accordingly, campus prevention efforts range from individual education and peer-to-peer outreach to social norms campaigns, shifts in policy, and widespread culture change. The specific aims of the prevention work are:

- preventing sexual harassment, dating and domestic violence, sexual assault, and stalking;
- increasing awareness of rights, campus and community resources, and reporting processes;
- developing bystander intervention skills and uplifting positive social norms

Some training is mandatory, as discussed in section 7.1. But UC Berkeley goes beyond state and UC mandated training requirements; PATH to Care and many other organizations dedicate time to educating the campus community in bystander intervention, positive social norms, and support for survivors; these efforts are discussed in section 7.2.

All in all, over 20,000 people on campus received in-person prevention training in 2018-19, and many more were exposed to prevention messaging through banners, flyers, campus communications, and social media.

### **7.1. Mandatory trainings**

Mandatory training for students, staff and faculty complies with state, federal and UC requirements. Compliance with these requirements is overseen by the Title IX Officer. The trainings are carried out by a number of systemwide and campus offices. Mandatory training varies by population, as described below.

#### **7.1.1. Incoming undergraduate student education**

New student prevention is arranged using a three-stage model to engage incoming members of the Berkeley community:

**Letter.** Before coming to campus, all students receive a letter from the Vice Chancellor of Student Affairs emphasizing expectations and community standards; campus and community resources; training requirements, and institutional and policies.

**Online.** Students are also expected to complete a 90-minute online education module prior to joining the campus, which addresses several concepts including bystander intervention.

**In-person.** Upon arrival on campus, students attend one of several in-person, theater-based education followed by small group discussion guided by orientation leaders. Prevention sessions utilize a variety of teaching methods to accommodate varied learning styles and to ensure content is trauma-informed. After an initial performance, students participate in small group discussions led by their orientation leader. Students satisfy these requirements in order to sign up for Spring classes.

**98% of students completed the Bear Pact requirement (9,002 total) for Fall 2018 & Spring 2019 Golden Bear Orientation.**

### **7.1.2. New graduate and professional student training**

Prevention education for new graduate and professional students is also structured on a three-stage model, administered in collaboration between the PATH to Care Center, Graduate Division, and the Office for the Prevention of Harassment and Discrimination. All students who begin a graduate or professional degree program after Fall 2015 are responsible for completing these requirements.

**Letter.** Before arrival, all incoming graduate students receive a letter from the Vice Provost for Graduate Studies emphasizing expectations and community standards; campus and community resources; and institutional policies.

**Online.** Pre-arrival, incoming graduate students take an online course, “Sexual Assault Prevention for Graduate Students,” developed for the UC system by Everfi. **In 2018-19, approximately 4,850 graduate and professional students took the online training.**

**In-person.** All new graduate students, excluding students in online programs, also participate in an in-person prevention training program developed by the PATH to Care Center and OPHD. All incoming students had the opportunity to take these sessions during New Graduate Student Orientation, hosted by the Graduate Division. Select departments and schools also opted to incorporate the in-person prevention training into their department orientations by taking advantage of PATH to Care’s “train the trainer” program.

In 2018-19, **15 departments** opted in to deliver the prevention education within their local orientation, led by **46 facilitators trained by the PATH to Care Center.** In 2018-19, approximately **4,100 graduate and professional students participated in the in-person training.**

### **7.1.3. New graduate student instructors**

Graduate student instructors (GSIs) support faculty instructors as teaching assistants or, under specific conditions, may teach courses on their own. New GSIs receive additional training in the form of a Teaching Conference sponsored by the GSI Teaching and Resource Center and the online course “Professional Standards and Ethics for GSIs,” which has a module on “Creating an Educational Environment Free of Sexual Harassment.” (Similar training is in place for undergraduates who serve as teaching assistants to certain faculty-led courses.)

### **7.1.4. Faculty and staff**

California law (AB1825 and AB2053) and the UC SVSH Policy require that all faculty and staff employees complete annual prevention education training, starting within the first 90 days of employment. For non-represented staff, this requirement is enforced via the withholding of merit increases for those out of compliance. The majority of employees complete their training via an online module. Currently, UC Berkeley utilizes EverFi’s “Think About It” modules for both students and non-supervisory staff. For faculty and supervisory staff, modules alternate by year. A 2-hour course is required every other year, and a shorter supplemental course is offered in the off years. The 2-hour course is provided by UCOP; the supplemental course is designed locally and features Berkeley-specific content. Multipronged efforts, including personal reminders, logistical assistance, and in-personal training alternatives are in effect to increase participation in required training. As a result of these initiatives, compliance rates are rising.

In July 2018, the completion percentage for assigned SVSH trainings was 83% for all (non-student) employees, and 74% for Senate faculty. By June, 2019, compliance figures had risen to 85% for all (non-student) employees and 81% for Senate faculty.

### **7.1.5. Intercollegiate Athletics**

All student-athletes, coaches, and Intercollegiate Athletics staff are required by NCAA and the California State Auditor to receive annual education on sexual violence prevention, intervention and response. In 2018-19, Intercollegiate Athletics (IA) partnered with PATH to Care and OPHD to satisfy the requirements through tailored, in-person training specific to IA. Training content was designed by PATH to Care and approved by the campus Title IX Officer. All new student athletes are also trained in the Bears that CARE bystander intervention program (section 6.5.9.2) In addition to the required sessions, the PATH to Care Prevention team worked with select men's teams to pilot the Coaching Boys into Men curriculum, developed by Futures Without Violence.<sup>9</sup>

### **7.1.6. Registered Student Organizations and Greek Life**

As the primary resource for registered student organizations (RSOs) at UC Berkeley (see section 6.5.13), the LEAD Center supports SVSH prevention by requiring signatories of all RSOs to participate in SVSH prevention training. The LEAD Center also connects student organizations to campus partners that support on-going prevention training and education efforts.

The LEAD Center also advises the Interfraternity Council (IFC), the Multi-Cultural Greek Council (MCGC), the National Pan-Hellenic Council (NPHC), and the Panhellenic Council (PHC), with which all recognized Greek organizations are affiliated. The LEAD Center supports SVSH prevention by requiring the chapter presidents and at least one other executive officer to attend the semesterly Social Risk Management training, which includes SVSH prevention training. IFC and PHC have agreed to the self-imposed requirement that at least 80% of their chapter members attend a workshop about SVSH prevention and response each semester. These workshops are typically led by PATH to Care or GASA (section 5.8.3). IFC implemented a two week social probation response to fraternities when a report of an unsafe situation at an event (which includes allegations of SVSH) is reported to IFC. PHC implemented a monthly meeting where PHC chapter presidents meet and determine if PHC sororities should not hold social events with a fraternity/fraternities due to unsafe practices at an event (which includes allegations of SVSH).

## **7.2. Educational efforts within communities**

In addition to mandatory training, an important aspect of SVSH prevention is educational presentations within academic departments, student groups, and other units. Formal efforts of this kind are largely carried out by PATH to Care Center and the Division of Equity and Inclusion.

### **7.2.1. The PATH to Care Center**

The PATH to Care Center's prevention team, consisting of a director and separate managers for undergraduate, graduate, and faculty & staff prevention efforts, consults with units across campus and engages in a variety of education and culture change initiatives each year.

<sup>9</sup> Futures Without Violence. (2019). Retrieved from [futureswithoutviolence.org](https://futureswithoutviolence.org).

### **7.2.1.1. Staff consultations and workshops**

In 2018-19, PATH to Care professional staff engaged with:

- 9 academic departments
- 14 fraternities and sororities
- 7 undergraduate student government departments
- 15 Registered Student Organizations
- student-employees for 9 departments
- 12 administrative departments

These sessions included in-person trainings to Residential Student Services and Programs custodial staff and managers, Parking & Transportation, Berkeley Student Cooperatives, and UC Extension staff and student employees. Five current UC Berkeley staff members contributed their time and efforts to enable some of the sessions to be offered in Spanish & Mandarin.

### **7.2.1.2. Undergraduate Peer to Peer Education**

The PATH to Care Center's peer to peer education initiative is grounded in research that shows that students best learn information when it comes from their peers, especially when the subject matter relates to social and wellness issues like sexual violence. In 2018-19, PATH to Care peer educators led presentations on "Consent and Boundaries" and "Safe Workplaces and Classrooms: Sexual Harassment Prevention" and promoted prevention on social media and through campus events.

**In 2018-19, trained peer to peer facilitators spent over 59 hours and reached 1,179 undergraduate students in interactive, educational workshops.**

### **7.2.1.3. Academic Department Prevention Toolkit**

In 2018-2019, the PATH to Care Center completed the pilot of its groundbreaking project, "Preventing Sexual Harassment in your Academic Department: A Toolkit." The Toolkit is an adaptable how-to guide for academic departments to create and implement a plan to prevent sexual harassment within their academic community. The toolkit is presented as a workbook and utilizes a socioecological approach. It facilitates leaders of departments to think beyond the education of individuals to examine how relationships, community norms and standards, institutional policies, and broader societal issues intersect with the problem of sexual harassment and plan accordingly. It provides a suggested process for creating a working group to move through the toolkit and create a plan.

During the 2019 Spring semester, the School of Public Health partnered with the PATH to Care Center to pilot the toolkit. The School convened a working group with two aims: 1) give feedback on the toolkit itself, so that it could be improved upon before the campus-wide roll-out next fall, and 2) utilize the toolkit to develop a set of recommendations to further the School's sexual harassment prevention efforts. The working group completed its report and recommendations in June 2019, and the feedback was integrated into the final draft of the toolkit. The School of Public Health has since adopted the recommendations put forward by the working group, and is in the process of implementing them. More academic departments have come forward with requests to do the toolkit process in 2019-20.

#### **7.2.1.4. Course (Public Health 107)**

Public Health 107, “Violence, Social Justice, and Public Health,” is a 6-week summer course open to undergraduate students, taught as a collaboration between the PATH to Care Center and the Center for Support and Intervention. In PH 107, students learn an interdisciplinary public health approach to exploring and analyzing violence on the US college campus. Students then develop practical, community-based plans to prevent violence and promote safety in a campus community. Seventeen students completed the 2019 summer course, which culminated in student teams presenting proposals for violence prevention programs to a panel of campus anti-violence practitioners. The proposals included a range of creative strategies to promote safety in various communities and spaces on campus, including the First-Generation Latinx community, a fraternity, the Recreational Sports Facility, and a UC Berkeley student co-op.

#### **7.2.1.5. PATH to Care Center Seed Grant Program**

Offered by the PATH to Care Center and the Center for Support and Intervention, the Seed Grant program provides small grants to campus communities to identify and promote positive social norms related to SVSH in their communities. In 2018-19, four campus groups worked over a span of seven months to create innovative campaigns that aimed to reduce misperceptions and promote prosocial beliefs and behaviors already present in their communities. Groups that participated include: College of Chemistry, Department of Molecular and Cell Biology, UC Berkeley Model United Nations, and Zeta Tau Alpha. **These social norms programs reached around 4,170 people**, including faculty, staff, undergraduate and graduate students, postgraduates, and families of students.

#### **7.2.2. Health Promotion**

Part of University Health Services, Health Promotion advances the health and well-being of Cal students through individual and environmental initiatives. For many years, Health Promotion housed SVSH prevention programs in collaboration with other campus units (Social Services, the Gender Equity Resource Center, and others), though much of that work has since moved to the PATH to Care Center. Currently, Health Promotion programs and services touch more peripherally on SVSH.

Through Health Promotion, students are trained to work in the Sexpert Education Clinic, which provides drop-in individual education sessions on contraception, safer sex, and communication.

8 trained students reached 133 individuals through appointments and workshops in 2018-19. Approximately 1,500 students were reached through other sexual health programming, including Let’s Taco Bout Sex, community-based sexual health discussions with students and other events/topics.

#### **7.2.3. Equity & Inclusion programs for staff and faculty**

Through its Faculty Diversity Initiatives (for faculty) and Multicultural Education Program (for staff), the Division of Equity & Inclusion offers a number of programs aimed at creating a positive, inclusive, and respectful climate. Many of these cover prevention and bystander techniques that also serve to alleviate SVSH. Programs offered include:

- Workplace Diversity at Cal
- Unconscious Bias
- Cross Cultural Communication
- Gender Inclusivity in Classrooms
- Microaggressions
- Trust and Community Building
- Respectful Workplaces

#### **7.2.4. Bears that CARE workshops**

**959 students** received either the SVSH/Consent workshop or the advanced SVSH/Culture & Communication workshop from Bears that CARE. Of the students who completed these workshops, 90% reported they “understand different ways to intervene” and that they are “more likely to intervene when [they] see harm occurring.”

### **7.3. Surveys as prevention tools**

One of the main reasons the campus conducted the broad “MyVoice” survey in 2018 was to gain information about awareness and attitudes in the campus community, which could be used to inform effective prevention efforts. In addition to the MyVoice survey of the entire community, other campus surveys have targeted specific communities. The Prevention Toolkit and the Equity & Inclusion Toolkit also both recommend to academic departments that they conduct their own internal climate surveys on a regular basis. This section describes a few of the more formal surveys whose results have been published, as well as the prevention oriented responses that the survey results have engendered. (For the MyVoice survey, the associated action steps are described in section 12.2.)

#### **7.3.1. “MyVoice” Survey**

In 2018, UC Berkeley’s campus community had the opportunity to share their experiences, beliefs, norms and knowledge regarding sexual and relationship violence, stalking, and sexual harassment through the MyVoice Survey, a major initiative involving the entire campus community (students, faculty, and staff). The MyVoice Survey was designed and implemented by the UC Berkeley MyVoice Working Group in partnership with NORC, an independent research group based at the University of Chicago. The overall campus response rate was 26% (over 14,800 responses); results were statistically calibrated via a demographically balanced sample set that, through extra incentivization, had a higher response rate.

Last year’s annual report presented key findings from the 2018 MyVoice survey of UC Berkeley students, staff, and faculty. The full MyVoice Survey Report is available on the [myvoice.berkeley.edu](https://myvoice.berkeley.edu) website. Highlights of the MyVoice survey findings include:

**Social norms.** Overall, survey participants’ answers to questions showed that they support survivors, reject victim-blaming stereotypes, and would intervene if they see harmful behavior occurring. (These results are consistent with answers to similar questions on the 2018 University of California Undergraduate Experience Survey (UCUES).<sup>10</sup>) However, the results also showed that participants misperceived peer norms, doubting that others in the community shared their same beliefs. This finding has inspired the campus to embark on various prevention-oriented educational action steps, as detailed in section 12.

<sup>10</sup>UCUES survey results: <https://pages.github.berkeley.edu/OPA/surveys/ucues2018.html>

**Experiences of harm.** The MyVoice survey asked a series of questions about specific behaviors and experiences, which were grouped in the analysis phase into categories such as sexual harassment, sexual assault, relationship violence, and stalking. The survey found that undergraduates experienced harm at higher rates than did graduate students, staff, and faculty; see section 10 for more detail. The survey also found that individuals with marginalized social identities (e.g., women, people of color, trans or nonbinary individuals) experienced harm at higher rates than their counterparts. The survey classified participants by affiliation category - undergraduate, graduate student, staff, and faculty - and found that experiences of harm are most common within-category, rather than across categories. The survey also examined the location (on or off-campus) of reported experiences of harm.

**Resources and reporting.** The MyVoice survey collected information on awareness of and access to support and reporting options. Some of the action steps in section 12 were devised in response to findings that some demographic groups were less comfortable than others about accessing campus resources.

While it will be another three years before the MyVoice survey is re-issued and there is new data to report, there is still much to learn from the 2018 data about the degree to which different subcommunities on campus are experiencing harm; data analysis was continuing as of the summer of 2019.

### **7.3.2. “With Us” Bystander Intervention Survey**

In Spring of 2019, UC Berkeley was one of eight California campuses to participate in the pilot year of the “With Us” national college bystander intervention survey<sup>11</sup>, which measured undergraduate experiences with issues including sexual harassment, sexual assault, intimate partner violence, and alcohol and other drug use.

Though response rates were low, survey results suggested that Berkeley students are more likely than students at similar universities to agree that these issues can be positively improved, and demonstrate more ability to identify these issues as “problems” on campus. In addition, the survey found that the primary barrier to intervention is a lack of knowledge of how to intervene, contributing to evidence that ongoing bystander intervention education is necessary. This finding is useful in prioritizing campus prevention efforts.

### **7.3.3. Civility Partners Culture Assessment**

Information Services and Technology (IST) hired the external consulting firm Civility Partners in May 2018 to conduct a culture assessment and assist in developing a strategic plan for improvements. 181 of 300 IST employees completed the survey, and an additional 10% of employees were randomly selected for in-person interviews.

The results of the assessment can be found at [technology.berkeley.edu/culture-2018](https://technology.berkeley.edu/culture-2018). While the survey found some positive results, including high levels of job satisfaction and respect among peers, the survey also found areas for improvement, including perceptions of the environment in IST as being negative, unfair, or not inclusive. The survey revealed that these perceptions varied by gender and ethnicity. After the assessment, an action team comprised of IST staff was formed to create and implement an improvement strategy, and a pulse survey was taken shortly after the time period covered in this report.

<sup>11</sup>Cal Poly Student Affairs. (2018). With Us Survey. Retrieved from [www.withus.org/survey](http://www.withus.org/survey)

#### **7.3.4. My Experience Survey**

Launched in the Spring 2019 semester by the Division of Equity & Inclusion, in partnership with the Graduate Division and the Office of the Chancellor, My Experience was a campus-wide climate survey. It focused primarily on the “individual experiences of students, staff, faculty, and administration on the Berkeley campus, with a focus on building community, enhancing the student experience, and increasing support for marginalized communities.” The survey featured questions about attitudes and norms on campus, similar to the MyVoice survey. Results will be released in Spring 2020. It is hoped that a year after the MyVoice survey, the My Experience results will enrich campus initiatives to transform the campus climate. The survey is expected to be administered again every four years, alternating with the MyVoice survey.



