

**2021 ANNUAL REPORT ON SEXUAL VIOLENCE  
AND SEXUAL HARASSMENT (SVSH):  
PREVENTION, INCIDENCE, AND RESPONSE**



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# 1.0 Forward

The fourth in a series that began in 2018, this annual report on sexual violence and sexual harassment (SVSH) is part of a broader effort to build a culture at UC Berkeley that is based on respect, inclusivity, and equity of experience. The report covers the time span between July 1, 2020 and June 30, 2021. It describes the landscape of campus efforts to prevent SVSH and to respond in a trauma-informed manner when harm is experienced.

The 2020-21 year was a particularly unusual period in the history of our campus, the nation, and the world. Daily life was disrupted by the worldwide pandemic; the Berkeley campus shifted to remote instruction and remote work for the period covered by this report. Political unrest and social justice activism provided nonstop headlines and affected the way that students and employees experienced campus life. All of this affected SVSH as well.

In these pages, we present a detailed mosaic of campus partners who play a part in preventing and responding to SVSH. The narrative is designed to help readers comprehend the whole. Each campus partner has contributed insights into how their work adapted to changing conditions over the past year. The report also provides updates on changes to law and university policy. It offers descriptive statistics to give the reader insight into SVSH prevalence rates and access to support services during the 2020-21 year.

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.

We thank our campus colleagues (students, staff, and faculty) for their hard and heartfelt work to make the campus a better place for all. We hope that you, the reader, will find useful information and community connection in these pages. We are grateful for your interest in this important topic.

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Sharon Inkelas, *Special Faculty Advisor to the Chancellor on Sexual Violence/Sexual Harassment; Associate Vice Provost for the Faculty; Professor, Department of Linguistics*

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Kellie Brennan, *Executive Director of Civil Rights, Whistleblower & Clery Compliance | Interim Title IX Officer and Director of the Office for the Prevention of Harassment and Discrimination | Locally Designated Official*

Mari Knuth-Bouracee, *Director, PATH to Care Center*

## **2.0** Introduction and Aims



Sexual Violence and Sexual Harassment (“SVSH”) encompasses a broad spectrum of experiences. These include, but are not limited to, relationship (domestic and dating) violence, sexual assault, sexual harassment, stalking, invasions of sexual privacy, 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](#).

### **Principles of 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.

Efforts to prevent and respond to SVSH are integral to the university’s diversity, equity, and inclusion initiatives, and, therefore, to the university’s pursuit of overall excellence.

The goal of this report, which covers the period from July 1, 2020 through June 30, 2021, is to illuminate UC Berkeley’s sustained, campus-wide commitment to transforming campus culture such that SVSH is never tolerated, and that incidents which do occur are responded to effectively.

As a series, the annual SVSH reports provide an opportunity to identify patterns, document changes, and track progress. In comparison to the previous three reports (2018, 2019, 2020), this 2021 report is shorter and focuses on major developments from the last year.

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## **2.1. SOCIAL AND STRUCTURAL CHANGES**

Each past SVSH annual report has documented major developments over the previous year that influenced campus efforts to prevent and respond to SVSH. In keeping with this practice, this section briefly surveys the societal, policy, and infrastructural context in which UC Berkeley worked to prevent and respond to SVSH in 2020-21.

### **2.1.1. Societal Context**

#### **2.1.1.1. Pandemic and Rise in Domestic Violence**

Like the rest of the world, UC Berkeley continued to experience the effects of the COVID-19 pandemic in 2020-21. After an abrupt shift to remote work and instruction in March 2020, the campus continued to operate largely remotely in 2020-21. Only those employees whose work required them to be on campus returned to their offices. A small number of students resided in campus residence halls; a very small number of classes took place in person. The vast majority of students continued to participate in classes remotely.

Converting to remote operations had profound effects on the nature of the campus community.<sup>1</sup> The shift affected the ways in which the community engaged with campus prevention and response resources, as detailed in later sections of this report. In particular, it was widely reported in the national news that pandemic conditions caused the incidence of domestic violence to rise.<sup>2</sup> Shelter-in-place orders and more tenuous financial situations exacerbated the conditions which often enable domestic violence to occur, inhibited mechanisms of detection and intervention, and decreased survivors' access to resources.

#### **2.1.1.2. Social justice**

Social justice movements continued to reshape public discourse and society across the nation in ways that were also acutely felt on the Berkeley campus. These included:

- The Black Lives Matter movement, responding to pervasive anti-Blackness, systemic racism, and the police killings of Black people in the U.S.<sup>3</sup>
- The Stop Asian Hate movement, formed in response to an uptick of anti-Asian violence and hate incidents during the COVID-19 pandemic.<sup>4</sup>
- A rising movement to stop transphobic violence and attacks on the rights of trans people.<sup>5</sup>

#### **2.1.1.3. Disability**

In 2020, UC Berkeley and the nation celebrated the 30th anniversary of the Americans with Disabilities Act. UC Berkeley hired a new investigator within the [Disability Access and Compliance Office \(DAC\)](#) to respond to complaints of discrimination on the basis of a disability. DAC also launched [Access 2020](#), an initiative to create a university environment universally accessible to all regardless of their relative level of ability.

<sup>1</sup> <https://news.berkeley.edu/2021/05/24/berkeley-leaders-reflect-on-the-end-of-a-tumultuous-academic-year/>

<sup>2</sup> Taub, A. (2020, April 6). A New Covid-19 Crisis: Domestic Abuse Rises Worldwide. *The New York Times*.

<sup>3</sup> <https://news.berkeley.edu/2020/07/09/chancellor-christ-i-stand-in-solidarity-with-the-black-community/>

<sup>4</sup> <https://news.berkeley.edu/2021/03/17/chancellor-christ-were-united-in-support-of-our-asian-american-community-members/>

<sup>5</sup> <https://news.berkeley.edu/2021/06/25/why-is-anti-trans-violence-on-the-rise-in-america/>

#### 2.1.1.4. Presidential election

The backdrop to all of the aforementioned was the 2020 Presidential election of Joseph Biden, whose inauguration followed on the heels of a disruptive and violent takeover of the US Capitol building by rioters on January 6, 2021.

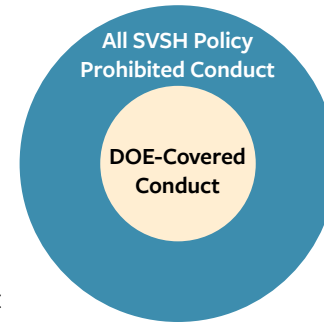
### 2.1.2. Changes to policy and law

#### 2.1.2.1. Title IX

One of President Biden’s early announcements was the intention to reverse the Title IX changes that the Trump administration had enacted in August 2020. Issued by the U.S. Department of Education (DOE), the 2020 regulations required universities to follow specific procedures in responding to certain types of conduct.

Compliance with the new regulations necessitated changes to the [University of California Policy on Sexual Violence and Sexual Harassment](#) (“UC SVSH Policy”), the key compliance policy which guides the university’s ability to prevent and respond to SVSH (see section 6.1.1). Accordingly, the UC SVSH Policy was revised in August 2020 to include specific provisions for responding to “DOE-Covered Conduct.”

DOE-Covered Conduct is that which occurs within the United States and in a university program or activity, and which meets certain very specific criteria for “sex-based misconduct” detailed in the 2020 Title IX regulations. As seen in the graphic (right) produced by the UC Systemwide Title IX Office and UC Berkeley’s [Office for the Prevention of Harassment and Discrimination](#), DOE-Covered Conduct is a subset of the conduct that was already (and continues to be) prohibited under the UC SVSH Policy.<sup>6</sup>



The 2020 Title IX regulations require universities to follow a specific grievance process, with elements that closely resemble a criminal court proceeding, for DOE-covered conduct. Accordingly, the August 2020 revision of the UC SVSH Policy added a DOE Grievance Process for DOE-covered conduct.<sup>7</sup> The most significant new element of the DOE Grievance Process is the introduction of an evidentiary hearing, with cross-examination, following a Title IX investigation and prior to any determination of policy violation. At the hearing, parties are required to have an advisor. Each party’s advisor can ask questions of the other party.