# MAKE YOUR VOICE COUNT

**Your insights can make our community safer.**

**Take the survey:  
[MyVoice.berkeley.edu](https://myvoice.berkeley.edu)**

# 8.0

## *Survivor Support*

The survivor support network at UC Berkeley consists of a variety of trauma-informed and empowerment- and choice-oriented services, including a 24/7 urgent support hotline, advocacy, accompaniments, medical care, counseling, and healing initiatives. The campus PATH to Care Center provides most of these services, but a number of other on-campus and off-campus units also contribute in important ways. This section describes the primary resources and provides some data illuminating their work. Additional data specifically reflecting survivor support utilization is provided in section 10.

### 8.1. Care Line

A team of professionally trained confidential advocates at the PATH to Care Center (section 6.5.1) provide affirming, empowering, and confidential support for those who have experienced domestic and dating violence, sexual assault, sexual harassment, stalking, and related crimes and incidents. The primary SVSH-specific Confidential Resource on campus, PATH to Care is often the first call a survivor makes. Many of these first calls are via the Care Line.

The Care Line is a 24/7 hotline for those who have been impacted by sexual violence and harassment and those who are supporting impacted individuals. It is designed to assist those in crisis or in need of immediate support. During a Care Line call, a crisis assessment is conducted to determine if a phone session in the moment or a later, scheduled appointment is more appropriate. Priority is always given to immediate safety planning and accompaniments to emergency medical attention or urgent reporting to police.

The Care Line is also frequently used by faculty and staff employees when a student is disclosing to them. The advocate on call will coach the employee on how to support the individual disclosing as well as provide reminders of reporting obligations. During business hours, the PATH to Care Center's confidential advocates answer the line directly. After hours, the Care Line is answered by Bay Area Women Against Rape (BAWAR)'s advocates. The volume of CARE line calls is not documented for 2018-19, due to technical challenges. However, a new system, ProtoCall, was scheduled to be initiated on Aug 1, 2019; this system should allow the after-hours call volume to be easily quantified in future years.

### 8.2. Advocacy

Advocacy services provide the various types of support a survivor may need in order to continue working, living or learning on campus. This support can include, but is not limited to, academic or housing accommodations, assistance finding therapy, assistance in exploring whether or not to report, emotional regulation tools, and much more. PATH to Care provides advocacy services on-campus. BAWAR and the Family Violence Law Center (FVLC; section 6.7.2) are off-campus resource that can also provide advocacy services.

PATH to Care can advocate for academic and workplace accommodations, such as schedule changes and extensions on assignments. Such accommodations are commonly provided through the Disabled Students' Program (DSP) or for employees, through Disability Management. The Office of the Prevention of Harassment and Discrimination, Social Services, Counseling and Psychological Services, the Ombuds Office for Students & Postdoctoral Appointees, the Center for Support and Intervention, Be Well at Work Employee Assistance, and Staff Ombuds are all sources of accommodations requests for those impacted by SVSH.

In 2018-19, PATH to Care worked with **365** individual clients affected by SVSH and provided **2,873** distinct advocacy services.

Of the 365 individual PATH to Care clients, who disclosed demographic information\*

- 63% identified as People of Color
- 41% identified as LGBTQ+
- 7% identified as Gender Non-Conforming, Transgender, and/or Gender Queer
- 14% identified as Men

*\*Clients could have held more than one of these identities*

### 8.3. Accompaniments

Accompaniments are a specific type of service in which an advocate accompanies and supports a survivor who is seeking emergency medical care, reporting to the police or university, participating in evidence collection or testifying in a trial, or in other situations in which an individual wants the support of an advocate at their side. Accompaniments are sometimes scheduled, but often advocates have little to no warning of when this service will be needed.

Accompaniments typically take much more time than other advocacy services, such as intakes and follow-up meetings. Advocates provided 120 accompaniments during 2018-2019. Figure 1 shows the typical length of different kinds of accompaniments.

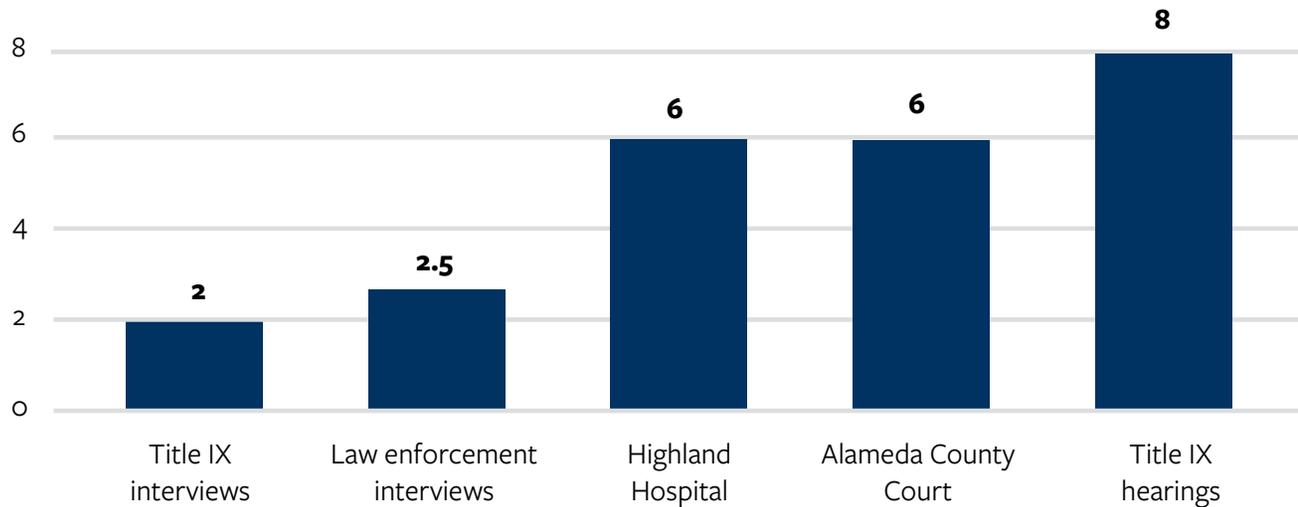


Figure 1: Average lengths of survivor accompaniments in hours

Off campus, Bay Area Women Against Rape (BAWAR) records reflect 5 Sexual Assault Response Team (SART) accompaniments, 2 walk-in clients, and 2 police accompaniments with UC Berkeley affiliates since July 1, 2018. There may be reason to believe the total number is in fact higher, as members of the UC Berkeley community do not always identify themselves as affiliates to BAWAR.

### 8.4. Medical Services

UHS Urgent and Primary Care offer medical services to students, regardless of insurance status. At UHS, a student who has experienced SVSH can receive treatment for potential injuries and prophylaxis for sexually transmitted infections and pregnancy. Medical costs are covered for student survivors of sexual and relationship violence. When a patient discloses that they have experienced sexual violence at UHS Urgent Care or Primary Care, the medical provider will ask for consent to call a PATH to Care advocate to UHS for accompaniment, consultation, and advocacy.

<sup>12</sup>A Sexual Assault Response Team is commonly comprised of a confidential advocate, medical providers, law enforcement officers, and others who are involved in a forensic medical exam.

UHS is not an approved site to provide forensic evidence collection (commonly known as rape kits); however staff can coordinate that service with an approved hospital. The closest approved hospital for forensic evidence exams is Highland Hospital in Oakland. No data on SVSH-related services was available from UHS Urgent Care or Primary Care for 2018-19.

### 8.5. Counseling

Survivors can access clinical counseling services through University Health Services. Counseling and Psychological Services (CAPS) is the general counseling department for students at UHS, but Social Services is the specialized branch that provides counseling to those impacted by SVSH (see section 6.5.3). The majority of those seeking counseling at Social Services for SVSH are survivors, though a small number are respondents in OPHD investigations, or those who are concerned they may have caused harm.

In 2018-19, Social Services provided **913.75 hours of support\* in individual SVSH appointments**. The demand for SVSH-related service and support increased by **1.8%** in 2018-19 over last year. SVSH appointments totaled **939** in 2018-19, a **19%** decrease from 2017-18. Table 3 shows the number of SVSH clients and appointments (broken down between survivors and respondents) recorded by Social Services over the last five years.

Fiscal Year	SVSH Survivors		SVSH Respondents		Total	
	SVSH Survivor Clients (Non-Respondents)	SVSH Survivor Appointments (Non-Respondents)	SVSH Respondent Clients	SVSH Respondent Appointments	Total Clients	Total Appointments
2014-15	132	357	N/A	N/A	132	357
2015-16	120	436	15	35	135	471
2016-17	194	947	10	20	204	967
2017-18	251	1128	16	34	267	1162
2018-19	264	911	8	28	272	939

**Table 3: Social Services number of SVSH clients and appointments over time**

An average of 18 SVSH clients per week were seen in individual appointments at Social Services. The average number of appointments accessed per client decreased from 3.9 in 2017-18 to 2.9 in 2018-19.

Wait times for SVSH intake appointments with Social Services averaged **5 working days** in 2018-2019. As weekend appointments are not available, this means that wait time for an intake appointment was effectively 7 days on average, assuming no holidays or other campus closures. Social Services will be hiring an additional FTE in 2018-19, which will support efforts to keep wait times low.

Be Well at Work/Employee Assistance is a general counseling service for staff and faculty which can also address SVSH concerns; Be Well at Work/Employee Assistance worked with **14 individual clients** in 23 sessions, and provided 10 consultations on 6 cases.

### **8.6. Healing**

Both PATH to Care and Social Services offer healing sessions for survivors. In 2018-19, PATH to Care offered **60 Yoga as Healing sessions** including a series for Queer and/or Transgender People of Color and one weekend retreat provided during Sexual Violence Awareness month. 140 campus community members participated in PATH to Care's healing workshops over **11 workshops**. These workshops were provided this spring in a new initiative to expand healing opportunities.

Social Services offered 40 different 90-minute group sessions, to 33 unique clients overall, during the Fall and Spring semesters. These groups were held both in English and Spanish; trained clinicians utilized aspects of an evidenced-based therapeutic model known as Eye Movement Desensitization & Reprocessing (EMDR). In 2018-2019, Social Services provided 60 hours of support\* in group sessions. Additionally, in 2018-19 an average of **8 clients attended group sessions** during the academic year.



9.0

*Reporting*

This section describes the campus system for reporting allegations of SVSH misconduct. The main focus of the section is on the process of reporting to the Office for Prevention of Harassment and Discrimination (OPHD). As the campus Title IX office, OPHD is charged with enforcing the UC SVSH Policy, as well as other campus policies against harassment, discrimination, and conflict of interest (section 9.1).

Section 9.2 covers the process of reporting to OPHD; section 9.2.1 describes the Responsible Employee reporting obligations. Section 9.2.2 provides examples of types of initial response that OPHD can provide, while section 9.2.3 covers the advocacy and accompaniment options available to survivors.

Section 9.3 briefly describes the process for reporting to UCPD and other law enforcement agencies.

UC Berkeley is committed to a fair, transparent, consistent, and trauma-informed process for investigating allegations of SVSH that are reported, and determining appropriate disciplinary responses, as appropriate. Adhering to this process is an important component of accountability.

### **9.1. University of California Policy on Sexual Violence and Sexual Harassment**

The formal campus response to SVSH misconduct is guided by the systemwide UC Policy on Sexual Violence and Sexual Harassment (“SVSH Policy”), which is consistent with Title IX. The UC SVSH Policy underwent several minor revisions during 2018-19. (Additional revisions took effect on 7/31/19, but are not covered in this report). The most recent version of the UC SVSH Policy is available at [policy.ucop.edu/doc/4000385/SVSH](http://policy.ucop.edu/doc/4000385/SVSH).

The UC SVSH Policy defines types of conduct that are prohibited (“Prohibited Conduct”), including sexual assault, sexual harassment, relationship violence, stalking, and retaliation. The UC SVSH Policy requires the University to respond promptly to reports of Prohibited Conduct and take appropriate action to prevent, to correct, and, when appropriate, to impose disciplinary sanctions for behavior that violates the UC SVSH Policy.

On the Berkeley campus, institutional compliance with the UC SVSH Policy and other related policies and procedures addressing sexual misconduct is overseen by the campus Title IX Officer, who is also the Director of the Office for Prevention of Harassment and Discrimination (OPHD).

Some sexual misconduct could be considered a crime under state and federal laws, and can therefore also, or in addition, be reported to UCPD or to the local law enforcement agency where the incident took place. Section 9.3 briefly covers this process.

<sup>13</sup> U.S. Department of Education Office for Civil Rights. (2015, April). Title IX and Sex Discrimination. Retrieved from [www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

## **9.2. Reporting: OPHD**

OPHD is the office that investigates reports of conduct that is prohibited under the UC SVSH Policy. OPHD follows the same investigative process regardless of whether the party impacted by the conduct - often called “survivor,” but termed the “complainant” in the UC SVSH Policy - is a student, staff, faculty member, or member of the community; and regardless of whether the accused party, or “respondent,” is a student, staff or faculty. See [ophd.berkeley.edu](http://ophd.berkeley.edu) for links to current policies and procedures.

OPHD investigators, termed “Complaint Resolution Officers,” are highly trained, credentialed, and have technical expertise in Title IX compliance. Their procedures are tightly governed by federal (Title IX)<sup>3</sup>, state and UC systemwide regulations.

In some instances, a complainant may contact OPHD directly to make a report. It is every survivor’s choice whether or not to make a report to OPHD (or, alternatively or in addition, to contact law enforcement agencies). Some survivors choose to report experiences of harm right away; others may wait a significant amount of time, or may never report.

Reports to OPHD and UCPD (section 9) are a lens for assessing who is impacted by SVSH incidents, what types of harm different affiliate groups are experiencing, and where incidents tend to take place. This section provides detail about the types of incidents reported to these campus administrative units.

However, national studies generally agree that only a minority of survivors report sexual assault to authorities - on our campus, to OPHD or UCPD. It is thus important to supplement formal reporting information with other kinds of data about SVSH impact. One inferential lens into SVSH incidence on campus is provided by the use of survivor support such as PATH to Care, Social Services, or off-campus partners. An additional lens is self-report, through the anonymous MyVoice Survey and other smaller surveys conducted on campus.

In this section, data from all of these sources are brought together to reveal patterns in the campus affiliates of parties involved in SVSH cases (section 10.1), the types of harm survivors are experiencing (section 10.2), the locations (on- or off-campus) in which harm is reported to have taken place (section 10.3), who is reporting harm to authorities (section 10.4), and trends throughout the year (section 10.5).

### **9.2.1. Responsible Employee obligations**

Often, it is a third party - a witness, or someone in whom the survivor has confided - who discloses allegations of conduct prohibited under the UC SVSH Policy. All UC Berkeley employees, other than those designated as “Confidential Resources”, are considered “Responsible Employees” in the UC SVSH Policy.

<sup>3</sup>U.S Department of Education Office for Civil Rights. (2015, April). *Title IX and Sex Discrimination*. Retrieved from [www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

Responsible Employees are required to report prohibited conduct affecting a UC Berkeley student. Instructors and supervisory staff have an additional requirement to report prohibited conduct affecting any member of the UC Berkeley community, if they learn about that prohibited conduct in the scope of their employment.

The Responsible Employee requirement:

“All UC employees who are not designated as confidential must inform the Title IX officer if they become aware that a student (undergraduate, graduate, or professional) has experienced sexual violence, sexual harassment, or other behavior prohibited by the university’s policy. This includes managers and supervisors, all faculty (including faculty advisors), all staff, athletic coaches and student employees. Responsible employees include both represented and non-represented employees.

“All managers and supervisors, Human Resources, Academic Personnel, faculty and campus police must inform the Title IX officer if they receive a report of prohibited behavior from anyone affiliated with the university, which includes faculty, staff and others affiliated with the university.”<sup>14</sup>

The Responsible Employee role emanates from Title IX guidance. The broad application of this designation in UC Policy is designed to facilitate prompt, comprehensive coordination of the campus response by the Title IX Officer. The Responsible Employee requirement differs from mandated reporting laws such as the California Child Abuse and Neglect Reporting Act (CANRA), a state law that requires certain University employees to report known or suspected child abuse or neglect. UC Berkeley faculty members are not generally considered Mandated Reporters under CANRA, even when students under the age of 18 enroll in their classes. Exceptions include faculty who are health professionals, faculty whose university duties require direct contact with and supervision of children, etc.

### **9.2.2. Initial assessment, and interim measures**

Upon receiving a report of a potential SVSH Policy violation, OPHD will reach out to the complainant to inquire about safety and welfare needs, notify them of their rights and options on campus; refer the complainant to on and off-campus resources, including PATH to Care (see sections 6.5.1 and 8); and invite the complainant to schedule an intake meeting with an investigator, known as a Complaint Resolution Officer. (After the time period covered in this report, OPHD hired a Complaint Resolution Coordinator to facilitate the intake process.) OPHD may propose and implement interim measures. Such measures are intended to ensure a complainant’s safety and ability to work or study while simultaneously respecting the respondent’s rights. Interim measures can include no-contact directives, academic accommodations, emergency housing, interim suspension, or other measures suited to the situation.