For all other conduct prohibited under the UC SVSH Policy, the procedures remain the same.

More information about the revisions to the UC SVSH Policy can be found at [https://ophd.berkeley.edu/updated-svsh-policy-effective-august-14-2020#\\_ftn1](https://ophd.berkeley.edu/updated-svsh-policy-effective-august-14-2020#_ftn1). Information about the new DOE Grievance Process is provided in section 8.2.5.

In addition to adding response elements, the new Title IX regulations also reduced the obligation of campuses, primarily by defining more narrowly the types of conduct to which universities are obligated to respond. The University of California elected not to weaken its existing policies in the ways allowed (but not required) by the regulations. Shortly after the issuance of the new Title IX regulations,

<sup>6</sup> [https://ophd.berkeley.edu/updated-svsh-policy-effective-august-14-2020#\\_ftn1](https://ophd.berkeley.edu/updated-svsh-policy-effective-august-14-2020#_ftn1)

<sup>7</sup> <https://www.ucop.edu/title-ix/resources/svsh-training-and-materials/doe-title-ix-regulations-slide-deck.pdf>

leaders of Berkeley's Office for the Prevention of Harassment and Discrimination published a letter in the Daily Californian explaining the protections that continue to be in effect.<sup>8</sup>

After President Biden took office in 2021, DOE expanded the protections under Title IX to include the prohibition of discrimination on the basis of sexual orientation and gender identity.<sup>9</sup> DOE also announced plans to conduct a comprehensive review of the Title IX regulations, including a series of listening sessions, in preparation for eventually issuing new guidance.<sup>10</sup>

The procedures for resolving conduct covered by new Title IX regulations issued in 2020 severely limited the Title IX hearing officer's ability to rely on out-of-hearing statements not subject to cross-examination during the hearing. The regulatory provision requiring this limitation was subsequently vacated by a federal court decision; DOE announced that it would not enforce it.<sup>11</sup> UC included the limitation in its August, 2020 SVSH Policy revision only because it was legally required at the time. Now that it is not, UC plans to remove the provision. The revision means that a party or witness's unavailability or decision not to answer questions at the hearing will no longer automatically bar the hearing officer from considering the party or witness's statements. Rather, the hearing officer will determine whether and how to weigh such statements consistent with the principles and procedures described in the applicable framework.

### **2.1.2.2. LGBTQ+ rights**

In June 2020, the Supreme Court ruled that the landmark civil rights law Title VII protects LGBTQ+ workers from workplace discrimination.<sup>12</sup> The Supreme Court also declined to hear the case of Gavin Grimm, a former high school student who sued the Virginia county school board that had barred him from using the bathroom corresponding with his gender identity. In doing so, the Supreme Court left in place a lower court's ruling that said barring Grimm from using the same restroom as other boys violated Title IX and the Equal Protection Clause of the Constitution.<sup>13</sup>

In November 2020, the new president of the University of California, President Michael V. Drake, issued a presidential policy on Gender Recognition and Lived Name.<sup>14</sup> The policy ensures that all students, employees, alumni, and affiliates are identified by their accurate gender identity and lived name on university-issued identification documents and in UC's information systems. Implementation on the UC Berkeley campus is targeted for completion by the end of 2023. Work was actively ongoing at the end of the period covered by this report.

The campus response to allegations of discrimination or harassment based on gender identity, sexual orientation, or other protected-classes continues to be managed by the Office for the Prevention of Harassment and Discrimination.<sup>15</sup>

<sup>8</sup> Letter to the Editor, Daily Californian, August 8, 2020.

<sup>9</sup> <https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protects-students-discrimination-based-sexual-orientation-and-gender-identity>

<sup>10</sup> <https://www.ed.gov/news/press-releases/department-educations-office-civil-rights-launches-comprehensive-review-title-ix-regulations-fulfill-president-bidens-executive-order-guaranteeing-educational-environment-free-sex-discrimination>

<sup>11</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/202108-titleix-VRLC.pdf>

<sup>12</sup> <https://www.nytimes.com/2020/06/15/us/gay-transgender-workers-supreme-court.html>

<sup>13</sup> <https://www.supremecourt.gov/docket/docketfiles/html/public/20-1163.html>

<sup>14</sup> <https://policy.ucop.edu/doc/2700693/GRLN>

<sup>15</sup> <https://ophd.berkeley.edu/policies-and-procedures/nondiscrimination-policy-statement>

## **2.1.3. UC Berkeley Infrastructural Updates**

### **2.1.3.1. Director of Civil Rights, Whistleblower, and Clery Compliance**

In June 2020, UC Berkeley hired Kellie Brennan to serve as Executive Director of Civil Rights, Whistleblower, and Clery Compliance, a new role for the campus. The Executive Director oversees all institutional compliance and investigation efforts related to harassment and discrimination based on protected categories including race, color, national origin, gender, age, sexual orientation/identity as well as allegations of sexual harassment and sexual violence. In January 2021, Brennan also began serving as Interim Title IX Coordinator and Interim Director of the Office for the Prevention of Harassment and Discrimination. Brennan was still serving in those interim roles at the end of the time period covered in this report.

### **2.1.3.2. Clery Division**

The campus division responsible for compliance with the Clery Act moved, in summer 2020, from the UC Police Department (UCPD) to the portfolio of the Executive Director of Civil Rights, Whistleblower, and Clery Compliance. This move was part of an ongoing, multilayered response to Chancellor Christ's call for the UC Berkeley community to reimagine campus safety, including a commitment to reducing the scope of law enforcement responsibilities on campus.<sup>16</sup>

### **2.1.3.3. OVW Continuation Grant**

In 2017, UC Berkeley received a three-year, \$300,000 grant from the federal Office on Violence Against Women (OVW). In 2020, the campus was awarded a \$300,000 continuation grant for another three years. The purpose of the grant is to reduce violence against women and to administer justice for and strengthen services to all victims of domestic violence, dating violence, sexual assault, and stalking. Under the leadership of the PATH to Care Center and the SVSH Advisor Office, the campus committed the following key deliverables for the OVW Continuation Grant:

- Improve the effectiveness of the Coordinated Community Review Team (CCRT; see section 3.4.2) by hosting at least one Core Team Institute and implementing a Collective Impact Framework
- Strengthen prevention efforts through the development of comprehensive prevention plan; monitoring and assessing the plan's progress; and conducting community-specific outreach and programs
- Improve language and disability access for response resources
- Develop videos focused on response resources
- Enhance behavioral risk assessment and response to institute a lethality assessment program and identify and respond to high risk offenders
- Ensure sustainability of the grant's minimum statutory requirements

A part-time OVW Grant Coordinator, Katlynn Alm, was hired just after the time period covered by this report.

<sup>16</sup><https://news.berkeley.edu/2020/06/18/chancellor-carol-christ-on-reimagining-public-safety/>

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

The campus and surrounding community contain a large number of offices, centers, organizations, and committees whose work relates to SVSH prevention and response. To the extent that these units are aware of one another and coordinating their efforts, the campus efforts to prevent and respond to SVSH are strengthened.

To this end, the campus convenes representatives of these units on the Coordinated Community Review Team (CCRT), which meets quarterly. Its members learn from one another, share information, and discuss trends.

This section describes the campus units represented on CCRT, which itself is described in section 3.4.2. For each unit, a description of their work, and updates from 2020-21, is provided. Section 3.2 focuses on campus offices; section 3.3 focuses on student organizations; section 3.4. focuses on campus committees related to SVSH; and 3.5 focuses on community partners.

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### **3.1. A NOTE ON CONFIDENTIAL RESOURCE DESIGNATION**

Some but not all of the units represented on CCRT bear the designation of “Confidential Resource.” This term, like the term “Responsible Employee,” is defined with respect to the UC SVSH Policy (see section 6.1.1).

A Confidential Resource is exempt from Responsible Employee reporting requirements, meaning that they are not obligated to share information about SVSH incidents with the Office for the Prevention of Harassment and Discrimination, which is the campus Title IX office. Confidential Resources are a good place to start for survivors who want to get support while exploring options, whether or not they ever choose to report. Confidential Resources include clinical counselors, survivor support advocates, clergy, and ombuds offices, among others.

The term “confidential” is often used in other contexts as well, but should not be confused with the more specific term “Confidential Resource.”

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## 3.2. CAMPUS OFFICES

### 3.2.1. Office of the Special Faculty Advisor to the Chancellor on Sexual Violence and Sexual Harassment (“SVSH Advisor Office”)

The [SVSH Advisor Office](#) helps coordinate the range of SVSH prevention and response efforts on campus and serves as a liaison between the Chancellor’s office and the rest of the campus community. The SVSH Advisor co-chairs the Coordinated Community Review Team, convenes SVSH Core Team, and publishes the SVSH Annual Report. The Special Projects Analyst maintains the campus hub website on all matters SVSH ([svsh.berkeley.edu](http://svsh.berkeley.edu)) and helps staff CCRT.

**2020-21 UPDATES:** The SVSH Advisor Office updated the hub website to ensure accessibility and inclusion, met with a variety of student and employee groups, and promoted the inclusion of SVSH prevention expertise in a variety of academic areas. In July 2020, the SVSH Advisor role shifted to 50% as its incumbent, Sharon Inkelas, also took on the role of Associate Vice Provost for the Faculty.

### 3.2.2. The PATH to Care Center (Prevention | Advocacy | Training | Healing) - Confidential Resource

Every University of California campus has a confidential CARE center. At Berkeley, this is the [PATH to Care Center](#). PATH is an acronym that stands for prevention (see section 4), advocacy (see section 5.1), education (see sections 4.1 and 4.2), and healing (see section 5.4). The PATH to Care Center serves two essential functions: survivor support, of which healing is a part, and primary prevention, of which training is a part. 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. Through CCRT, SVSH Core Team, and its many collaborations with academic and other units on campus, the PATH to Care Center engages the entire campus community in efforts to prevent, intervene, and respond to harassment and violence. PATH to Care Center employees are designated as Confidential Resources under the UC SVSH Policy. PATH to Care employees complete state certification in sexual assault and domestic violence counseling, making communications with survivors of those forms of harm privileged under the law. The services of the PATH to Care Center are available to students, staff, and faculty, and unaffiliated members of the community who have experienced harm from a UC Berkeley affiliate.

**2020-21 UPDATES:** PATH to Care has grown considerably since its inception in 2014, when it had one employee. At the end of the 2020-21 academic year, the PATH to Care Center team had about 11 staff members, including an Advocate MSW Intern. As a result of pandemic-related budget constraints, the PATH to Care Center peer education program was temporarily suspended. More detail on the work of PATH to Care is provided in sections 4, 5, and 7.



### 3.2.3. Office for the Prevention of Harassment and Discrimination (“OPHD”)

OPHD is the campus Title IX Office and oversees campus compliance with policies that prohibit discrimination and harassment for students, faculty, and staff, including those based on sex, gender, sexual orientation, race, disability, religion, and other protected categories.

Allegations of sexual violence, sexual harassment, and other conduct prohibited under the UC SVSH Policy may (and in the case of Responsible Employees, must) be reported to OPHD, whose highly trained complaint resolution officers conduct initial assessment, informal resolution, or formal investigation of complaints. More detail is provided in sections 6, 7, and 8.

#### **Case Management Teams**

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 students, staff, and academic personnel cases.

### 3.2.4. Be Well at Work Employee Assistance - Confidential Resource

[Be Well at Work/Employee Assistance](#), within University Health Services, serves faculty and staff. While Employee Assistance does not specialize in the trauma of sexual violence, they offer counseling and guidance, as well as consultation services for managers who are dealing with the effects of an SVSH-related situation in the workplace.

### 3.2.5. Social Services - Confidential Resource

[Social Services](#), within University Health Services, provides students with specialized counseling, including SVSH. Social Services works with survivors in one-on-one and group settings, and offers counseling, support with academic adjustment requests, and referrals. Counselors also provide support and psycho-education to respondents and students who are concerned they have caused harm and wish to work towards positive behavioral change.

**2020-21 UPDATES:** In response to the pandemic, Social Services shifted its services from in-person to fully virtual, including counseling appointments and group therapy sessions. Clinicians noted that students appeared to enjoy the virtual group therapy format; utilization was higher and more consistent than in previous years. Social Services responded to concerns related to privacy and safety on the part of students returning to a home in which they had experienced some form of violence. Clinicians strategized with students about how to increase safety and mitigate violence to the greatest extent possible. Clinicians also helped students access services in their area where possible. This required campus partner collaboration as well as a secure network of remote support. Social Services overall numbers (including SVSH-related and non-SVSH appointments) were lower than the previous year (see section 7), which Social Services believes to be a function of adjusting to the upheaval of the pandemic, relocation, and balancing a number of unanticipated factors.

### 3.2.6. Ombuds Offices

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.

#### 3.2.6.1. The Ombuds Office for Students and Postdoctoral Appointees - Confidential Resource

The [Ombuds Office for Students and Postdoctoral Appointees](#) is a resource that survivors and respondents can use as a first step or place of ongoing assistance. While they are not dedicated to SVSH in particular, Student Ombuds will listen to concerns, discuss options, and help empower visitors with information to determine next steps.

#### 3.2.6.2. The Staff Ombuds Office - Confidential Resource

The [Staff Ombuds Office](#) provides impartial and informal conflict resolution and problem-solving services for all staff as well as for faculty who perform management functions. While they are not dedicated to SVSH in particular, Staff Ombuds is 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 in confidence. Staff Ombuds may also serve as a resource for employees who have concerns about the University's methods of prevention and response to sexual misconduct. With permission of the individual, the Staff Ombudsperson can alert appropriate administrators to issues. If a problem is systemic, the Staff Ombuds Office may, upon its own initiative, provide upward feedback without disclosing confidential information.

#### 3.2.6.3. Faculty Ombuds - Confidential Resource

The [Faculty Ombuds](#) role is a new confidential, informal, impartial resource for faculty experiencing work-related problems and conflicts. The Faculty Ombuds assists faculty in finding solutions to problems involving other members of the University.

Professor Emerita Angelica Stacy (formerly Associate Vice Provost for the Faculty) began serving as the initial incumbent of this position at the end of 2020-21.

### 3.2.7. Gender Equity Resource Center (GenEq)

[GenEq](#) connects students, faculty, staff, and alumni to resources, services, education, and leadership programs related to gender and sexuality. Prior to the establishment of PATH to Care, GenEq led SVSH response education efforts. GenEq continues to play a critical role in fostering an inclusive experience for all.

**2020-21 UPDATES:** GenEq adjusted its offerings given the pandemic and shelter-in-place orders. Programs on hiatus included annual programs like Our Monologues, the largest student production that raises awareness of gender-based violence; Take Back the Night; and self-defense empowerment programs. While remote, GenEq staff continued to triage and provide referrals to campus resources, such as the PATH to Care Center and OPHD for anyone impacted by sexual violence and sexual harassment, misgendering, and hate

crimes. In terms of virtual programs, GenEq collaborated with 30 offices to bring Tarana Burke, the founder of the ‘me too.’ movement and advocate for survivors of sexual violence, to campus and co-sponsored Creative Healing for Survivors with PATH to Care. GenEq also collaborated with the ASUC Intimate Partner Violence Commission (section 3.3.1.3) on a resource guide shared via the GenEq newsletter. During the summer, interns revisited GenEq info sheets as a first step in updating these important resources.