### **9.2.3. Advocacy and accompaniments during reporting**

Survivors have the right to be accompanied by an advocate and/or an emotional support person during all stages of police reporting and investigation, including during forensic evidence collection. Complainants and respondents have the right to an advisor and an emotional support person with them during all phases of the reporting and complaint resolution process to the university. For more information about survivor support, see section 8; for more information about respondent services, see sections 6.5.9.4 and 6.5.10.1.

<sup>14</sup>[sexualviolence.universityofcalifornia.edu/faq/responsible-employee.html](https://sexualviolence.universityofcalifornia.edu/faq/responsible-employee.html)

### **9.3. Reporting: UCPD**

UCPD can document and investigate reports of felony and misdemeanor crimes involving sexual assault, relationship violence, and stalking that occurred within their jurisdiction. In some cases, reports to law enforcement may be made for documentation purposes only, confidentially, or even anonymously. With sufficient evidence UCPD is able to present the case to the District Attorney to consider for prosecution. The decision to prosecute will then be made by the District Attorney, although the cooperation of the victim is usually considered necessary. If an incident occurred in the jurisdiction of another police department UCPD can help engage the appropriate law enforcement agency and assist in investigatory and support efforts.

If a survivor wishes to preserve forensic evidence for law enforcement reporting, UCPD can coordinate that process. Whether or not a survivor chooses to pursue a criminal investigation they may be eligible for additional protections by applying to the Superior Court of California for a civil restraining order.



# 10.0

## *Multiple lenses on the experience of SVSH on campus\**

\*Data in sections 10 and 11 are snapshots reported at the end of the time period covered in this report (July 1, 2018 - June 30, 2019).  
They may differ from subsequently reported data in official reports due to changes in case outcomes.

Reports to OPHD and UCPD (section 9) are a lens for assessing who is impacted by SVSH incidents, what types of harm different affiliate groups are experiencing, and where incidents tend to take place. This section provides detail about the types of incidents reported to these campus administrative units.

National studies generally agree that only a minority of survivors report sexual assault to authorities - on our campus, to OPHD or UCPD. It is thus important to supplement formal reporting information with other kinds of data about SVSH impact. One inferential lens into SVSH incidence on campus is provided by the use of survivor support such as PATH to Care, Social Services, or off-campus partners. An additional lens is self-report, through the anonymous MyVoice Survey and other smaller surveys conducted on campus.

In this section, data from all of these sources are brought together to reveal patterns in the campus affiliations of parties involved in SVSH cases (section 10.1), the types of harm survivors are experiencing (section 10.2), how SVSH harm intersects with demographic factors (section 10.3), the locations (on- or off-campus) in which harm is reported to have taken place (section 10.4), the sources of reports (section 10.5), and trends throughout the year (section 10.6).

### 10.1. Campus affiliations

One way of understanding the impact of SVSH on campus is through the lens of who is affected, and who was reported to have caused harm. OPHD data shed some light on this, as OPHD takes complaints from, and about, current and former students, staff, faculty, and visitors to campus. Figure 2 shows affiliations for complainants and respondents in SVSH cases. (The UC SVSH Policy uses the term “complainant” for a person alleged to have experienced Prohibited Conduct, and the term “respondent” for a person alleged to have engaged in Prohibited Conduct.) Former campus affiliates are categorized, in Figure 2, by their relationship to the university *at the time of the alleged incident* (for example, former students are counted in the students category.) It is important to note that the “Other” category in Figure 2 includes complainants and respondents who were not affiliated with campus, or their affiliation to the campus was unknown to OPHD.

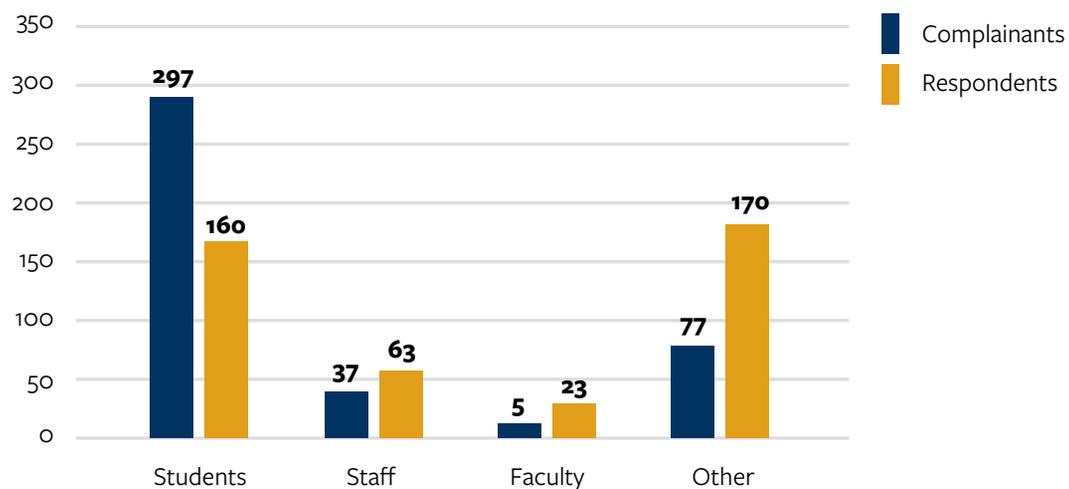
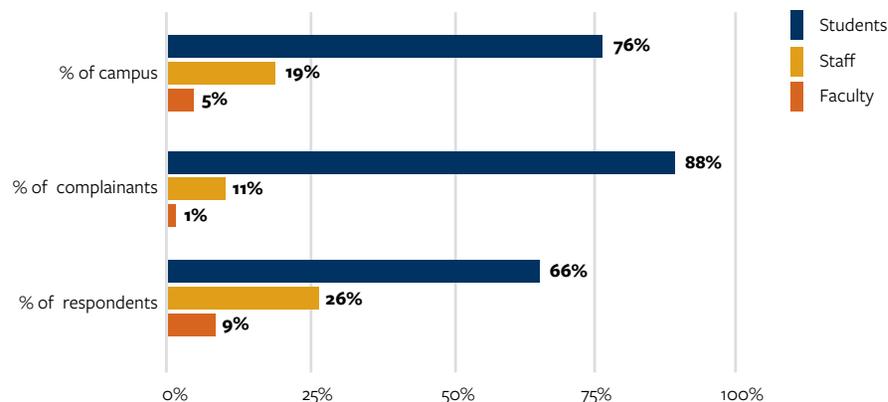


Figure 2: Incoming SVSH-related OPHD cases by affiliation, 2018-2019

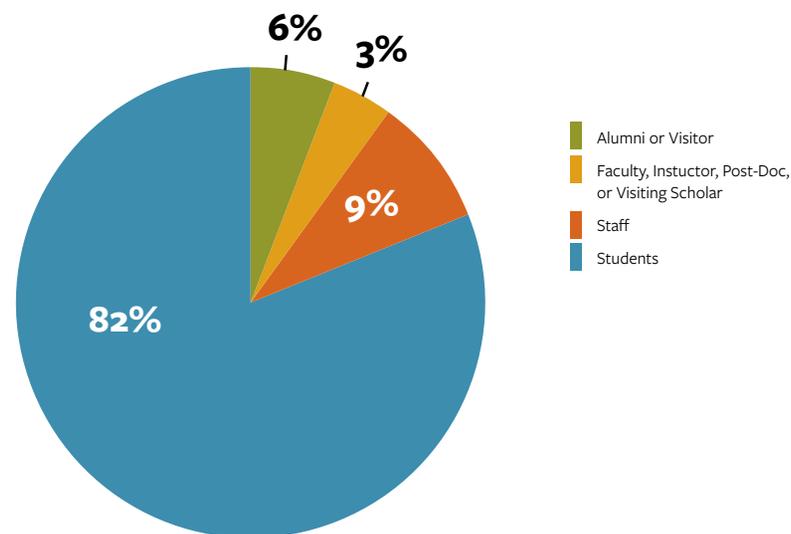
It is not surprising to see, in Figure 2, that the majority of identifiable complainants in incoming reports are students, given the sheer number of students on campus (42,519 undergraduates and graduate students enrolled in Fall 2018).<sup>15</sup> However, as seen in Figure 3, the proportion of student complainants in OPHD reports (88% of those reports in which the complainant has a known campus affiliation, i.e., excluding the “Other” category in Figure 2) actually exceeds the proportion of students on campus (76%).<sup>16</sup> Conversely, the proportion of faculty and staff respondents in OPHD cases where the respondent has a known campus affiliation (35%) exceeds the proportions of faculty and staff on campus (24%). This asymmetry may reflect the power dynamic that is inherent in, and potentially magnifies the impact of, many instances of alleged SVSH. Another factor behind the higher proportions of students in the complainant category is the fact that Responsible Employees have a special obligation to report possible harm done to students (section 9.2.1).



**Figure 3: Proportions of campus affiliations of complainants and respondents, compared to the overall campus population**

National studies have shown, and the MyVoice data are consistent with this, that only a fraction of alleged incidents are reported to authorities.<sup>17</sup> Data from survivor support utilization provides a useful additional perspective into the kinds of harm survivors experience, by affiliation and location.

While Social Services works exclusively with students, PATH to Care, like OPHD, serves a broad range of the campus community, thus providing a lens into the differential impact of SVSH across the campus community. Figure 4 shows the breakdown of PATH to Care clients’ affiliations to campus in 2018-19. The majority (82%) were students.



**Figure 4: Campus affiliations of PATH to Care Clients**

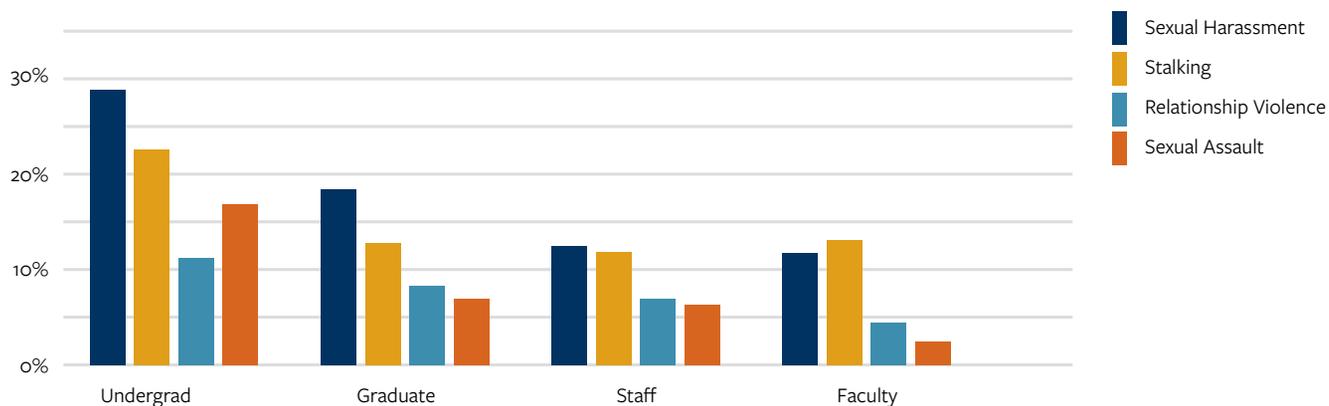
<sup>15</sup>Berkeley by the numbers, [berkeley.edu/about/bythenumbers](https://berkeley.edu/about/bythenumbers)

<sup>16</sup>UC Employee headcount, <https://www.universityofcalifornia.edu/infocenter/uc-employee-headcount>

<sup>17</sup>MyVoice Final Report, [https://myvoice.berkeley.edu/lib/img/pdf/MyVoice\\_Final\\_Report\\_Publish.pdf](https://myvoice.berkeley.edu/lib/img/pdf/MyVoice_Final_Report_Publish.pdf)

For comparison, 88% of all complainants who were identifiable as campus affiliates in incoming OPHD reports involving SVSH were students, while 76% of the campus population (as of Fall 2018) were students.

In terms of the type of SVSH harm that MyVoice survey participants reported having experienced within the last five years, the proportions are similar to what is seen in OPHD reports and survivor support utilization. Undergraduate students experience SVSH at the highest rates, with staff and faculty experiencing SVSH at the lowest rates overall (figure 5).



**Figure 5: Experiences of SVSH Harm Reported in MyVoice Survey, by affiliate group**

### 10.2. Reasons for reporting and/or seeking support (types of allegations)

Reports can be made to UCPD and/or to OPHD, depending on the nature of the incident and the jurisdiction of UCPD and OPHD.

UCPD reports crime statistics for each calendar year. According to the 2019 Annual Security and Fire Safety Report, UCPD received 124 reports of sexual assault, relationship violence, and stalking in 2018 as part of Clery reporting.<sup>18</sup> (Note that the Annual Security and Fire Safety Report covers the 12 months of 2018, not the 12-month July 2018-June 2019 timeframe from which most of the other data in this report is drawn.)

Type of Crime	Number of Crimes Reported
Dating/Domestic Violence	41
Sexual Assault	55
Stalking	28

**Table 4: SVSH-related crimes reported in Annual Security and Fire Safety Report**

These statistics include crimes reported in 2018 that meet the federal definitions of dating/domestic violence, rape, fondling, incest, statutory rape, and stalking. The totals include reports made to UCPD, OPHD, CSC, and other campus security authorities. They do not include reports that involve violations of campus SVSH policy which are not criminal.

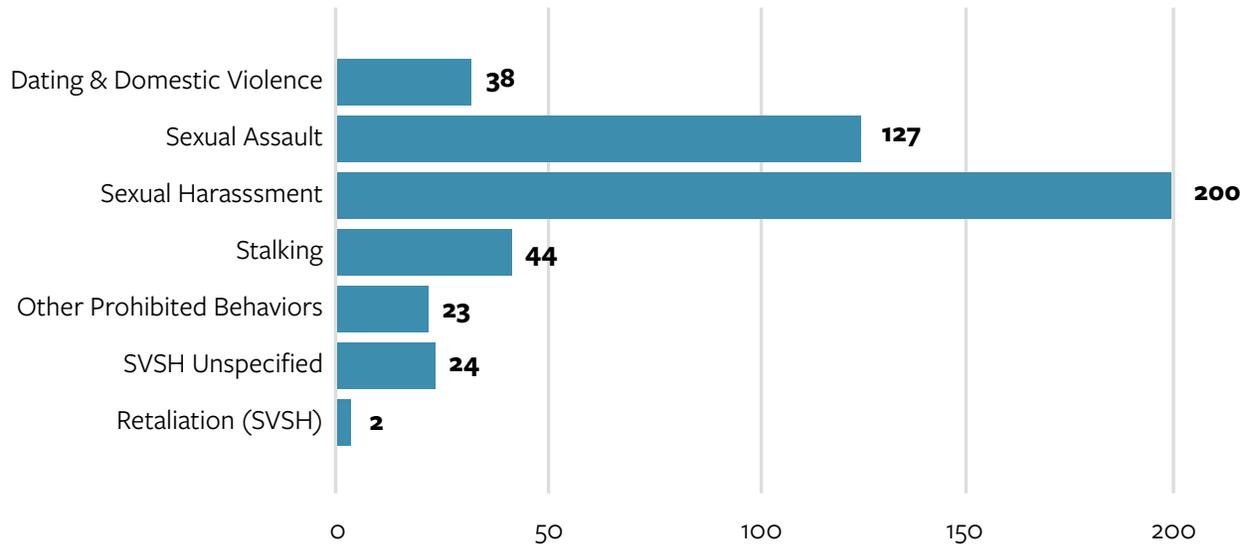
<sup>18</sup>UC Berkeley. (2019). Berkeley 2019 Annual Security and Fire Safety Report. Retrieved from [ucpd.berkeley.edu/sites/default/files/2019\\_uc\\_berkeley\\_asfsr.pdf](http://ucpd.berkeley.edu/sites/default/files/2019_uc_berkeley_asfsr.pdf)

OPHD’s jurisdiction to investigate cases is based on the complainant and/or respondent’s affiliation with campus. By contrast, UCPD’s jurisdiction to investigate cases is based on the geographical location of the reported crime. The UCPD data reported in Table 4 covers incidents alleged to have occurred within the geographical locations covered in campus Clery reporting. The 2019 Annual Security and Fire Safety Report (see above) provides further information about the locations of crimes reported to UCPD.

The Office for Prevention of Harassment and Discrimination (OPHD) receives reports alleging discrimination and harassment on the basis of categories including race, color, national origin, gender, age, sexual orientation/identity, including allegations of sexual violence and sexual harassment (SVSH). The 2018-2019 academic year was the first year OPHD fully used the Advocate GME database platform as a case management tool. This makes it possible to track some patterns over time and determine whether a newly reported incident is part of a broader pattern.

Between July 1, 2018 and June 30, 2019, OPHD received a total of 593 total reports. Almost three quarters of those reports (416 reports) involved allegations of one or more forms of conduct prohibited under the UC SVSH Policy.<sup>19</sup> The following sections provide information about these latter, SVSH-specific reports only.

Figure 6 shows the types of SVSH allegations reported to OPHD between July 2, 2018 - June 30, 2019. The allegations are classified according to the UC SVSH Policy definitions of prohibited conduct.