### 3.2.8. Health Promotion (within UHS)

Part of University Health Services, [Health Promotion](#) advances the health and well-being of UC Berkeley students through individual and environmental initiatives. For many years, Health Promotion was responsible for SVSH prevention programs, in collaboration with Social Services, the Gender Equity Resource Center, and others. Much of that work later moved to the PATH to Care Center. Currently, Health Promotion programs and services touch more peripherally on SVSH.

### 3.2.9. Center for Student Conduct (CSC)

The [Center for Student Conduct](#) (CSC) 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 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.

**2020-21 UPDATES:** The Center for Student Conduct partnered with the Hearing Coordinator and OPHD to update processes and communication to students, in order to comply with the procedures in the new PACAOS Appendix F (“Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct”) (see sections 2.1.2.1 and 8.3.1).

### 3.2.10. Hearing Coordinator

The [Hearing Coordinator](#) manages the administrative and procedural aspects of all SVSH hearings with student respondents. Additionally, the Hearing Coordinator serves as a resource to parties during the pre-hearing and hearing process by answering questions, checking that participants in the hearing process are connected to appropriate campus resources, and ensuring that campus adjudication procedures are equitable and transparent for participants.

**2020-21 UPDATES:** In partnership with the Center for Student Conduct, OPHD, PATH to Care, and Respondent Services, the Hearing Coordinator successfully created a training to provide to campus staff members serving as “readers,” a role defined by PACAOS Appendix F. Four individuals were recruited and trained during the 2020-21 academic year and are ready to serve in the “reader” role should the University need them to do so. Extensive updates were made to the student adjudication portion of the SVSH Hearings website to reflect the new adjudication process necessitated by DOE regulations and to provide witnesses with information about the adjudication process generally. These new SVSH hearing procedures ensure that UC Berkeley is in alignment

with the new federal Title IX regulations that went into effect in August of 2020 (see Section 2.1.2.1). UC Berkeley now has two different adjudication processes in place for SVSH cases where the respondent is a student. The adjudication process that a case will follow is determined by OPHD when the report is received. Of the two adjudication processes, Appendix F (for conduct that falls under the new DOE regulations), is where the campus will notice changes. The other adjudication model, Appendix E (for conduct that falls outside of the new DOE regulations), is the same as the adjudication process described in last year's annual report. The most notable changes to the hearing process in Appendix F are as follows:

- Hearings will default to being conducted remotely, but with the option of requesting they occur partially or fully in person;
- Unless the right is waived, parties must be able to see and hear each other during their respective testimony & questioning periods;
- The Hearing Officer and party's advisors ask questions of the other party and witnesses at the hearing;
- Each party must have an advisor at the hearing to ask questions. If a party does not have someone who can serve in this capacity, the University will provide someone;
- Expert witnesses are specifically permitted to be included in the investigation and adjudication process.

See section 8.3.1 for more detailed information about the adjudication process for SVSH cases involving student respondents.

### 3.2.11. University of California Police Department (UCPD)

The [University of California Police Department](#) (UCPD) is the law enforcement agency with jurisdiction over 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., case management teams, CCRT, SVSH Core Team); 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. UCPD also contributes to the development of trauma-informed training and policies.

### 3.2.12. Clery Division

Universities are required by the federal Clery Act to produce an Annual Security and Fire Safety Report that contains crime statistics, including crimes of sexual violence, that are reported to Campus Security Authorities, such as athletic coaches or law enforcement officers. Each Annual Security and Fire Safety Report provides data for the three previous calendar years. In 2019, the university hired a campus [Clery coordinator](#), who, in conjunction with campus partners and the Clery liaison, helps to ensure compliance with all federal obligations under the Clery Act.

**2020-21 UPDATES:** UC Berkeley hired two full-time Clery analysts to support the existing senior Clery administrator. In addition, UC Berkeley moved the Clery Division out of the police department (UCPD) and into the portfolio of the newly hired Executive Director for Civil Rights, Whistleblower, and Clery Compliance. This positioning elevates the prominence of the Clery compliance program and offers greater access to resources and opportunities for growth.

### 3.2.13. Center for Support and Intervention (CSI)

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 3.2.13.1) and includes the [Bears that CARE](#) program (section 3.2.13.2). 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](#) (3.2.13.3) and [Student Respondent Services](#) (3.2.13.4). In 2020-21, all functions (respondent services, case management, violence prevention) shifted to be done remotely.

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#### 3.2.13.1. Violence Prevention Coordinator

The [Violence Prevention and Education Program Coordinator](#) within CSI 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 care of your fellow Bears” 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. The Coordinator works 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. In November 2019, the [Violence Prevention Collaborative](#) was amended to become the [Hazing Prevention Collaborative](#) to meet a significant gap in prevention services on campus. This change will remain in effect until hazing prevention initiatives are sufficiently self-sustained. 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.

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#### 3.2.13.2. Bears that CARE

The [Bears that CARE](#) program, within CSI, 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 and provides workshops for undergraduate students, graduate students, staff and faculty (see section 4.2.5). Workshops were offered in a virtual format for Fall 2020.

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#### 3.2.13.3. The Students of Concern Committee (SOCC)

The [Students of Concern Committee \(SOCC\)](#) provides a centralized place for campus departments to communicate relevant information, coordinate institutional response, and consult about complex cases involving 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 SOCC. While SOCC is not dedicated to SVSH in particular, SVSH is included in the broad range of situations that it covers.

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#### 3.2.13.4. Respondent Services Coordinator for Students

The [Respondent Services Coordinator](#) for students assists student respondents — those about whom complaints of SVSH misconduct have been reported to OPHD, or who are involved in a serious non-SVSH adjudication process which might result in suspension or dismissal — in understanding the investigation and adjudication process, and their rights (see section 6.4). The Respondent Services Coordinator is not an advocate, nor a Confidential Resource. They can point respondents to resources on or off-campus.

#### 3.2.14. People & Culture

[People & Culture](#) (formerly Central Human Resources) provides work-related resources to all employees, with a focus on non-academic staff. Various units within People & Culture provide general guidance related to employee and labor relations, and offer resources for coaching managers and ensuring a healthy workplace. When a staff member is a respondent in an SVSH case, People & Culture plays a role in the adjudication process (see section 8.3), and offers respondent services for staff (section 6.4).

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##### 3.2.14.1. Staff Respondent Services

People & Culture provides [respondent services](#) for staff about whom complaints of SVSH misconduct have been reported to OPHD. Respondent Services providers help respondents understand the investigation and adjudication process and their rights. Respondent Services providers are not advocates, nor Confidential Resources. They can point staff respondents to resources on or off-campus.

**2020-21 UPDATES:** In June 2020, UC Berkeley appointed Lasana Hotep as the first-ever Director for Diversity, Equity, Inclusion and Belonging under People and Culture. Hotep leads a three-person team within People & Culture and is responsible for efforts to create a more equitable workplace where every member of our community feels like they belong.

#### 3.2.15. Academic Personnel Office (APO)

The [Academic Personnel Office](#) (APO) provides work-related resources to faculty and other academic appointees 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 (section 8.3). APO is also the home of Academic Appointee Respondent Services (section 6.4).