**Figure 6: Allegations of behavior that would violate the UC SVSH Policy, reported to OPHD, July 1, 2018 - June 30, 2019**

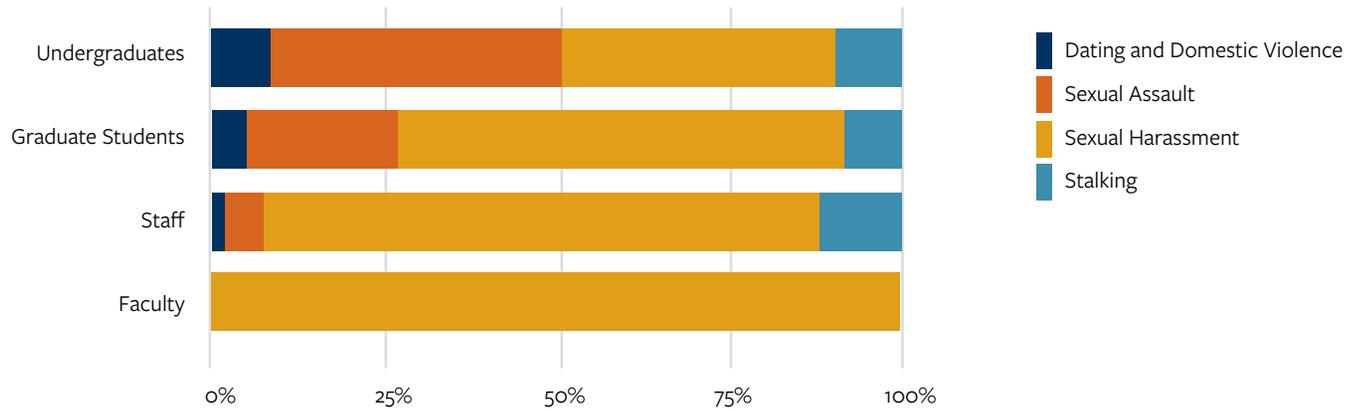
<sup>19</sup>Incidents reported to OPHD during 2018-19 fall into the following categories, of which the ones marked with an asterisk correspond to potential violations of the UC SVSH Policy (as opposed to other policies): \*Dating/domestic violence; Discrimination/harassment on the basis of gender, gender identity, sex, or sexual orientation; \*other prohibited behavior; \*retaliation; \*sexual assault; \*sexual harassment; \*stalking; \*SVSH (unspecified)

Exact definitions of these categories can be found in the UC SVSH Policy.

Note that a single report to OPHD can contain more than one SVSH allegation; as a result, the total number of SVSH-related allegations (458 allegations) is more than the total number of SVSH-related reports (416 reports).

OPHD data differ from UCPD data both quantitatively (OPHD receives many more reports) and qualitatively; for example, sexual harassment is not a reportable offense to UCPD. Both units receive more reports of sexual assault than of dating/domestic violence or stalking.

The types of harm reported by different affiliate groups is depicted in Figure 7. As seen, student complainants are much more likely than employees to be reporting sexual assault, while faculty complainants exclusively reported sexual harassment.

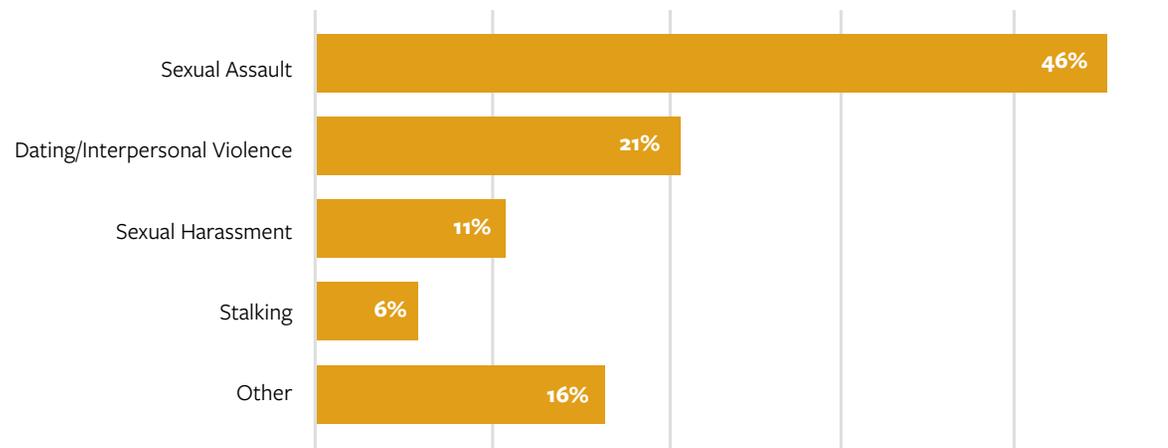


**Figure 7: Proportions of SVSH allegations reported to OPHD, by different affiliate groups**

The two primary campus confidential providers of survivor support, Social Services (serving students) and the PATH to Care Center (serving the whole campus community), reported that the majority of survivors who utilized their services experienced harm related to sexual assault.

At Social Services, 75% of all SVSH-related appointments (including appointments with survivors and respondents) were for survivors who had experienced sexual assault. Interpersonal violence (harm related to intimate partner or domestic violence) was the second most common reason for Social Services appointments, followed by sexual harassment and stalking.

As shown in Figure 8, sexual assault was also the most common reason for visits to PATH to Care, making up 46% of cases. Interpersonal violence made up 21% of cases; such cases often take a high amount of service hours, for the reasons discussed in section 8. Of the total number of cases handled by PATH to Care, 11% were sexual harassment, 6% were stalking, and the reason for 16% of cases was classified as “unknown” or “other.”



**Figure 8: Reasons for seeking support at PATH to Care**

These figures differ from those for OPHD, most notably in regards to sexual harassment, which was the most common type of report to OPHD (see Figures 6 and 7). By contrast, survivors seeking support at PATH to Care and Social Services were much more likely to be reporting violence (sexual assault or dating/interpersonal violence) than harassment.

<sup>20</sup>University of California, Berkeley. (2018). MyVoice Survey Final Results. Retrieved from [myvoice.berkeley.edu](https://myvoice.berkeley.edu)

### 10.3. Experiences of SVSH Harm and Intersectional Demographic Factors

The MyVoice survey examined SVSH incidence rates across several demographic factors. It found that women, transgender individuals, and those with LGBQA+ identities were more likely than others to have experienced SVSH harm, as were “underrepresented minority participants compared to participants who were not underrepresented minorities (the UC Berkeley definition of underrepresented minority includes participants identifying as African-American or Black, American Indian/Alaskan Native, and/or Hispanic or Latino.)”<sup>20</sup>

Recognizing that individuals hold multiple intersecting identities, Figure 9 shows the incidence rates, as reported in the MyVoice survey, of behaviors categorized in the survey Final Report as sexual assault and relationship violence, across intersecting demographic factors.

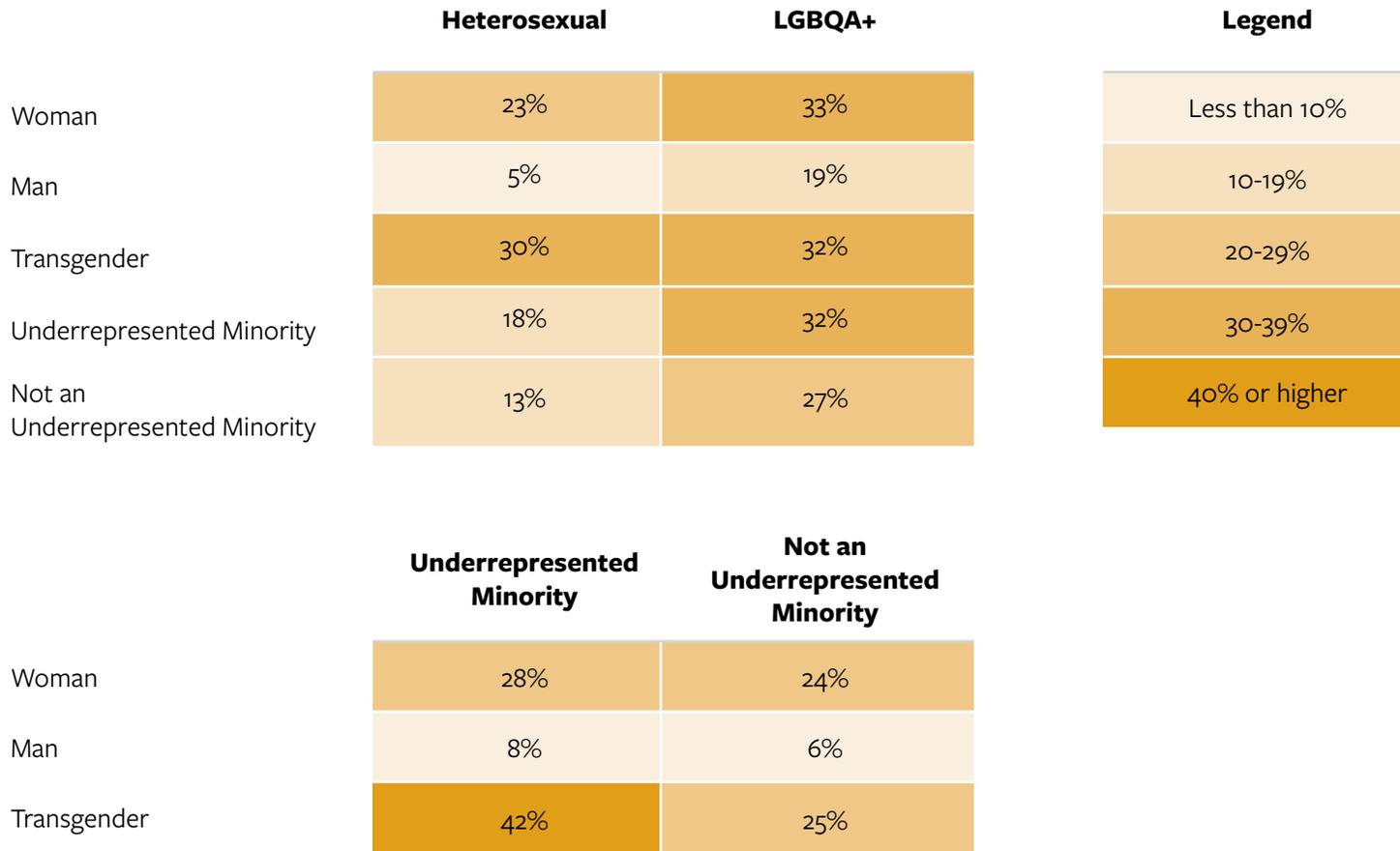


Figure 9: Experiences of relationship violence and sexual assault by intersectional demographic factors, reported in the MyVoice survey

(In its aggregated results, the MyVoice survey used an expansive definition of “transgender,” namely any answer other than strictly “man” or strictly “woman”; the category includes transman, transwoman, genderqueer, nonbinary, agender, and any combination of the foregoing categories.)

The knowledge that individuals in the UC Berkeley community who hold marginalized identities are more likely to have experienced SVSH harm informed a key MyVoice survey action step (section 12.2.3), and affirmed the campus’s focus on ensuring that survivor support resources and services are inclusive.

Trends congruent with what was reported in the MyVoice survey emerged in demographic data regarding the 365 individual clients served by the PATH to Care Center in 2018-2019. Clients can choose whether to disclose demographic information to PATH to Care. Table 5 shows the percentage of clients, out of the number of clients who disclosed demographic information, holding one or more of the following identities: person of color; LGBTQ+; gender non-conforming, trans and/or genderqueer; man. While the categories in Table 5 do not correlate exactly with the categories in the MyVoice survey, they are consistent with the generalization that individuals who hold marginalized identities experience harm at higher rates. People of color, members of the LGBTQ+ community, and individuals who are gender non-conforming, trans and/or genderqueer are represented at a higher proportion among PATH to Care’s clients who disclosed demographic data than they are in the campus community broadly, according to data collected for the MyVoice survey.

**63%** identified as People of Color

**41%** identified as LGBTQ+

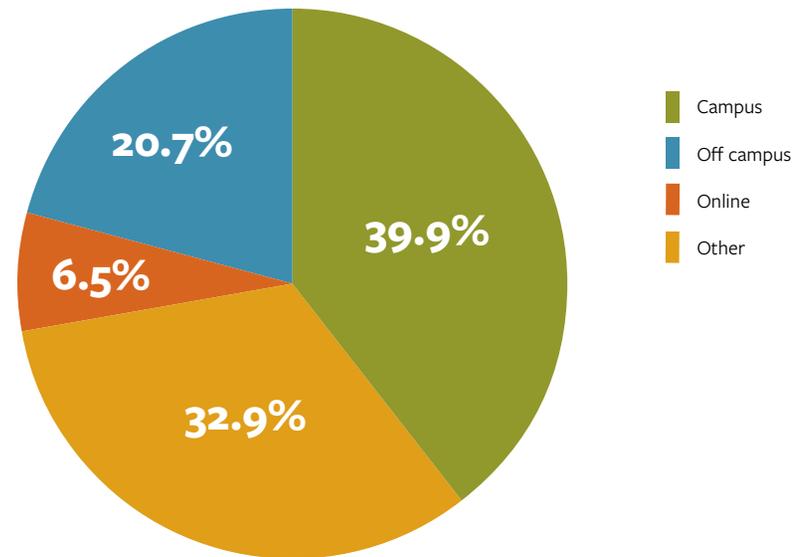
**7%** identified as Gender Non-Conforming,  
Transgender, and/or Gender Queer

**14%** identified as Men

**Table 5: Demographic factors of PATH to Care clients**

#### **10.4. Reported incident locations**

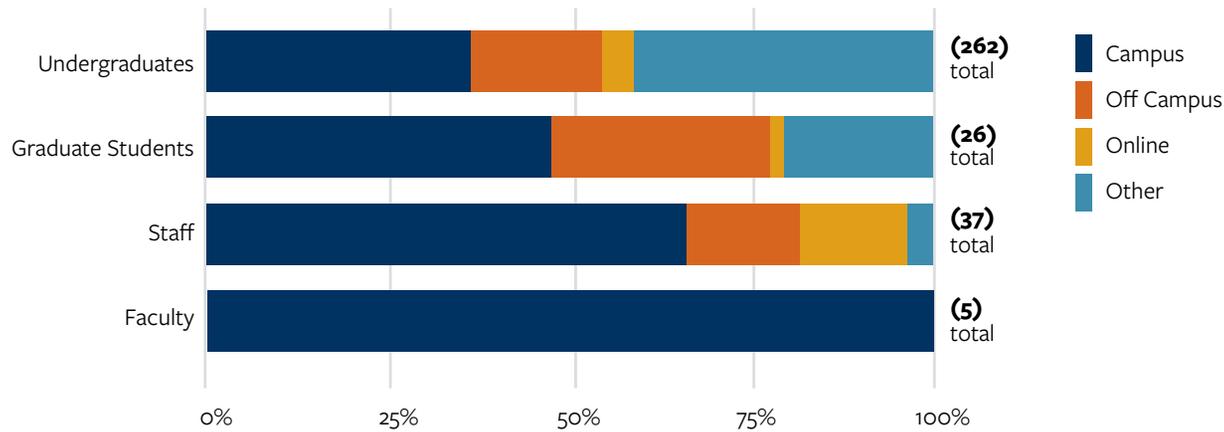
One point of interest for many, and an indicator of impact within the community, is where incidents of SVSH take place. The jurisdiction of the UC SVSH Policy includes campus, campus activities, and the behavior of campus affiliates. Accordingly, reports which come in to OPHD reflect incidents across a variety of on- and off-campus locations. Figure 10 shows that of those incoming reports in which the location of the incident was available, the majority occurred on campus. The “online” category refers to incidents occurring primarily online; these include harassment and stalking. The “other” category represents locations that were unknown or unavailable to OPHD.



**Figure 10: Locations of SVSH incidents reported to OPHD**

Student housing that is owned by the university (e.g. University Village or Unit 1) is included as on-campus in these figures. However, housing that is not owned by the university, even if occupied by a high number of students, is considered off-campus in these figures. This includes fraternities, sororities, and cooperative (co-op) housing.

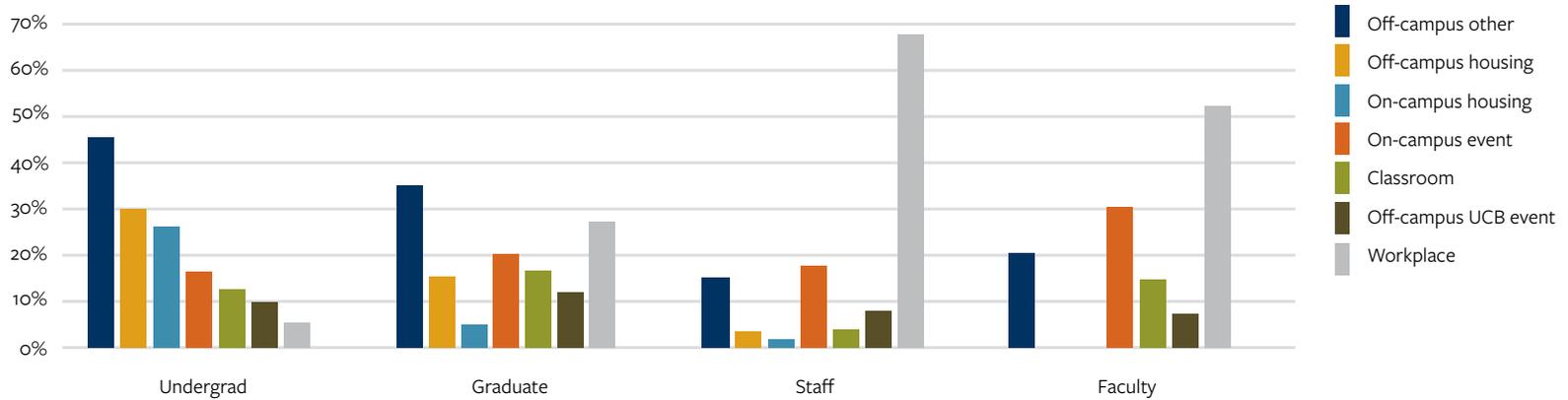
As shown in Figure 11, the likelihood that SVSH-related harm is experienced on campus is higher for employees than for students, and higher for graduate students than for undergraduate students. This likely reflects the fact that employees are more likely to report workplace harassment, while students (especially undergraduates) are more likely to report sexual assault, to OPHD (see Figure 7). Similar trends emerged from MyVoice survey results.