#### 3.2.16. LEAD Center

The [Leadership, Engagement, Advising, and Development](#) (LEAD) Center, 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 1,200 registered and sponsored student organizations (RSOs), 60+ recognized fraternities and sororities (the CalGreeks system), undergraduate and graduate student government (the ASUC and Graduate Assembly), Bridges, the Recruitment & Retention Centers, Cal Debate, and many other student groups and activities. The LEAD Center participates in CCRT as a partner in SVSH prevention and response in order to support the cultivation of a healthy campus community. See section 4.1.7 to read more about the LEAD's Center's work with Registered Student Organizations and Greek Life.

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### 3.3 STUDENT ORGANIZATIONS

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 student-only organizations which are focused on cultivating a safe learning and living environment. 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).

#### 3.3.1. The Associated Students of the University of California (ASUC)

The [Associated Students of the University of California](#) (ASUC) is the officially recognized student government of UC Berkeley. Within the ASUC, there are elected executive officers, including the Student Advocate (section 3.3.1.1), and several appointed commissions such as the Sexual Violence Commission (section 3.3.1.2) and the Intimate Partner Violence Commission (section 3.3.1.3).

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##### 3.3.1.1. ASUC Student Advocate's Office (SAO) - confidential\*

The [Student Advocate's Office](#) (SAO) is an executive, nonpartisan office of the 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 — effectively a public defender for students — works with student respondents in SVSH cases, and the Grievance Division works with student complainants/survivors. Last year, 14 different case workers worked on a total of 12 SVSH cases in the Conduct and Grievance Divisions. Prior to working with clients, the caseworkers handling SVSH matters in the SAO are extensively trained by their internal leadership team and senior caseworkers, as well as by experts within PATH to Care, the Ombuds Office for Students and Postdoctoral Appointees, the Office for the Prevention of Harassment and Discrimination, the Center for Student Conduct, and University Health Services.

\*The ASUC is an independent 501(c)3 non-profit organization; because SAO caseworkers are not employed in this capacity by UC Berkeley, they are not considered Responsible Employees in their SAO work. They are, in that sense, confidential, but are not designated Confidential Resources in the UC SVSH Policy.

**2020-21 UPDATES:** In 2020-21, SAO reestablished standing meetings between their directors of Conduct and Grievance division and the Office for the Prevention of Harassment & Discrimination to discuss Title IX caseload and processes for investigating and resolving instances of non-SVSH-related forms of harassment and discrimination. SAO caseworkers sat on the PATH to Care Student Advisory Board, the Coordinated Community Review Team (CCRT), and MyVoice Survey Advisory Committee.

Nine SAO caseworkers responded to SVSH cases in 2020-21. The Conduct Division of SAO provided services to four student respondents. The Grievance Division provided services to two complainants/survivors.

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### 3.3.1.2. ASUC Sexual Violence Commission (SVC)

The [Sexual Violence Commission of the ASUC \(SVC\)](#) is 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;
- 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 their efforts are intersectional, welcoming, and considerate to all who have been impacted by SVSH.

**2020-21 UPDATES:** In 2020-21, two new leadership roles—a Communications Chair and a Social Chair— strengthened SVC’s online presence and helped the leadership team adapt operations to the pandemic. SVC’s initiatives during the 2020-21 academic year included their Be Heard At Berkeley project, the creation of a new website, hosting prevention and education workshops with local organizations, and working directly with the ASUC President’s office to develop new policies and events. Approximately 86 people participated in SVC initiatives and events, including SVC members and leaders, ASUC leaders, partner organizations, and others. The SVC engaged roughly 320 students in 2020-21, increasing their engagement from approximately 200 students the previous year. The SVC also participated in larger coalitions of SVSH-focused organizations with the goal of increasing impact through collaboration.

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### 3.3.1.3 ASUC Intimate Partner Violence Commission (IPVC)

The [ASUC Intimate Partner Violence Commission \(IPVC\)](#) is dedicated to supporting students who have experienced intimate partner violence. The IPVC 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 IPVC hopes to actively support survivors and change the normalized culture of violence.

**2020-21 UPDATES:** The ASUC IPVC experienced challenges in Fall 2020 due to leadership changes and impacts from the COVID-19 pandemic. However, after their most successful recruitment yet, IPVC’s membership grew from three members in Fall 2020 to 29 members in Spring 2021, adding care, energy, and passion. The IPVC also created and welcomed new leaders.



For the first time, IPVC members worked in “Passion Project Teams”:

- Communications (social media, online awareness campaigns and fundraisers, website and graphic design);
- Community Outreach (on-campus and off-campus partnerships, outreach to communities disproportionately affected by intimate partner violence, such as BIPOC and LGBTQIA+ communities);
- Education and Awareness (workshops with local schools and on-campus student organizations, awareness campaigns);
- Survivor Support (healing-oriented events, prevention advocacy, resources).

Each team works on their own projects and events—some took place in Spring 2021 and others are long-term (e.g., building a social media presence, partnering with local schools and on-campus student organizations, advocating for PATH to Care). For Sexual Violence Prevention Month (April) and Denim Day (April 28), the IPVC launched a trauma-informed yoga series, a social media awareness campaign and raffle, and an email campaign to professors, GSIs, academic departments, and student groups (with Denim Day-themed Zoom backgrounds).

### 3.3.4. Greeks Against Sexual Assault (GASA)

[Greeks Against Sexual Assault](#) (GASA) is a group of representatives from fraternities and sororities whose mission is to spread awareness and provide the four councils of the Greek System with accessible prevention resources related to sexual violence. GASA strives to garner community and coalition-building against sexual violence and destigmatize the reporting of 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 4.1.7).

**2020-21 UPDATES:** GASA offered virtual presentations to fraternities and sororities in 2020-21 due to the COVID-19 pandemic. In Spring 2021, GASA provided 13 fraternities and sororities with virtual presentations.

### 3.3.5. Consent Working Group

The Consent Working Group (CWG) is a cohort of [Berkeley Student Cooperative](#) (BSC) 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 LGBTQIA+ relationships; and the effects of hypersexualization, gender performance and other power structures on consent and on survivors.

### 3.3.6. Respect is Part of Research

[Respect is Part of Research](#) (RPR) is a peer-led sexual violence / sexual harassment (SVSH) prevention workshop for incoming graduate students at UC Berkeley. RPR is based on the idea that peer-led training is the most effective way to communicate social norms. By setting expectations about department culture and community early, RPR hopes to mitigate potential climate problems before they rise to the level of SVSH complaints. RPR also aims to give everyone the tools to communicate about difficult issues and have productive discussions about department climate. RPR's goal is to create a respectful, positive working environment where everyone can do their best science. See section 4.1.2 to learn more about RPR's prevention training for graduate students.

### 3.3.7. SVSH Task Force

The SVSH Task Force brings together student leaders, including representatives from the ASUC and its commissions, Risk Managers and other representatives of several CalGreeks organizations, and Greeks Against Sexual Assault, as well as staff from the LEAD Center, the PATH to Care Center, and the SVSH Advisor Office. The aim of the SVSH Task Force is to break down silos and collaborate to improve SVSH prevention and response in undergraduate student communities.

In 2020-21, its inaugural year, the SVSH Task Force focused on creating more opportunities for tailored prevention education and increasing enforcement of training completion, particularly for students participating in Registered Student Organizations and Greek Life activities.

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## 3.4. COMMITTEES

### 3.4.1. Coordinated Community Review Team (CCRT)

Appointed by the Chancellor, members of the [Coordinated Community Review Team](#) (CCRT) provide 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 (section 3.4.3). In 2020-21, CCRT was co-chaired by the SVSH Advisor and the Executive Director of Civil Rights, Whistleblower, and Clery Compliance. The [roster of units represented on CCRT](#) is available on the SVSH hub website.

### 3.4.2. CCRT Working Groups

Much of the impact of CCRT comes from the work carried out by its various working groups, which meet frequently throughout the year. Most members of CCRT are on a working group; some working groups also include campus subject matter experts who are not on CCRT.