**Figure 11: Locations of SVSH incidents reported to OPHD, by affiliate group**

Figure 11 excluded complainants categorized as “unspecified students” or “other/unknown” to only include identifiable complainants. As in Figure 10, the “other” location category in Figure 11 represents locations that were unknown or unavailable to OPHD.

While OPHD data revealed that the majority of known locations for reported incidents were on-campus, the data also showed that for about half of incoming reports, the location was not specified. The MyVoice survey provides another source of information regarding locations (Figure 12).<sup>21</sup> While for staff and faculty, the majority of harm reported in MyVoice occurred in the workplace, for students, the majority of SVSH-related harm occurred off-campus. One factor contributing to this asymmetry is the large proportion of student-related harm that is experienced by students in their residences, most of which are off-campus.

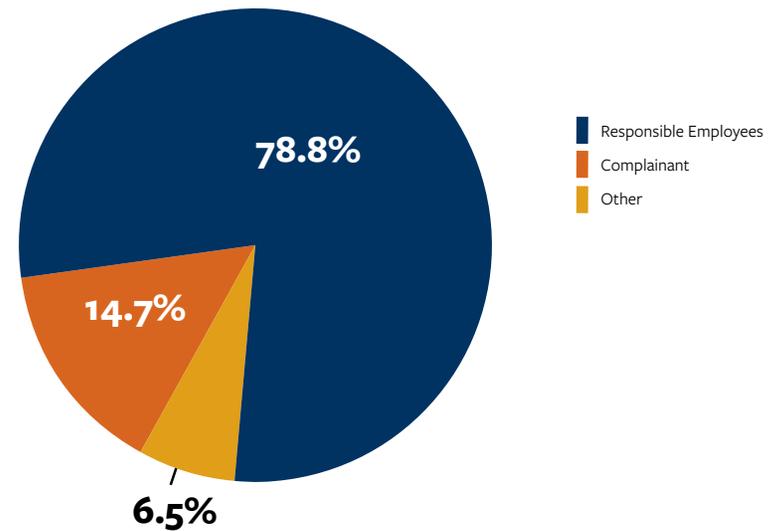


**Figure 12: Locations of experiences of SVSH harm reported in the MyVoice Survey, by affiliate group**

### 10.5. Sources of reports

Data about who is making reports to OPHD sheds light on the extent to which members of the campus community are aware of their responsibility to one another. As Figure 13 illustrates, the majority of SVSH reports made to OPHD came from Responsible Employees (328, or 79%), rather than from complainants directly (61, or 15%).

Of the 328 Responsible Employee reports in Figure 13, 28 reports came from campus units which commonly receive disclosures or serve as first responders: UCPD, Student Housing, or Student Conduct. The 27 reports in the “other” category came from third parties (i.e., not Complainants) who were not identified as Responsible Employees, e.g., students without reporting obligations; non-affiliates; or anonymous reporters.



**Figure 13: Who reported SVSH incidents to OPHD**

<sup>21</sup>See also the Annual Security and Fire Safety Report for locations of crimes reported to UCPD, whose jurisdiction is “university owned properties on and around core campus” (p. 4) ([ucpd.berkeley.edu/sites/default/files/2019\\_uc\\_berkeley\\_asfsr.pdf](https://ucpd.berkeley.edu/sites/default/files/2019_uc_berkeley_asfsr.pdf)).

The number and proportion of Responsible Employee reports has increased in recent years; this is likely attributable to the Responsible Employee requirement outlined in the UC SVSH Policy and efforts to educate the campus community about it. According to the 2018 MyVoice Survey, employees overall had a very high awareness that they are Responsible Employees (84% of staff and 86% of faculty said they were Responsible Employees.)

### 10.6. Trends of incoming cases

Another lens into the impact of SVSH on the campus community is temporal. As seen in Figure 14, incoming reports to OPHD are most frequent in the middle of the fall and spring semesters. It is not surprising that reports are fewest in summer, when fewer students and faculty are on campus. However, it is interesting to compare these trends to those reported by survivor support units.

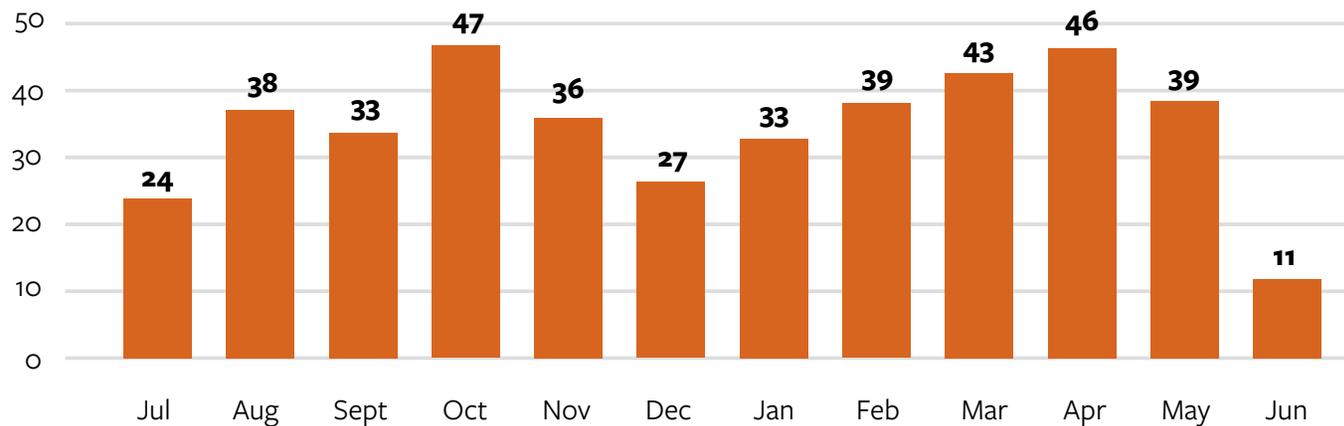
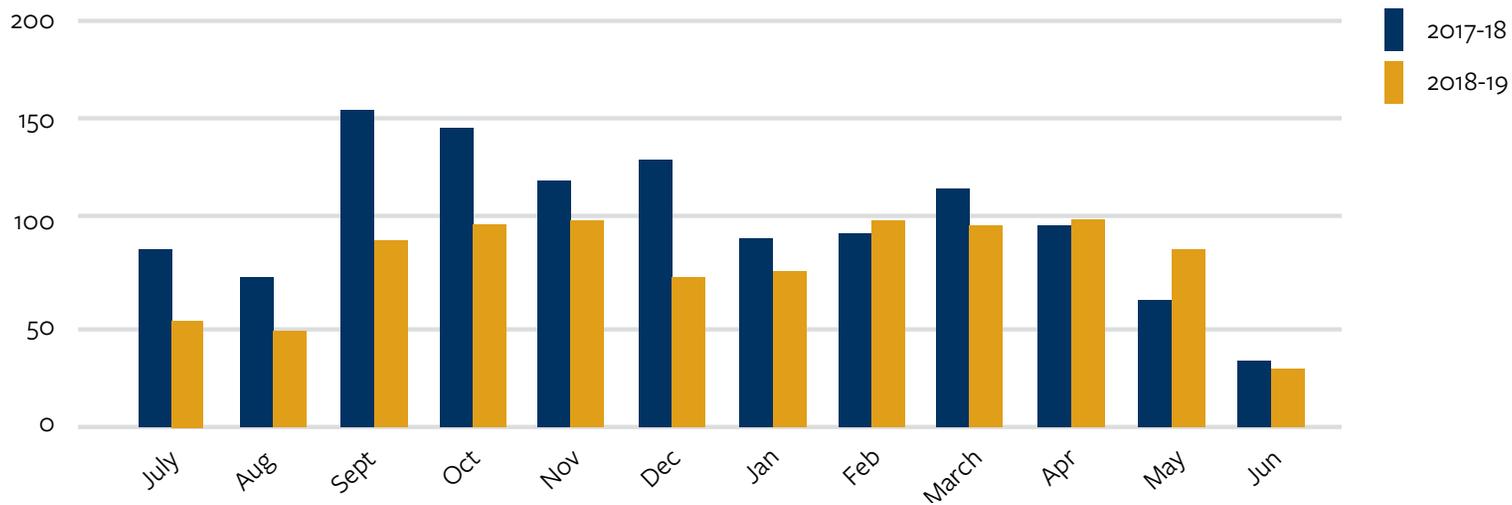


Figure 14: Trends of OPHD incoming SVSH reports by month between July 1, 2018 - June 30, 2019

PATH to Care and Social Services reported caseload trends that are roughly similar to one another, with a greater number of mid-semester appointments and a smaller number of appointments over the summer and winter break. For Social Services, which provided month-by-month appointment figures for the last two years, the number of appointments per month appears to be becoming more consistent throughout the academic year (Figure 15). Compared with 2017-18, 2018-19 had fewer appointments in the fall months and a higher volume of appointments in the spring months.



**Figure 15: Social Services caseload, by month**

Both OPHD and the PATH to Care Center experienced higher volumes of utilization in 2018-19, as compared to 2017-18. In 2017-18, OPHD logged 417 SVSH allegations, compared to 458 in 2018-19 (a 10% increase). PATH to Care saw 315 clients in 2017-18 and 365 in 2018-19 (a 16% increase). This upward trend is likely a sign that survivors are more aware of their rights and the resources available to them.

**10.7. A sobering reflection**

The MyVoice survey reveals that SVSH goes unreported, and unaddressed by survivor support services, in many cases. For example, nearly 30% of those undergraduates who took the MyVoice survey reported experiences that, in the terms of the survey, fell into the category of sexual harassment. Berkeley currently has approximately 31,000 undergraduates.<sup>22</sup> 30% of this figure is much higher than the number of total reports received by OPHD, or the number of visits to PATH to Care or Social Services. While of course, the behaviors asked about in the MyVoice survey do not all violate the UC SVSH Policy, these figures are still a necessary reminder of the fact that has been established in other, national surveys: those who report, and those who seek help, are only a fraction of those who are affected by SVSH.

<sup>22</sup>University of California, Berkeley. (2019). Berkeley by the numbers. Retrieved from [berkeley.edu/about/bythenumbers](https://berkeley.edu/about/bythenumbers)

# *11.0 Resolution, Investigation, and Adjudication\**

\*Data in sections 10 and 11 are snapshots reported at the end of the time period covered in this report (July 1, 2018 - June 30, 2019). They may differ from subsequently reported data in official reports due to changes in case outcomes.

This section discusses the formal process that ensues after an allegation of prohibited conduct has been reported to OPHD. (As discussed in section 10.6, not all survivors choose to pursue formal reporting; some opt instead for alternative means of addressing the harm they experienced.) For survivors to make the choice that is right for them, it is important to understand each option and what is possible within it.

Section 11.1 covers the types of resolution that are possible at OPHD, including Formal Investigation. Section 11.2 covers the disciplinary (adjudication) process that can ensue once OPHD has completed a Formal Investigation. Section 11.3 discusses measures that have been taken to ensure consistency over time and across the different adjudication processes. Section 11.4 provides data regarding investigation and adjudication outcomes. Section 11.5 discusses timelines and provides data regarding the duration of investigation and adjudication processes. Section 11.6 discusses the complex relationship between transparency, confidentiality and privacy, and section 11.7 concludes with discussion of remediation and restoration.

### **11.1. Resolution types**

OPHD determines whether specific policies have been violated; OPHD does not determine or impose discipline. The latter is the responsibility of other campus authorities and administrative units (see section 11.2). That said, the Title IX Officer is tasked with overseeing the overall process is carried out according to all applicable policies and procedures, and documented accurately at all stages.

There are several possible outcomes after a report has been made to OPHD (Figure 16). A number of factors, including, in some cases, the wishes of the parties, determine whether a case is formally investigated (11.1.1), resolved informally through alternative resolution (section 11.1.2), administratively closed after taking preventative measures (section 11.1.3), or administratively closed with resources provided (11.1.4).

#### **11.1.1. Formal investigation**

OPHD can launch a Formal Investigation in situations where the allegations, if true, would amount to an SVSH Policy violation, and where there is enough evidence to proceed.

Formal Investigation involves interviewing witnesses, collecting documentary evidence, making findings of fact and analyzing those facts against policy standards in a written report. Both the complainant and respondent have the opportunity to review evidence that will be relied upon before the written report is finalized. If the OPHD investigation results in a determination (or preliminary determination, in student cases) that misconduct has occurred, the case passes to campus adjudicators, who decide whether disciplinary sanctions are called for (see section 11.2). Per the UC SVSH Policy, OPHD applies a preponderance of the evidence standard in reaching its determinations. Preponderance of the evidence means that it is more likely than not that an event occurred.

#### **11.1.2. Alternative Resolution**

“Alternative Resolution” is an alternative to Formal Investigation in situations in which the allegations, if true, would amount to an SVSH Policy violation. In an Alternative Resolution, measures are taken to address the situation that led to a report and prevent that situation from continuing or worsening. Alternative Resolution does not result in a determination by OPHD as to whether or not the UC SVSH Policy was violated, nor can it lead to a formal disciplinary sanction.

Alternative Resolutions could involve space-sharing agreements, no-contact directives, work reassignments, counseling for one or both parties, or other solutions tailored to the particular situation. Alternative Resolutions are documented outcomes, often with provisions that are enforced over a period of time.

If the Alternative Resolution process is not successful, i.e., if parties opt not to participate in it or don't agree to its terms, the case can proceed to Formal Investigation. Situations which pose a threat to the campus community may not be suitable for Alternative Resolution; the campus Title IX Officer makes this decision. If the Alternative Resolution process is not successful, or if either party changes their mind during the process and wishes a Formal Investigation instead, the case can proceed to that resolution strategy. Once concluded, however, an Alternative Resolution agreement is binding, and the case cannot be reopened (unless new allegations emerge).

#### **11.1.3. Administrative closure with preventive measures**

Sometimes, conduct is reported to OPHD which, while concerning, would not violate the UC SVSH Policy. In such instances, OPHD cannot take the matter to Formal Investigation or conclude it via an Alternative Resolution, but can still recommend and implement preventive measures to address the situation, such as departmental trainings or other, non-disciplinary administrative actions. This is described as “Administrative closure with preventive measures.”

In situations where the allegations would, if true, violate a policy enforced by a different campus office, OPHD will refer the complaint to that campus office, e.g., Human Resources, Academic Personnel, the Vice Provost for the Faculty, the Vice Chancellor for Research, or the Center for Student Conduct.

#### **11.1.4. Administrative closure with resources provided**

Sometimes a complaint comes to OPHD without sufficient information to enable OPHD to address the issue. For example, a third party might report prohibited conduct to OPHD but doesn't know the names of the parties involved; or a complainant doesn't wish to talk with OPHD or to pursue any kind of resolution process at the time. Under circumstances like these, OPHD typically has limited ability to address the issue under the UC SVSH Policy. OPHD will do its best, if the survivor's name is known, to reach out, provide resources, and offer options to go forward with the process. This is described as “Administrative closure, resources provided.”

When OPHD administratively closes a matter by taking preventive measures (11.1.3) or simply by providing resources (11.1.4), records are still retained. The matter can be reopened in the future if additional information that enables further review under the UC SVSH Policy emerges.

Outside observers who are aware that something happened may wonder why OPHD is not taking action, but due to complainant and respondent privacy rights, OPHD is very limited in its ability to discuss the matter, including the actions it has taken.



**Figure 16: Simplified flowchart of OPHD process**

### 11.2. Adjudication and discipline phases

The adjudication processes for students and employees are independent, carried out by different bodies and following different procedures. If a student is the respondent (the accused), the disciplinary case is handled by the Center for Student Conduct. For employees, the process followed depends on the type of employment. If a faculty member or academic appointee is the respondent, the disciplinary case is overseen by the Vice Provost for the Faculty. If a (non-academic) staff member is the respondent, the disciplinary case is overseen by Human Resources. For a represented employee, the campus follows the disciplinary process specified in the contract between the employee’s labor union and the University. As of July 2019 (after the period covered in this report), the Title IX Officer provides an additional layer of compliance monitoring and oversight in all circumstances (see section 4.2.3).

The campus aspires to take consistent disciplinary steps regardless of who has committed and who has reported the misconduct (see, e.g., section 11.4 for data regarding student, faculty, and staff disciplinary outcomes). Differences in the appointment status of students and types of employees, and a high level of confidentiality regarding student and employee records, make this challenging to demonstrate. One goal of this report is to make the processes, and the range of outcomes, as transparent as possible.

### 11.2.1. Student respondents

The student adjudication procedures changed during 2019. This section describes the process in effect for most of 2018-19; see [ophd.berkeley.edu](http://ophd.berkeley.edu) for the current policy and procedures. Upon completion of its investigation of a case involving a student respondent, OPHD produces a report with a determination regarding whether there has been a violation of the UC SVSH Policy and Code of Student Conduct. This report is then sent to the Center for Student Conduct (CSC).<sup>23</sup> It is also shared with the complainant and respondent, who have the right to convey feedback to CSC on the question of policy findings and potential discipline.

CSC reviews the report, makes a determination regarding policy violation, and decides whether to impose a sanction, in accordance with the Sexual Violence and Sexual Harassment Student Adjudication Framework (PACAOS-Appendix E). For sexual contact in violation of the UC SVSH Policy, Appendix E mandates a mandatory minimum sanction of at least one year of suspension. Circumstances such as the use of force, causing incapacitation, recording intimate images without consent, penetration, domestic/dating violence, or stalking increase the minimum sanction to at least two years of suspension, and could merit dismissal.

After the responsibility and sanction decisions are made, the complainant and respondent both have the right to appeal the decision to an Appeal Hearing Officer. According to the version of Appendix E that was in force through February 2019, appeal requests could only be granted if specific procedural grounds were met. Appendix E was replaced with an interim policy in March, 2019 (see section 4.2.2); from that point on, appeals of suspension or dismissal sanctions were automatically granted, regardless of reason. (Appendix E was revised once again in July 2019. The most current version of the policy can be found at [policy.ucop.edu/doc/2710641/PACAOS-Appendix-E](http://policy.ucop.edu/doc/2710641/PACAOS-Appendix-E).)

### 11.2.2. Staff respondents

Upon completion of its investigation of a case involving a (non-academic) staff respondent, OPHD produces a written report concluding with a determination regarding whether there has been a violation of the UC SVSH Policy. Both parties -- the

**“The University’s student disciplinary procedures emphasize education, personal growth, accountability, and ethical behavior -- upholding standards of responsible conduct to balance the interests of the University community and the student. When formal fact-finding procedures are used, the procedures are designed to provide a prompt, fair, and impartial resolution of the matter.”**

**—Procedures for Implementation of the Student Adjudication Model**

<sup>23</sup>[sa.berkeley.edu/conduct/sexual-misconduct-policy](http://sa.berkeley.edu/conduct/sexual-misconduct-policy)

complainant and the respondent -- have the right to respond in writing to this report. Their response, and the report, are provided to the respondent's supervisor (or other appropriate administrative authority), who has the responsibility to propose and implement disciplinary action (if any), and to the Chief Human Resources Officer (CHRO), who must approve (or request revisions to) the supervisor's proposed disciplinary action(s) before it can be implemented. (As of July 1, 2019, after the time period covered by this report, systemwide policy was changed to also require the CHRO to consult with the campus Title IX Officer). In accordance with PPSM-62, PPSM-64 and PPSM-70, which can be found at [hr.berkeley.edu/policies/policies-procedures/ppsm](http://hr.berkeley.edu/policies/policies-procedures/ppsm), response options available to the supervisor and CHRO include formal corrective action, up to and including termination, as well as remedial actions that do not amount to formal correction.

For a detailed description of the staff adjudication process that is currently in effect, see [sexualviolence.universityofcalifornia.edu/files/documents/staff-nfap-svsh-investigation-and-adjudication-framework.pdf](https://sexualviolence.universityofcalifornia.edu/files/documents/staff-nfap-svsh-investigation-and-adjudication-framework.pdf).

### **11.2.3. Non-faculty academic personnel**

Adjudication procedures for non-faculty academic personnel vary according to whether or not the employee is represented by a union.

#### **11.2.3.1. Non-represented academic appointees**

Upon completion of its investigation of a case involving a respondent who is a (non-faculty, non-represented) academic appointee, OPHD produces a written report concluding with a determination regarding whether there has been a violation of the UC SVSH Policy. Both parties -- the complainant and the respondent -- have the right to respond in writing to this report. Their responses, and the report, are provided to the respondent's supervisor (or other appropriate administrative authority), who has the responsibility to propose and implement disciplinary action, and to the Vice Provost for the Faculty (VPF), who must, in consultation with the Academic Personnel Office, approve (or request revisions to) the supervisor's proposal before it can be implemented. (As of July 1, 2019, systemwide policy also requires the VPF to consult with the campus Title IX Officer). In accordance with APM-150<sup>24</sup>, the response options available to the supervisor and VPF include informal resolution or formal corrective action, up to and including termination. The employee has the right to grieve the action under APM-140<sup>25</sup>.

For a detailed description of the adjudication process for non-represented, non-faculty academic appointees that is currently in effect, see <https://sexualviolence.universityofcalifornia.edu/files/documents/staff-nfap-svsh-investigation-and-adjudication-framework.pdf>

#### **11.2.3.2. Represented academic appointees**

Upon completion of its investigation of a case involving a respondent who is a represented academic appointee, OPHD produces a written report concluding with a determination regarding whether there has been a violation of the UC SVSH Policy.

Employees who are represented by a union follow a disciplinary process which is governed by the contract in place with the union. The employee may grieve and/or seek arbitration of corrective (disciplinary) actions.

<sup>24</sup>[ucop.edu/academic-personnel-programs/\\_files/apm/apm-150.pdf](http://ucop.edu/academic-personnel-programs/_files/apm/apm-150.pdf)

<sup>25</sup>[ucop.edu/academic-personnel-programs/\\_files/apm/apm-140.pdf](http://ucop.edu/academic-personnel-programs/_files/apm/apm-140.pdf)

#### **11.2.4. Faculty respondents**

The term “faculty” at Berkeley is ambiguous. It can be used narrowly to refer only to Senate faculty, i.e., ladder-rank faculty (those on the tenure track, whether or not they yet have tenure), lecturers with security of employment, Professors in Residence, and Professors of Clinical Optometry. The term “faculty” can also be used broadly to refer to instructors generally: Senate faculty as well as non-Senate faculty, including adjunct faculty and lecturers.

OPHD investigations are carried out in the same way for all, but disciplinary procedures differ according to whether the individual is a Senate faculty member (section 11.2.4.1); a non-Senate, non-represented faculty member (section 11.2.4.2); or a represented lecturer (section 11.2.4.3).

##### **11.2.4.1. Senate faculty**

Upon completion of its investigation of a case involving a respondent who is a Senate faculty member, OPHD produces a written report concluding with a determination regarding whether there has been a violation of the UC SVSH Policy. An OPHD determination that the UC SVSH Policy has been violated constitutes probable cause of a violation of the Faculty Code of Conduct (APM-015)<sup>26</sup>.

Both parties -- the complainant and the respondent -- have the right to respond in writing to this report. Their responses (if any), and the report, are provided to the Vice Provost for the Faculty (VPF), who is responsible for the adjudication and discipline of Senate faculty misconduct in accordance with APM-016<sup>27</sup>, Senate Bylaw 336<sup>28</sup> and the University of California Investigation and Adjudication Framework for Senate and Non-Senate Faculty<sup>29</sup>. All three of these policies/procedures were revised in 2019 (see section 4.2).

The VPF consults with a campus Peer Review Committee before deciding what sanctions outcome to pursue. The Peer Review Committee is composed of six faculty. (As of July 1, 2019, systemwide policy also requires the VPF to consult with the campus Title IX Officer). Peer Review Committees were instituted, throughout the UC system, in 2017 in order to provide more input and perspective on disciplinary decisions. Peer Review Committee members receive training and serve two-year terms.

The VPF has two main options: file formal disciplinary charges with the faculty Privilege and Tenure Committee (P&T) of the Academic Senate, as outlined in APM-016 and Senate Bylaw 336; or reach a negotiated settlement with the faculty member (termed “Early Resolution”), described in Senate Bylaw 336. Typically, Early Resolution is attempted first, and the P&T process is used if negotiations do not progress.

The P&T process involves a formal hearing, after which P&T recommends a sanction up to (but not exceeding) the sanctions requested by the VPF. APM-016 permits only six possible censures: in order of severity, these are: written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the University. After P&T has made

<sup>26</sup>[ucop.edu/academic-personnel-programs/\\_files/apm/apm-015.pdf](https://ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf)

<sup>27</sup>[ucop.edu/academic-personnel-programs/\\_files/apm/apm-016.pdf](https://ucop.edu/academic-personnel-programs/_files/apm/apm-016.pdf)

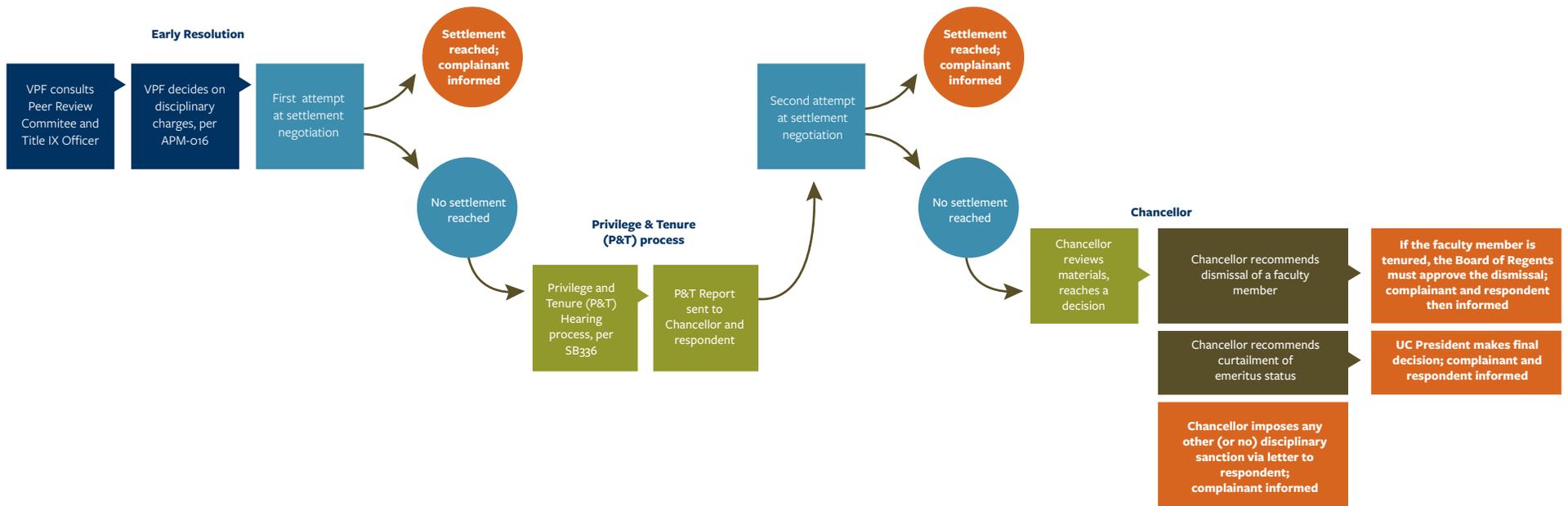
<sup>28</sup>[senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart3.html](https://senate.universityofcalifornia.edu/bylaws-regulations/bylaws/blpart3.html)

<sup>29</sup>[sexualviolence.universityofcalifornia.edu/files/documents/faculty-svsh-investigation-and-adjudication-framework.pdf](https://sexualviolence.universityofcalifornia.edu/files/documents/faculty-svsh-investigation-and-adjudication-framework.pdf)

its recommendation, the Chancellor makes the final decision. (Certain sanctions require approval by the Regents or the University President.) The P&T process is highly confidential.

Early resolution settlements are potentially faster to achieve and allow a wider range of options than are available through the P&T process; along with such outcomes as suspension, curtailment of emeritus privileges, and separation from the university, an early resolution settlement could include an agreement to retire, restrictions on the use of campus space, or other possibilities not available through P&T. Settlement agreements also typically include mutually agreed upon public statements that can be used to inform the community about the outcome of an otherwise confidential disciplinary case.

A simplified flowchart of the faculty disciplinary process is provided in Figure 17. For a more detailed description, see <https://sexualviolence.universityofcalifornia.edu/files/documents/staff-nfap-svsh-investigation-and-adjudication-framework.pdf>



**Figure 17: Flowchart of the faculty disciplinary process**

#### **11.2.4.2. Non-Senate, non-represented faculty**

Upon completion of its investigation of a case involving a respondent who is a non-Senate, non-represented faculty member (for example, adjunct faculty, or clinical faculty in the health sciences), OPHD produces a written report concluding with a determination regarding whether there has been a violation of the UC SVSH Policy. Both parties -- the complainant and the respondent -- have the right to respond in writing to this report. Their responses (if any), and the report, are provided to the Vice Provost for the Faculty (VPF), who, in consultation with the Academic Personnel Office, is responsible for proposing and implementing discipline (if any). In accordance with APM-150 ([ucop.edu/academic-personnel-programs/\\_files/apm/apm-150.pdf](https://ucop.edu/academic-personnel-programs/_files/apm/apm-150.pdf)), the response options available to the VPF include informal resolution or formal corrective action, up to and including termination. The employee has the right to grieve the action either under APM-140 ([ucop.edu/academic-personnel-programs/\\_files/apm/apm-140.pdf](https://ucop.edu/academic-personnel-programs/_files/apm/apm-140.pdf)) or through the Academic Senate under Senate Bylaw 337. For a detailed description of the non-Senate, non-represented faculty adjudication process, see <https://sexualviolence.universityofcalifornia.edu/files/documents/faculty-svsh-investigation-and-adjudication-framework.pdf>.

#### **11.2.4.3. Lecturers**

Upon completion of its investigation of a case involving a respondent who is a (union-represented) lecturer, OPHD produces a written report concluding with a determination regarding whether there has been a violation of the UC SVSH Policy.

Lecturers, like other employees who are represented by a union, follow a disciplinary process which is governed by the contract in place with the union. In the case of lecturers, the OPHD report is provided to the Vice Provost for the Faculty (VPF), who, in consultation with the Academic Personnel Office, is responsible for proposing and implementing discipline (if any). Lecturers have the right to grieve corrective actions through the Academic Senate (Senate Bylaw 337). For more information, see [ucnet.universityofcalifornia.edu/labor/bargaining-units/ex/docs/ex\\_2008-2012\\_07\\_discipline-dismissal.pdf](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/ex/docs/ex_2008-2012_07_discipline-dismissal.pdf).

#### **11.2.5. Senior leaders**

In 2016, President Napolitano created a Systemwide Peer Review Committee ([sexualviolence.universityofcalifornia.edu/files/documents/uc-community-peer-review-cmte.031816.pdf](https://sexualviolence.universityofcalifornia.edu/files/documents/uc-community-peer-review-cmte.031816.pdf)) charged with approving proposed disciplinary sanctions in SVSH misconduct cases involving faculty or staff who occupy positions of senior leadership. Senior leaders include, but are not limited to, Chancellors, Associate and Assistant Chancellors, Provosts and Vice Provosts, deans, coaches, and Athletic Directors. The purpose of the Systemwide Peer Review Committee, like the campus Peer Review Committees which consult on faculty disciplinary cases, is to promote equity and consistency in adjudications of those in positions of particular power on campuses.

### **11.3. Striving for consistency in a distributed system**

In 2017, the Chancellor's Joint Administration/Senate Committee on SVSH ([chancellor.berkeley.edu/sites/default/files/svsh\\_full\\_report\\_1-31-2017.pdf](https://chancellor.berkeley.edu/sites/default/files/svsh_full_report_1-31-2017.pdf)) identified 'horizontal equity' as a goal for the campus adjudication response to student, staff and faculty SVSH cases. This refers to the ambition of providing a consistent sanction for conduct regardless of the status of the respondent.

It can be challenging to achieve consistency, given the independence of the various adjudication systems for students, staff, faculty, and senior leaders, for whom there are different disciplinary codes, options, and terms of employment. Building in additional levels of review -- e.g., for staff, the CHRO (section 11.2.2); for faculty, the Peer Review Committee (section 11.2.4.1); and, in the future, consultation with the Title IX Officer in all cases -- is one way of ensuring a consistent approaches and more equitable outcomes.

It can, however, be challenging to demonstrate consistency in outcomes, given the confidentiality inherent in any disciplinary process. For example, student records are protected by the [Family Educational Rights and Privacy Act \(FERPA\)](#); certain aspects of employee records are protected by employment laws.

Aggregate statistics presented in section 11.4 provide some evidence of consistency in adjudication outcomes, showing that students, staff and faculty alike have been investigated and, as appropriate, sanctioned after reports of misconduct.

#### 11.4. Outcomes of campus investigation and adjudication processes

In the interest of illuminating the degree to which the campus is able to hold community members accountable, this section illustrates, broken out by affiliation group, the final outcomes of SVSH cases that came through OPHD (see Figure 19 for a list of subtypes). (Note: this section does not include outcomes of reports made to law enforcement.)

##### 11.4.1. SVSH cases closed by OPHD, by affiliation group

In 2018-19 OPHD closed 491 cases, 347 of which involved SVSH allegations, i.e., allegations of conduct that would violate the UC SVSH Policy. Figure 18 shows the affiliations of respondents and complainants in all SVSH cases closed by OPHD in 2018-19. Paralleling the distribution of incoming allegations, students outnumbered staff and faculty by a large margin.