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### 3.4.2.1. Resource Review and Development Working Group

The Resource Review and Development working group, co-chaired in 2020-21 by Marcia Gee Riley (Ombuds Office for Students and Postdoctoral Appointees) and Erin Slater-Wu (Hearing Coordinator) assesses and helps produce print and online resources that illuminate the services available to various campus populations. The aim is to make it easier to navigate resources and increase access to support. During 2020-21, the Resource Review and Development Working Group met monthly to provide feedback on several important resources, including:

- PACAOS Appendix F and witness content developed for the SVSH Hearing section of the [SVSH hub website](#)
- Flowcharts of student, staff, and faculty SVSH investigation and adjudication models for the [Annual Fire Safety and Security report](#), published by the Clery Division
- Web resources such as the Support for Survivors page of the SVSH Hub site, the Understanding Reporting Obligations page of the SVSH hub site, and the Departmental Climate Resources page developed by OFEW and the SVSH Advisor Office.

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### 3.4.2.2. The Graduate Student and Students with Families Working Group

The Graduate Student and Students with Families Working Group, co-chaired by Zenaida Hernandez (Social Services) and Jen Siecienski (Residential Life), worked on a needs assessment to collect data on the experiences of graduate student survivors and survivors with dependents. The aim was to explore the barriers those specific populations face to accessing services, in order to better serve and provide education to those communities.

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### 3.4.2.3. The Respondent Education and Reintegration Working Group

The SVSH Respondent Education and Reintegration Working Group, co-chaired by Rebecca Wallace (Center for Student Conduct) and Tobirus Newby (Social Services), met on a monthly basis. The focus in 2020-21 was on defining goals and a framework for completing those goals. In an effort to develop informed recommendations for the implementation of evidence-based intervention for SVSH respondents on campus through the lens of equity and justice, the working group divided into two subgroups:

1. **Assessing existing respondent education and reintegration practices on campus.** This subgroup compiled a list of campus and community resources engaged in SVSH respondent education and interventions, met with campus stakeholders to review the strengths and weaknesses of current interventions, and developed a plan to gather feedback from students who have engaged with current interventions.
2. **Reviewing best practices and research surrounding SVSH respondent education and reintegration.** This subgroup developed a methodology for conducting a literature review and utilized this methodology to review best practices and identify gaps.

### 3.4.3. Clery Compliance Committee (CCC)

The Clery Compliance Committee (CCC) committee is mandated by a settlement agreement with the Department of Education. Chaired by the Campus Clery Coordinator, CCC meets quarterly to develop, review, and revise Clery compliance measures across campus. In 2020-21 CCC began partnering with the Coordinated Community Response Team (CCRT), an established and well-recognized campus committee addressing gender-based violence, to conduct joint quarterly meetings. The well-attended joint CCC-CCRT meetings draw representatives from all areas of the University and relevant community partners to learn about Clery compliance and the University's efforts to address sexual violence and sexual harassment (SVSH).

### 3.4.4. SVSH Core Team

[SVSH Core Team](#) is a small 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. In 2020-21, SVSH Core Team was chaired by the SVSH Advisor. Most of its members also serve on CCRT. The [roster of units represented on SVSH Core Team](#) is available on the SVSH hub site.

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## 3.5. COMMUNITY PARTNERS

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.

### 3.5.1. Bay Area Women Against Rape (BAWAR)

[Bay Area Women Against Rape](#) (BAWAR) 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. BAWAR operates a 24/7 crisis hotline at (510) 345-1056 and is a key part of the Sexual Assault Response Team (SART) Program in Alameda County. BAWAR advocates provide accompaniment at police stations in Alameda County and at Highland and Washington hospitals. BAWAR provides UC Berkeley affiliates with referrals to PATH to Care for on-campus support. BAWAR representatives serve on UC Berkeley's Coordinated Community Review Team (CCRT).

### 3.5.2. Family Violence Law Center (FVLC)

[Family Violence Law Center](#) (FVLC) 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 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.







# 4.0 Prevention

Led by the PATH to Care Center and reliant on the collaborative work of many, the Berkeley campus has adopted a comprehensive SVSH primary prevention strategy. The strategy is based on the social-ecological model, an evidence-based best practice in the public health domain.<sup>17</sup> This model identifies individual, relational, community, institutional, and structural levels at which prevention strategies 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, intimate partner and relationship violence, sexual assault, and stalking from happening in the first place
- Uplifting positive social norms
- Increasing awareness of rights, campus and community resources, and reporting processes
- Developing bystander intervention skills

Prevention work includes training. Some training is mandatory, as discussed in section 4.1, but UC Berkeley goes beyond state and university-mandated training requirements. The PATH to Care Center and many other organizations also educate the campus community in bystander intervention, positive social norms, and support for survivors (see section 4.2).

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## **4.1. MANDATORY TRAININGS**

State and federal laws as well as UC policy mandate prevention and education for all students, staff, and faculty. Content, frequency, and delivery modes vary by population, as described below. Delivery of these requirements is a campuswide collaboration and includes expertise from the PATH to Care Center, the Office for the Prevention of Harassment and Discrimination, the Campus Clery Coordinator, the Special Faculty Advisor to the Chancellor on SVSH, and numerous other partners.

### **4.1.1. Incoming undergraduate student education**

New undergraduate student prevention uses 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 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 2020-21, 9,256 students completed the online training.

**Remote.** Prior to the pandemic, undergraduate students were required to attend in-person SVSH prevention training during Golden Bear Orientation (GBO). In 2020-21, the Bear Pact script was revised and recorded to be delivered in the remote environment. 8,937 undergraduates completed this requirement by attending virtual Golden Bear Orientation.

<sup>17</sup>Casey EA, Lindhorst TP. Toward a Multi-Level, Ecological Approach to the Primary Prevention of Sexual Assault: Prevention in Peer and Community Contexts. *Trauma, Violence, & Abuse*. 2009;10(2):91-114. doi:10.1177/1524838009334129

The online module for incoming students was enhanced in 2020-21 with updated information following the August 2020 Title IX changes (section 2.1.2.1), a safety exit button, and additional resources and prevention messaging.

Students who fail to complete required SVSH training have a hold placed on their registration, which restricts access to student services, can delay financial aid disbursement, and impact enrolling in classes. The hold stays in place until the requirement is completed.

#### **4.1.2. 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 OPHD. All students who begin a graduate or professional degree program 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 2020-21, approximately 4,715 new graduate and professional students took the online training.

**Remote.** Prior to the pandemic, graduate students were required to attend in-person SVSH prevention training offered during New Graduate Student Orientation or in their department. In 2020-21, all new graduate students, excluding students in online-only programs, participated in a virtual prevention training program developed by the PATH to Care Center and numerous other partners. In 2020-21, some 3,911 graduate and professional students participated in the live training.

In 2020-21, Respect is Part of Research (RPR; section 3.3.6) held virtual workshops for graduate students. These consisted of a 1-hour presentation followed by small-group discussions of case studies taken from real STEM graduate student experiences. 57 senior graduate students became RPR peer facilitators in 2020-21; they offered workshops to 222 first-year graduate students in seven departments (Chemistry, Physics, Astronomy, Mathematics, Molecular & Cell Biology, Materials Science Engineering, and Chemical & Biomolecular Engineering).

#### **4.1.3. Continuing Education for Undergraduate and Graduate/Professional Students**

In addition to completing educational SVSH requirements when they first enroll, all students must complete an online refresher course every year they are enrolled at UC Berkeley. In 2020-21, new undergraduate and graduate refresher courses were created by campus partners, including the PATH to Care Center, OPHD, the SVSH Advisor Office, the Dean of Students office, and the Graduate Division.