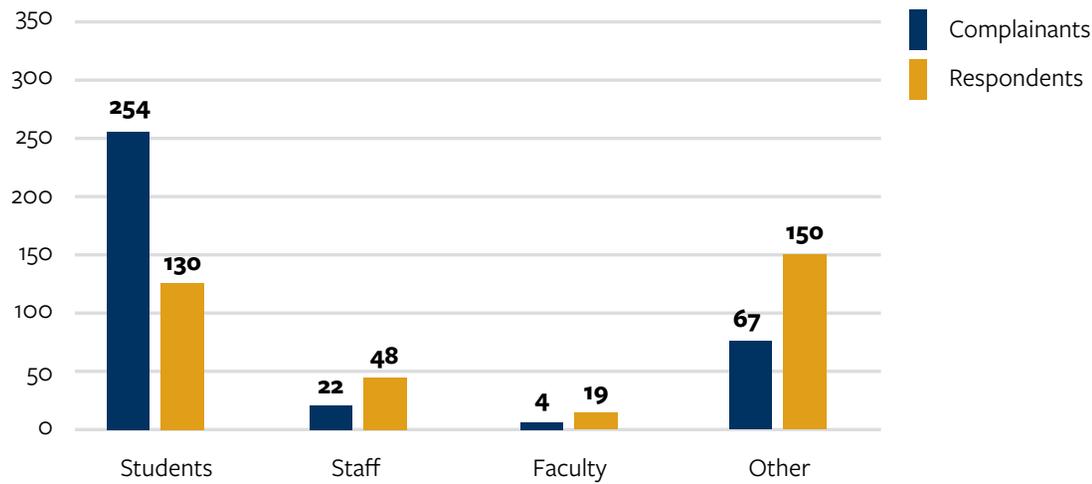


Figure 18: SVSH cases closed by OPHD in 2018-19, by complainant and respondent affiliation

Figure 19 characterizes the way SVSH cases were closed, regardless of respondent affiliation. 12% of SVSH cases closed by OPHD went through Formal Investigation (see section 11.1.1); 4% of SVSH cases were resolved through Alternative Resolution (section 11.1.2). The majority of SVSH cases closed by OPHD (63.7%) were administratively closed with resources provided (section 11.1.4); 10% were administratively closed with preventive measures, a type of closure which has been tracked separately since January 2018.

The “Other” category in Figure 19 represents cases in which not enough information was provided to enable OPHD to move forward, as well as cases that initially appeared to be SVSH cases but were subsequently determined not to be OPHD matters.

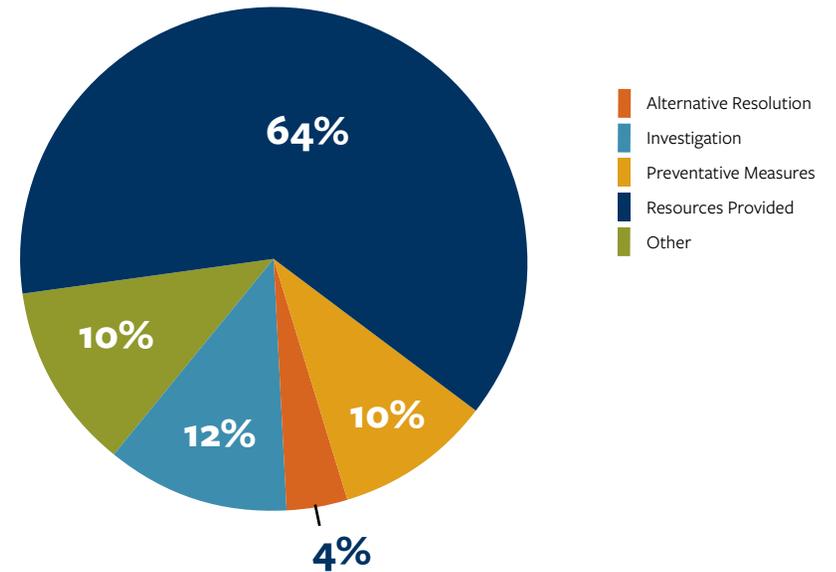
**11.4.2. OPHD investigation outcomes**

Upon completion of an OPHD investigation, the OPHD report is provided to the relevant adjudicator, as described in section 11.2.

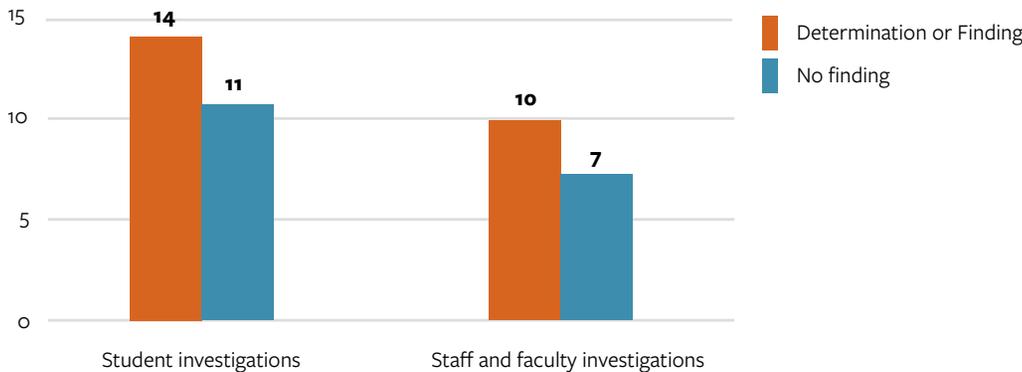
In 2018-19, OPHD completed 25 investigations in student respondent cases involving allegations of SVSH, and made determinations of an SVSH policy violation in 14 of them. In this report, student respondents include undergraduates, graduate students, and unspecified students.

OPHD completed 17 investigations in staff and faculty respondent cases involving allegations of SVSH in the same time period, and made a finding in 10 of those investigations.

As shown in Figure 20, slightly more than half of all OPHD investigations resulted in a finding in the 2018-19 academic year.



**Figure 19: How OPHD closed SVSH cases in 2018-19**



**Figure 20: Outcomes of OPHD investigations involving student and staff & faculty respondents in SVSH cases**

### 11.4.3. Adjudication outcomes

Once an investigation is complete, the adjudication phase begins. This section reports on the outcomes of adjudication phases of SVSH cases that reached a conclusion in 2018-19. Note that some of the relevant investigations were completed prior to July 1, 2018, and thus are not represented in Figure 20, above. (This report does not track individual cases over time, and is not intended to be used for that purpose; rather, it provides snapshots of the number of cases which conclude during the 12-month period covered by the report.)

In 2018-19, 20 SVSH cases with student respondents completed the adjudication stage. Some cases with student respondents were in the adjudication phase during the time period covered by this report but had not concluded by June 30, 2019.

Of the 20 cases that completed adjudication, 11 involved an OPHD investigation which had not recommended a finding of policy violation. The majority of the latter resulted in no adjudication sanctions. Of the remaining 9 cases, i.e. those in which OPHD had recommended a finding of policy violation, 8 completed adjudication with sanctions (Figure 21).

The “other” category in Figure 21 includes cases in which the Center for Student Conduct (CSC) or the Appeals process disagreed with the determination made by OPHD, either imposing a sanction for a case in which OPHD did not recommend a finding of policy violation, or the reverse.

Figure 22 depicts adjudication outcomes in SVSH cases with employee respondents in 2018-19. 16 such cases, involving staff and faculty respondents, completed the adjudication phase. Of these 16, OPHD had determined a policy violation in 9 of them. Of those 9 cases, 7 resulted in sanctions (Figure 22). In 7 of the 16 cases, OPHD had not made a finding; these cases resulted in no sanctions.

The “Other” category in Figure 22 represents 2 cases in which there was a finding but no sanction. This could be for a variety of reasons, including early separation from the university.

### 11.5. Striving for timely case completion

One of the concerns shared by both parties and the community in an SVSH case is the length of time it takes overall. The duration of cases involving faculty respondents, in particular, has been a subject of scrutiny by outside state and federal agencies (see, e.g., section 4.2). The OPHD cases that take the longest are those which go through Formal Investigation. The median duration of cases that resulted in Alternative Resolution was not available in 2018-19, but will be reported in future.

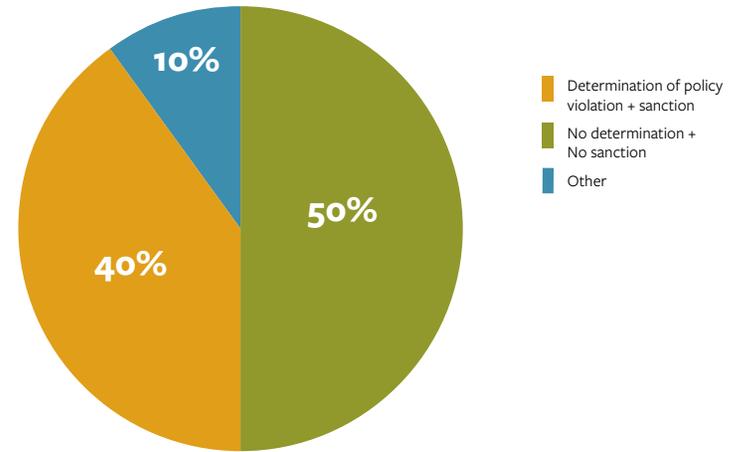


Figure 21: Student investigation and adjudication outcomes and sanctions, for cases which completed adjudication in 2018-19

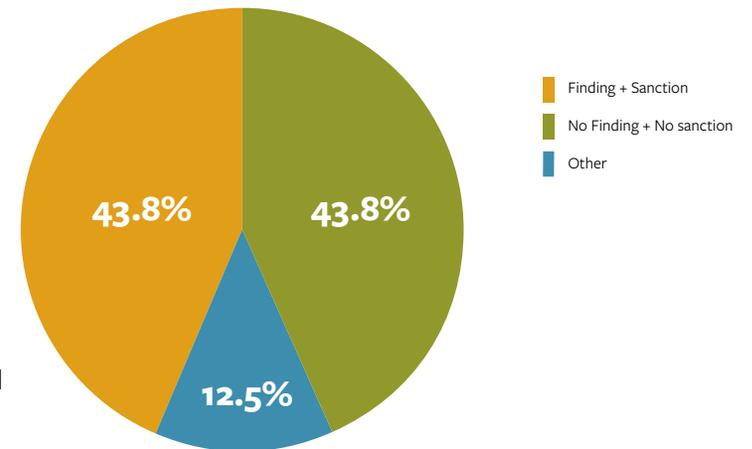
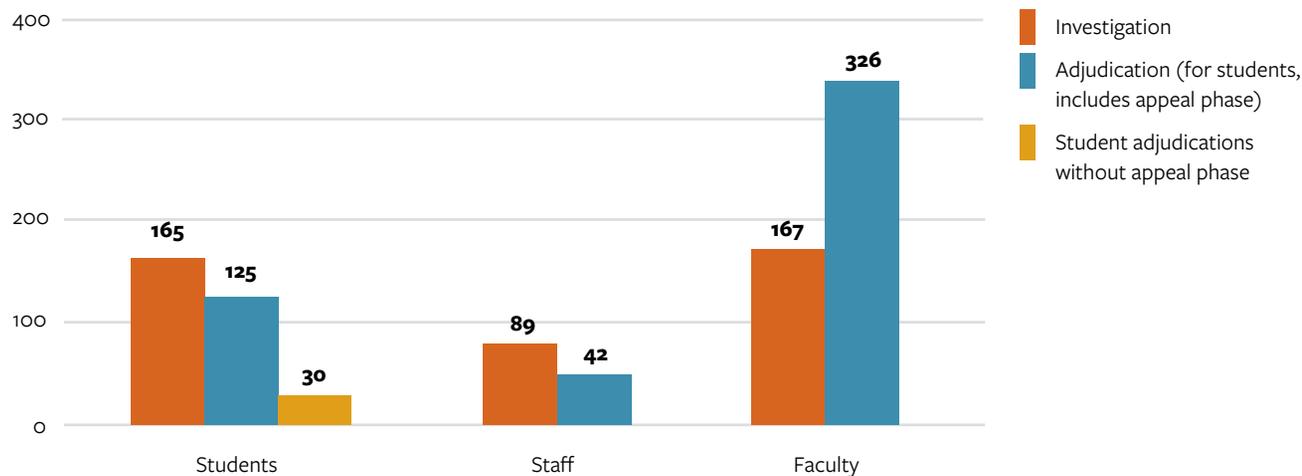


Figure 22: Staff and faculty Investigation outcomes and sanctions, investigations completed in 2018-19

The adjudication cases that take the longest are those that go through a Senate faculty adjudication process. OPHD is the office of record for both investigation and adjudication outcomes, though it does not carry out the adjudication process.

Figure 23 presents median durations for Formal Investigation and adjudication phases of SVSH cases closed in 2018-19. For most investigations and adjudications across all respondent affiliations, the median is the statistic that best represents the typical duration of cases.

Investigation durations -- the number of days from the Notice of Investigation to the issuance of a completed investigation report -- are depicted in the orange bars in Figure 23. Investigation duration varies according to the level of complexity of the case, among other factors. For example, investigations in which new information continues to emerge after the initial notice of allegations take longer than those in which the facts are all available at the outset.



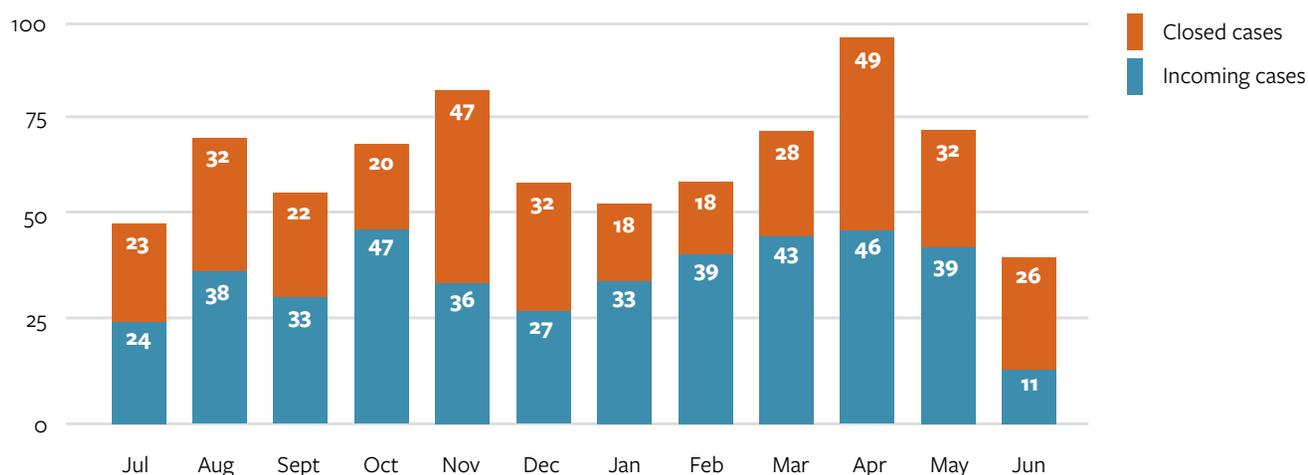
**Figure 23: Median Time to Completion of SVSH Investigations and Adjudications in business days**

Adjudication durations generally correlate with the number of steps involved in the adjudication process. For example, adjudication tends to take longer for faculty respondent cases than for staff or student cases, because there are more potential steps in the faculty disciplinary process (see section 11.2.4). Similarly, student cases in which the original sanctioning decision is appealed take longer, from start to finish, than those that do not involve an appeal (see section 11.2.1). (Staff and faculty cases do not involve an explicit appeals phase.)

In 2018-19, eight appeals were submitted out of the 20 relevant cases with student respondents; the adjudication durations of those cases are shown in blue. The gold bar in Figure 23 depicts median adjudication durations in student respondent cases without an appeal. (In a small number of adjudication cases involving student respondents, an appeal was submitted and later withdrawn. Those adjudication durations are not included in the set of appeal durations whose median is depicted in Figure 23.)

SVSH adjudications involving staff and faculty respondents, whose median durations are given in Figure 23, all followed upon an OPHD investigation in which OPHD made a determination of a UC SVSH Policy violation. For students, adjudication potentially continues even if OPHD has not made a determination of policy violation. The procedure in effect for most of 2018-19 was for the Center for Student Conduct (CSC) to review OPHD reports, regardless of whether or not OPHD determined a policy violation, and make its own determination regarding policy violation (see section 11.2.1.) Durations are shown separately for student adjudications that include an appeal and those that do not, as the appeal phase extends the overall duration of an adjudication process.

Investigations also take longer when caseload is high and staffing levels are low. Figure 24 shows OPHD incoming and closed case trends by month during 2018-19. Complaint Resolution Officers were also occupied by ongoing cases, in addition to incoming and closed cases.



**Figure 24: OPHD case trends (incoming SVSH reports and closed SVSH cases) from July 1, 2018 - June 30, 2019**

### 11.5.1. Efforts to constrain timeframes

UC policies and procedures for investigating and adjudicating SVSH cases include explicit timeframes within which various steps are supposed to occur. As discussed in section 4.2, new timeframes were added to systemwide policy and procedures during 2018-19 in an effort to shorten the duration of the overall process. These timeframes can generally be extended for good cause.

For example, the version of the UC SVSH Policy in force during 2018-19 gives Title IX offices 60 business days to complete an investigation, with extensions granted for good cause. (The newly revised SVSH Policy, which goes into effect on July 31, 2019, extends this initial timeframe to 90 business days.) As seen in Figure 23, the median duration of faculty and student respondent investigations exceeds this timeframe. For student adjudication, the version of PACAOS Appendix E that was in effect from July 1, 2018 to March 1, 2019 stated that the entire investigation and adjudication process, from first report to the end of the last appeal, must be completed in 120 business days; the interim policy that went into effect on March 1, 2019 extended this to 135 days from the date the written notice of the charges is issued. Both policies

state a timeline of 60 days for the entire appeals process. (Yet another version of the policy went into effect on July 31, 2019, with new timeframes.) Figure 23 shows that the median overall duration of cases that go to appeal falls within this window.

For the adjudication of faculty cases, the systemwide investigation and adjudication framework specifies several timeframes as well. For example, the Vice Provost for the Faculty has 40 business days from receipt of an OPHD report to propose a disciplinary response. As detailed in section 4.2, during the 2018-19 year, the Senate Bylaw governing the Privilege & Tenure process (Senate Bylaw 336) was revised to include the provision that a Privilege & Tenure hearing must begin no later than 60 days after charges are filed.

### **11.5.2. The ‘three-year rule’**

There is no statute of limitations for reporting SVSH cases to campus authorities. Anyone can make a report to OPHD at any time. Provided that evidence is still available and the allegations fall within the scope of the UC SVSH Policy, OPHD follows the same investigative proceedings regardless of when the incident occurred, applying the policies that were in force at the time the incident is alleged to have occurred; currently applicable adjudication procedures then follow, as appropriate.

The ‘three-year’ rule for faculty respondent cases is a clause in APM-016 which stipulates a three-year window for initiating disciplinary action after the report of an allegation to campus authorities. The clause was revised in 2019 (effective July 1, 2019) to specify that the Chancellor has three years within which to file disciplinary charges (not just initiate related disciplinary action); see section 4.2.4. The data in Figure 23 show that the typical investigation phase for faculty cases is far shorter than three years, enabling the adjudication phase to begin well within the specified window.

### **11.6. Privacy, confidentiality and transparency**

One of the complicated aspects of any discussion of SVSH on a university campus is that privacy considerations and confidentiality requirements, from state employment law to federal privacy rights regarding student records, generally make it impossible for the university to discuss individual cases, even when the community wants to understand how and why a decision was reached. When the campus cites privacy considerations in response to inquiries, it can be perceived as a lack of transparency.

But it is critically important for parties in past and current cases — and to parties in potential future cases — to trust that the university will keep their protected personal details confidential. Sometimes parties choose to share some or all of what has happened; sometimes they do not. This choice must remain their own to make. The best the campus can do in such situations is to explain the general process that it follows.

Under certain circumstances, such as dismissal of an employee, the campus does make a public statement when a case is resolved, though does not typically reveal details of the investigation. As the campus is a public institution, some records are accessible to the public via the Public Records Act process.

### **11.7. Remediation and restoration**

This section explores the topic of remediation efforts after an incident has occurred and the affected community needs to recover. The impact of SVSH harm does not end once a disciplinary decision has been reached. And some issues never result in a disciplinary decision in the first place, because they don't constitute a policy violation, per se. Nonetheless, the individuals involved need a way to recover.

What healing and remediation look like can differ across individuals and communities. For some, the desired resolution and repair after harm does not come from more traditional frameworks of justice.

The 2018 Consensus Study Report issued by the National Academy of Sciences, Engineering and Medicine articulates that in order to be truly survivor centered, campuses need to have multiple options for survivors, beyond the traditional reporting with hopes of punitive measures. A panel discussion sponsored by UC Berkeley's Social Science Matrix ([matrix.berkeley.edu](https://matrix.berkeley.edu)), in 2018-19, also addressed the question of reintegrating perpetrators in SVSH cases and community healing.

The campus provides remediation options for specific types of situations. For example, in addition to providing survivor support, certain Social Services staff work specifically with students who have caused physical or emotional harm. These counselors provide support and psycho-education to students who have caused harm to others and are interested in working towards positive behavioral change. PATH to Care's confidential advocates have held healing workshops for communities where harm has occurred. These facilitated discussions acknowledge the effect that violence has on the community to which a respondent or complainant belongs, and pave the way for reshaping norms and expectations in the future.

One option that the National Academy of Sciences report recommends for remediating SVSH damage is restorative justice, which highlights the community's role in accountability, communication, and acknowledgement of the harm done to any individual impacted as well as the community as a whole. In emphasizing behavior change and accountability, restorative justice philosophies can offer healing and opportunities to change norms within intact communities.<sup>30</sup> The UC SVSH Policy does not currently provide for formalized restorative justice as a resolution option. Outside of the formalized process, and on a voluntary basis, however, restorative justice is available to parties who wish to explore it, either through the campus Center for Restorative Justice or other mediators. A CCRT Working Group began exploring this topic in 2018-19 (see section 6.4.3).

<sup>30</sup>National Academies of Sciences, Engineering, and Medicine. 2018. *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24994>

# *12.0*

# *Actionable*

# *Priorities*

Each Annual Report is an opportunity to reflect on progress made toward goals set in the previous year and identify new goals for the future. In section 12.1, we review goals identified in the 2018 Annual Report. In section 12.2, we review the MyVoice Action Steps, announced in early Fall 2018. In section 12.3, we identify new additional priorities.

### **12.1. Actionable Priorities from the 2018 Annual Report**

The 2018 Annual Report identified three areas for continued improvement: customizing prevention efforts, designating new Confidential Resources, and ensuring that all campus adjudicators are trained in trauma-informed practices. Progress has been made in these areas, though more work remains to be done.

**Customizing Prevention Efforts for Greatest Efficacy.** The 2018 Annual Report identified a broad goal of tailoring SVSH prevention education to the needs of particular communities. This goal is being addressed via several of the MyVoice action steps discussed in section 12.2: including Centering Marginalized Communities, Creating Toolkits for Departments, Encouraging Undergraduate Social Change, and Raising Awareness about Resources.

**Confidential Resource Designation.** The 2018 Annual Report identified the goal of making Confidential Resources accessible to a greater range of individuals. The designation of the Gender Equity Resource Center as confidential was in progress as of the end of the time period covered by this 2019 Annual Report.

**Adjudicator Training.** The 2018 Annual Report identified a goal of assessing and, if needed, augmenting the training that campus adjudicators of SVSH cases receive in trauma-informed perspectives. Some campus adjudicators, e.g., in the Center for Student Conduct, are highly trained professionals for whom adjudication is a primary duty. Others, including some of those involved in faculty and staff adjudication, perform this duty less often and are less likely to have professional training. The campus launched a new training course in Fall 2018 which was provided to 30 adjudicators who potentially handle SVSH cases with student, staff, or faculty respondents. OPHD, UCPD, and PATH to Care Center all contributed course content. Evaluations of the course led to expositional improvements to the second iteration of the course, scheduled for Fall 2019. As mentioned in the “Centering Marginalized Communities” MyVoice Action step, below, two more adjudicator educational opportunities are currently under development, one which focuses on concerns specific to the LGBTQ+ community and another which highlights interactions between SVSH and mental health.

### **12.2. MyVoice Survey Action Steps**

Following the release of the MyVoice Survey results, an Action Planning team convened to develop action steps for improving campus efforts, based on lessons learned from the survey’s key findings. The six resulting action steps were communicated to the campus in Fall 2018.<sup>31</sup> They are sketched below, along with information about progress made during the 2018-19 time period. For many of these actions, the work is still ongoing and will be reported on again in the 2020 Annual Report.

#### **12.2.1. Uplifting Positive Social Norms**

**Key MyVoice finding:** Most people report holding healthy attitudes themselves, e.g. not attributing sexual violence to alcohol consumption, but are not confident that others do.

**Proposed action:** Create a campaign, tailored to specific campus communities, around healthy social norms. (Social norms are behaviors or attitudes that are common in one's community; healthy social norms are prosocial, i.e., voluntary behaviors that benefit others and the entire community, such as helping, sharing, cooperating, looking out for one another, etc.) Integrate these social norms into orientation sessions and other programs; organize high profile event to feature social norms, support for survivors, prevention tools; work to directly engage men in promoting positive social norms.

**Progress through June 2019:**

- Social norms have been integrated into the in-person training for all incoming graduate students, and the campus is in the process of integrating social norms into all other orientation programs for all students and employees.
- The PATH to Care Center began developing campus wide Social Norms campaign, for future release in Fall 2019. The campaign plans to use data from the MyVoice Survey to communicate the healthy attitudes held by the majority of those in the Berkeley campus community, in alignment with social norms theory, with the goal of increasing prosocial behavior.

**12.2.2. Empowering family and friends**

**MyVoice finding:** Survivors tend to tell friends about harmful experiences, but rarely formally report harm; the top reasons cited by participants in the MyVoice survey are the concern that the harm was not serious enough, not wanting action taken, and worry about being blamed.

**Proposed action:** Develop and distribute trauma-informed materials and workshops for friends, colleagues, and family that develop skills for supporting a survivor without victim blaming.

**Progress through June 2019:**

- The PATH to Care Center launched the development trauma-informed materials for use in empowering friends, family, and colleagues to build skills for supporting a survivor.
- The PATH to Care Center began developing a certificate program to build prevention and survivor support skills across the broader campus.

**12.2.3. Centering marginalized communities**

**MyVoice finding:** People belonging to a marginalized group, especially queer and transgender people of color and those living with a disability, experience disproportionately high impacts of sexual violence and sexual harassment.

**Proposed action:** Ensure that providers work collaboratively with existing campus communities to deliver direct services, campus messaging, and education that resonates with women of color, queer and transgender people of color, LGBTQ+, and people living with disabilities.

<sup>3</sup>Inkelas, S. (2018) MyVoice Cal Message. Retrieved from [myvoice.berkeley.edu/lib/img/pdf/MyVoice-Cal-Message.pdf](https://myvoice.berkeley.edu/lib/img/pdf/MyVoice-Cal-Message.pdf)

**Progress through June 2019:**

- During 2018-19, the PATH to Care Center and the CCRT Resource Review Working Group (see section 6.4.2) began developing new identity-based resources about SVSH that center marginalized communities.
- SVSH Core Team began a planning process to develop content for and carry out an educational session for campus adjudicators on the needs of the LGBTQ+ community in SVSH cases.
- A number of CCRT working groups (section 6.4) also included in their work plans the commitment to ensure that existing and new campus services, message, and education are explicitly welcoming to all; as one minor example, the new svsh.berkeley.edu hub website for SVSH resources was explicitly designed with accessibility considerations in mind.

**12.2.4. Creating toolkits for departments**

**MyVoice finding:** While sexual harassment behaviors within the campus community are most common within peer groups – undergraduates harass undergraduates, graduate students harass graduate students, etc. - results show that it is also very common pattern for harassment to occur within a power differential (supervisors harassing those they supervise, etc.).

**Proposed action:** Create toolkits for staff, faculty, and graduate students working on prevention efforts that address professional boundaries, power dynamics, workplace norms, gender inclusivity, and responsible employee obligations.

**Progress through June 2019:**

In 2018-19, the PATH to Care Center completed its Prevention Toolkit for Academic Departments, and piloted the toolkit in Spring 2019 in the School of Public Health. (For more information, see section 7.2.1.3.) More academic units are being scheduled for the Toolkit in the 2019-20 academic year. In addition, the PATH to Care Center is developing a prevention guide for supervisors and managers.

**12.2.5. Encouraging undergraduate social change**

**MyVoice finding:** Higher percentages of undergraduates report experiences of harm than do graduate students, staff, and faculty, in every category - sexual harassment, sexual assault, relationship violence, and stalking.

**Proposed action:** Develop ongoing educational outreach to undergraduates that allows for deeper engagement and understanding of concepts like bystander intervention and how to seek consent, through small group dialogues and role playing.

**Progress through June 2019:**

- PATH to Care and Intercollegiate Athletics have collaborated to pilot the Coaching Boys Into Men collegiate program, tailored for undergraduate athletes.

- A new required annual refresher course on SVSH prevention and response for undergraduate students was introduced in 2018-19.
- Increased number of prevention sessions were led by and offered to undergraduate students through the PATH to Care Center’s peer education program.

### **12.2.6. Raising awareness about resources**

**MyVoice finding:** While the majority of graduate students, staff, and faculty report connecting with a Berkeley resource if they had an SVSH experience, not everyone on campus is able to find the resources they need.

**Proposed action:** Create and widely distribute brochures around campus that highlight relevant SVSH resources at UC Berkeley, in particular clarifying that the Care Line (510-643-2005) is the 24/7 confidential urgent support hotline to access support and resources.

#### **Progress through June 2019:**

- In 2018-19, the CCRT Website Audit working group conducted an extensive audit of all Berkeley-associated websites hosting content about SVSH. The working group then created a new centralized “hub” website ([svsh.berkeley.edu](http://svsh.berkeley.edu)) to help highlight relevant SVSH resources on campus, and serve as an example for others to update and clarify resources for visitors to their site. For more detail, see section 6.4.4.
- The CCRT Resource Review and Development Group produced a new “Quick Guide” flyer highlighting SVSH resources relevant to students, and is working to widely distribute the resource. A flyer for staff and faculty is in development, as are other resources. For more detail, see section 6.4.2.

### **12.3. New priorities**

During the 2018-19 year, the SVSH Advisor office began the planning process for two long-term projects.

#### **12.3.1. Infusing respect into academic assessment**

A project emanating from the SVSH Advisor office, but involving a wide spectrum of the campus, has the working title of “Infusing Respect into Academic Assessment.” The starting point of this project is the proposition that fostering a healthy climate in the classroom and workplace is an essential part of academic excellence.<sup>32</sup> As work on primary prevention matures and gains traction within the community, it is becoming increasingly clear that the actions and attitudes that prevent SVSH also prevent bullying, microaggressions and other behaviors that detract from the kind of healthy, welcoming, inclusive climate that is needed to allow the talents of students, staff and faculty to be fully realized. For example, true excellence in teaching requires a classroom environment in which all students feel they belong and are welcome. The aim of the “Infusing Respect” project is to ensure that impact on healthy climate is consistently assessed in a wide range of academic areas: hiring, promotion, appointment to leadership positions, approving new course syllabi, bestowing awards, and more. Progress towards this goal will be discussed in the 2020 Annual Report.

### **12.3.2. Ensuring sustainability**

As the campus continues to dedicate more resources each year to SVSH prevention and response, it becomes increasingly important to ensure that the relevant structures are sustainable. The 2019-20 year will be an opportunity to assess the stability of the existing administrative system, in which a wide variety of offices across very different areas of campus coordinate through a committee structure, and to determine whether the funding supporting the different components of the system is, in aggregate, secure. Part of sustainability is also ensuring that the people doing the hard work of SVSH prevention and response are supported and provided with the resources needed to thrive.

<sup>39</sup>Blustein, A. & Inkelas, I. (2019, July 11). Community must elevate respect in order to avoid misconduct. The Daily Californian. Retrieved from [dailycal.org/2019/07/11/community-respect-misconduct](https://dailycal.org/2019/07/11/community-respect-misconduct)

13.0

*Final*

*Reflections*

Efforts to address sexual violence and harassment at UC Berkeley do not exist in a vacuum. In recent years, the country has reckoned with several interrelated social issues, including the Black Lives Matter movement, the election of Donald Trump, the Women's March, the #metoo movement, and the confirmation of Supreme Court Justice Kavanaugh.

This political context has put into sharp focus a broad theme of this report: what does institutional accountability look like? This question ran through campus conversations in 2018-19. The #metoo conference at Berkeley Law in May, 2019, addressed the question of how visions of justice and legal responses to sexual violence have changed in the era of #metoo. The RJ/TJ working group of CCRT (section 6.4.3) tackled the question of what it looks like when a person or group holds themselves accountable for recognizing the root causes of violence and working to address them. A staff and faculty panel at the Social Science Matrix in May, 2019, discussed the question of what it means for communities or institutions to hold individuals accountable for the harm they have caused in a survivor-centric, trauma-informed way. An op-ed article in the *Daily Californian* (see section 12.3.1) proposed that for the university to be accountable in regards to sexual harassment, it must lead the way by incorporating the principles of healthy climate in all campus activities.

This report is itself intended to be a keystone in the campus effort to be accountable, by providing a transparent, multi-dimensional view of SVSH prevention, incidence, and response on the UC Berkeley campus. Future reports will be able to track change, with past reports as baselines. Each report will outline steps that are planned and track the status of previously established ambitions. In this way, over time it will be possible to assess whether true progress has been made.

*14.0*

*Appendix*

**List of abbreviations**

Abbreviation	Name
AAU	American Association of Universities
APM	Academic Personnel Manual
APO	Academic Personnel Office
ASUC	Associated Students of the University of California
BAWAR	Bay Area Women Against Rape (off campus)
BPD	Berkeley Police Department
BSC	Berkeley Student Cooperative
BTC	Bears That CARE
CANRA	California Child Abuse and Neglect Reporting Act
CHRO	Chief Human Resources Officer
CLERY	The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act)
CMT	Case Management Team
CSC	Center for Student Conduct
CSI	Center for Support and Intervention
CWG	Consent Working Group
DOE	Department of Education (federal)
EVCP	Executive Vice Chancellor and Provost
GenEq	Gender and Equity Resource Center
GME	Grievance Management Edition (of Advocate database)
HR	Human Resources
IFC	Interfraternity Council

**List of abbreviations (con't)**

Abbreviation	Name
IPVC	Intimate Partner Violence Commission of the ASUC
LEAD	Leadership, Engagement, Advising, & Development (Center)
MCGC	Multi-Cultural Greek Council
NABITA	National Behavioral Intervention Team Association
NASEM	National Academy of Sciences, Engineering and Medicine
NPHC	National Pan-Hellenic Council
OMB	Senate Faculty Ombudspersons
OPHD	Office of Prevention of Discrimination and Harassment / Title IX
OVW	Office on Violence Against Women (within federal Department of Justice)
P&T	Privilege and Tenure Committee
PACAOS	Policies Applying to Campus Activities, Organizations and Students
PHC	Panhellenic Council
PPSM	Personnel Policies for Staff Members (PPSM)
PtC	PATH to Care Center
RJ/TJ	Restorative Justice and Transformative Justice
RSO	Registered Student Organization
SAO	Student Advocate's Office
SVC	Sexual Violence Commission
SVSH	Sexual Violence and Sexual Harassment
UC	University of California

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