#### **4.1.4. New graduate student instructor training**

New Graduate Student Instructors (GSIs) support faculty in their role as teaching assistants; under specific conditions, they may teach courses on their own. New GSIs receive 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.) All first-time GSIs are required to take pedagogy (375) courses, overseen by the GSI Teaching Resource Center. By request, the PATH to Care Center provides supplemental education in these pedagogy courses to help new GSIs better prepare for SVSH prevention and response in the classroom.

#### **4.1.5. Faculty and staff training**

California law (AB1825 and AB2053) and the UC SVSH Policy require that all 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 modules for 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.

As of July 2021, over 75% of required SVSH prevention trainings assigned to non-student employees had been completed by their due date. In general, training completion rates during 2020-21 were a little lower than they had been before the COVID-19 pandemic. Efforts will be made to restore a higher rate of compliance in 2021-22.

#### **4.1.6. Intercollegiate Athletics**

All student-athletes, coaches, and Intercollegiate Athletics staff are required by the NCAA and the California State Auditor to receive annual education on sexual violence prevention, intervention and response. Since 2017-2018, Intercollegiate Athletics (IA) has partnered with PATH to Care and OPHD to satisfy the requirements through tailored in-person training.

The PATH to Care Center prevention team worked with Intercollegiate Athletics to implement the “Manager’s Playbook” program, which is designed as a series of 10-15 minute discussions that are facilitated by a supervisor or coach with their supervisees or team during regularly scheduled times, such as team meetings. After engaging in the Manager’s Playbook program, surveys showed that 100% of participants:

- perceived the unit/team climate in relation to sexual harassment to be healthy or very healthy
- strongly agreed that preventing sexual harassment is important to their supervisor
- agreed or strongly agreed that preventing sexual harassment is important to others in the unit/team
- agreed or strongly agreed that their opinions are valued by their supervisor and team

Intercollegiate Athletics and the PATH to Care Center also piloted the Coaching Athletes as Leaders (CAL) program. CAL engages “student-athletes in lively discussions with their coaches and teammates on how to create a campus free of violence, harassment, discrimination, and racism; develop strong interpersonal and leadership skills; promote equity, respect, and responsibility; and serve

as role models for the campus community.” Participants in the pilot completed surveys both before and after engaging in the program. Pilot data showed an increased likelihood of bystander intervention, as illustrated by these examples:

Someone taking sexual advantage of another person (like touching, kissing, having sex with) who is drunk or high on drugs.	The number of participants who said they would intervene as a bystander in this situation increased from 64% to 75% from pre-survey to post-survey.
Someone shoving, grabbing, or otherwise physically hurting another person	The number of participants who said they would intervene as a bystander in this situation increased from 59% to 69% from pre-survey to post-survey.
Someone has a partner who puts them down in front of others.	The number of participants who said they would intervene as a bystander in this situation increased from 45% to 63% from pre-survey to post-survey
Someone is the target of a sexist, racist, or homophobic joke or comment.	The number of participants who said they would intervene as a bystander in this situation increased from 70% to 88% from pre-survey to post-survey

**Table 1: Example results of pre and post-surveys from the Coaching Athletes as Leaders pilot**

#### **4.1.7. Registered Student Organizations and Greek Life training**

As the primary resource for registered student organizations (RSOs) at UC Berkeley, the LEAD Center (section 3.2.16) supports SVSH prevention by requiring signatories of all RSOs to participate in SVSH prevention training. In 2020-21, the LEAD Center provided this training via bCourses.

The LEAD Center also advises the Interfraternity Council (IFC), Multicultural Greek Council (MCGC), the National Pan-Hellenic Council (NPHC), and the Panhellenic Council (PHC). All recognized Greek organizations are affiliated with one of these associations. The LEAD Center requires each fraternity or sorority chapter president and at least one other executive officer to attend semesterly Social Risk Management training, which includes SVSH prevention training. In 2020-21, the LEAD Center partnered with PATH to Care to offer this training remotely.

IFC and PHC have an additional, self-imposed requirement that at least 80% chapter members attend a workshop about SVSH prevention and response each semester.

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## **4.2. CAMPUS-WIDE EDUCATIONAL PREVENTION EFFORTS**

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 the PATH to Care Center, OPHD, Bears that CARE, and Health Promotion, among others.

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

### **4.2.1. Undergraduate Prevention Education and Toolkit**

Despite challenges created by the COVID-19 pandemic, the PATH to Care Center developed and piloted the first Undergraduate Prevention Toolkit with RSOs in 2020-21. The toolkit is a culture change project that works with student organizations to:

- Provide input in identifying risk factors and problem areas that are unique to undergraduate student populations;
- Support student leaders in developing trauma informed violence prevention policies and guidelines;
- Help students understand the crucial role prevention efforts play in their communities.

The temporary suspension of PATH to Care's peer education program in 2020-21 resulted in the Center having a smaller reach to undergraduate student organizations than in previous years. In 2020-21, PATH to Care Center prevention staff engaged with 39 Registered Student Organizations, as well as 25 fraternity and sorority organizations.

### **4.2.2. T.R.A.I.L. Prevention & Response Certificate Training**

T.R.A.I.L. stands for Teach | Respond | Act | Inspire | Lead. The T.R.A.I.L. Prevention & Response Certificate Training is a leadership training opportunity developed in 2019-20. Participants earn a TRAILblazer Certificate by completing six hours of training that explores the impact of harm and violence on college campuses and interrogates societal attitudes and beliefs that normalize violence. The T.R.A.I.L. training is open to the entire campus community, including students, staff, and faculty.

In 2020-21, T.R.A.I.L. Certificate Training sessions were offered remotely; 109 participants received TRAILblazer Certificates. This figure was lower than in the previous year, likely due to "Zoom fatigue," which reduced the capacity of individuals working remotely to voluntarily participate in a 6-hour remote program. Participation in the T.R.A.I.L. program is expected to increase during the 2021-22 year, as students and employees return to campus.

### **4.2.3. Public Health 107 Course**

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.

In 2020-21, the 16 students enrolled in the course worked to collect and analyze primary and secondary data (e.g. from the 2018 MyVoice survey) to inform SVSH prevention efforts that promote social norms change and healthy relationships for smaller sub-communities on campus. The teams then designed an intervention to reduce SVSH and recommended a policy to address this type of harm. The course culminated with the students presenting their interventions to a panel of experts, who evaluated the students' team projects.

#### **4.2.4. Social Norms Campaign**

Social norms are the unwritten rules communities have about how to behave in community. Research shows that individual perceptions of the prevailing norms are more important than what the true norms (commonly held beliefs) actually are, and that people are less likely to act on their own values and beliefs if they think their peers hold different values/beliefs. This becomes a problem when individuals misperceive norms because a hyper-vocal minority holds unhealthy attitudes. In 2019-20, the PATH to Care Center launched the #WeCARE social norms campaign (see Section 7.2.1.5 in the 2020 SVSH Annual Report for more information). In 2020-21, the PATH to Care Center, in collaboration with the Office of Communications & Public Affairs, created a second phase of the #WeCARE campaign, this time using social norms data and messages for specific populations, including undergraduates, graduate students, and staff and faculty. Rather than using physical banners like the first campaign did, this campaign was adapted for the pandemic using digital social media graphics, Zoom backgrounds, and email signatures to share pro-social messaging.



**Figure 1: A sample Zoom background from the #WeCARE social norms campaign**

#### **4.2.5. Bears that CARE workshops**

Bears that CARE (section 3.2.13.2) offers workshops on consent, bystander intervention, preventing violence, alcohol education, and social identities and microaggressions. Bears that CARE reached 1,629 students via 50 workshops in 2020-21. Seven of these workshops were specifically focused on consent.

#### **4.2.6. Health Promotion**

Part of University Health Services, Health Promotion advances the health and well-being of UC Berkeley students through individual and environmental initiatives. Health Promotion programs in 2020-21 included a Sex 101 DeCal course, for 80 students, and virtual workshops on a range of topics. 370 individuals attended these workshops; 10,238 were reached via social media outlets. In addition, Health Promotion offered a Sexpert Education Clinic to 94 people and distributed safer sex materials to 240 people via tabling and their Sexpress program. In total, Health Education provided services to over 11,000 people during 2020-21.

#### **4.2.7. Impacts of COVID-19 Pandemic on Prevention Efforts**

The COVID-19 pandemic affected prevention efforts in myriad ways. One impact in 2020-21 was the temporary suspension of PATH to Care's peer education program and temporary elimination of the Social Norms Seed Grant program, which had, in previous years, provided small grants to groups seeking to promote positive norms and reduce misperceptions related to SVSH in their communities.

Academic departments also experienced reduced capacity to engage in PATH to Care's Academic Department Prevention Toolkit, which guides academic departments through a step-by-step process of creating and implementing a plan to prevent sexual harassment within their academic community. Several departments, scheduled to engage with the toolkit in 2020-21, deferred participation into the 2021-22 academic year.







## 5.0 Survivor Support

The survivor support network at UC Berkeley is rooted in trauma-informed best practices and takes an approach centered on survivor empowerment and choice. The network includes 24/7 urgent support hotline, advocacy, accompaniments, medical care, counseling, and healing initiatives. The PATH to Care Center provides many of these services. A number of other on-campus and off-campus units also play important roles. This section describes the primary resources and provides some data illuminating their work. Additional data specifically reflecting survivor support utilization is provided in section 7.

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## **5.1. ADVOCACY**

Advocacy services provide the various types of support a survivor may need in order to continue working, living, or learning on campus after experiencing violence. This support can include but is not limited to academic, workplace, and/or housing adjustments, assistance finding therapy, assistance in exploring whether or not to report, and emotional regulation tools.

In 2020-21, the PATH to Care Center (section 3.2.2) provided advocacy services remotely, via phone or Zoom, and in-person. Two off-campus resources, BAWAR (section 3.5.1) and Family Violence Law Center (section 3.5.2) also provided remote and in-person advocacy services.

The PATH to Care Center can advocate for individual academic and workplace adjustments, such as schedule changes and extensions on assignments. The Office for 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 the Staff Ombuds Office can also request supportive measures for those impacted by SVSH.

On campus, best practice is to reserve the term “accommodations” for measures put in place to ensure that people with disabilities (whether short-term or long-term) have equal access to education and employment. Accommodations, whether for survivors or others, are provided through the Disabled Students’ Program for students, or through Disability Management, for employees. Sometimes, though, the term “accommodations” is also used more generally to include supportive measures and adjustments of other kinds.

In 2020-21, the PATH to Care Center worked with 338 individual clients affected by SVSH and provided 2,580 distinct advocacy services.

### **5.1.1 Care Line**

A team of professionally trained Confidential Advocates at the PATH to Care Center 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. As the primary SVSH-specific confidential resource on campus, the PATH to Care Center 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, intimate partner and relationship violence, sexual harassment, and/or stalking, as well as for those who are supporting impacted individuals. The Care Line 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 whether an immediate phone session or an appointment scheduled for a later date is more appropriate. Priority is always given to immediate safety planning and crisis response, including 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 and 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 trained counselors at ProtoCall Services. During Alameda County’s shelter-in-place ordinance, which continued in 2020-21, the Care Line was answered by ProtoCall Services, who then connected the caller to a PATH to Care Confidential Advocate for immediate support or to schedule an appointment. PATH to Care received 738 Care Line calls in 2020-21.



### **5.1.2. Accompaniments**

Accompaniments are a specific type of service in which a Confidential 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, particularly to medical care and court, typically take much more time than other advocacy services, such as intakes and follow-up meetings.

PATH to Care Center advocates provided 71 accompaniments in 2020-21. It is important to note that these accompaniments occurred while classes were still held remotely, demonstrating that the need for these services persisted throughout the pandemic.

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## **5.2. MEDICAL SERVICES**

Within University Health Services, Urgent Care 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. UHS remained open to in-person visits during the COVID-19 pandemic, but offered certain services in a remote format.

UHS is not an approved site to provide forensic evidence collection (commonly known as rape kits). However, UHS staff can coordinate that service with an approved hospital. The closest approved hospital for forensic evidence exams is Highland Hospital in Oakland.

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## **5.3. COUNSELING**

Both students and employees can access counseling through University Health Services (UHS). Staff and faculty use the Be Well at Work - Employee Assistance program. In 2020-21, Be Well at Work - Employee Assistance saw a reduction in the number of individuals who sought help related to SVSH, likely due to the pandemic.

Students can access general clinical counseling and psychiatry services through Counseling and Psychological Services (CAPS). Students also have access to Social Services, a specialized branch of UHS that provides speciality counseling, including for SVSH (see section 3.2.5). Social Services provided services to 281 SVSH clients, offering approximately 1,035 hours of support in individual SVSH appointments and 115 hours of support in group sessions related to SVSH. SVSH survivor clients averaged 4.4 individual appointments in 2020-21, up from an average of about three visits in 2019-2020. Wait times for SVSH intake appointments with Social Services averaged about two weeks at the busiest times of the year in 2020-21, but urgent appointments were available with a wait of no more than 48 hours.

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## **5.4. HEALING**

PATH to Care and Social Services offer healing programming for survivors. As the COVID-19 pandemic continued, healing sessions were offered virtually. In 2020-21, PATH to Care offered 82 sessions (199 hours) of virtual healing initiatives, including sound healing, restorative yoga for queer and trans people of color, healing through art, and more.

# 6.0 Reporting

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

This section describes the campus process for making an administrative report of allegations of SVSH misconduct to the Office for Prevention of Harassment and Discrimination (OPHD) (section 6.1), as well as the process for reporting SVSH crimes to the university police department, UCPD (section 6.2).

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## **6.1. ADMINISTRATIVE REPORTING TO OPHD**

On the Berkeley campus, institutional compliance with policies and procedures addressing sexual misconduct is overseen by the campus Title IX Officer, who is also the Director of the Office for the Prevention of Harassment and Discrimination (OPHD) (section 3.2.3).

OPHD typically has 5-6 fulltime investigators, or “Complaint Resolution Officers,” on staff. These investigators are highly trained and have technical expertise in Title IX compliance as well as state and UC systemwide regulations.<sup>18</sup> OPHD also has employees who specialize in intake, alternative resolution, and data analysis.

OPHD enforces policies against discrimination or harassment, including the systemwide UC Policy on Sexual Violence and Sexual Harassment (“UC SVSH Policy”), which is consistent with Title IX.

### **6.1.1. UC Policy on Sexual Violence and Sexual Harassment**

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.

The UC SVSH Policy applies to all students, employees, and third parties. OPHD follows the same initial assessment and investigation 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](https://ophd.berkeley.edu) for links to current policies and procedures.

The UC SVSH Policy underwent a revision in August 2020, near the start of the period covered by this report (see section 2.1.2.1). The most recent version of the UC SVSH Policy is always available at <https://policy.ucop.edu/doc/4000385/SVSH>. Past UC SVSH policies are archived at <https://ophd.berkeley.edu/archive>.

<sup>18</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)

### **6.1.2. Who can report to OPHD?**

A survivor may contact OPHD directly to make a report, either by phone, email, or – new in 2020-21 – a [webform](#) (that may be accessed anonymously).

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.

Often, it is a third party — for example, a witness, or someone in whom the survivor has confided — who brings to the attention of OPHD allegations of conduct prohibited under the UC SVSH Policy. Many such reports are made by “Responsible Employees”.

### **6.1.3. Responsible Employee obligations**

All UC Berkeley employees, other than those designated as Confidential Resources (section 3.1), are considered Responsible Employees in the UC SVSH Policy.

The UC SVSH Policy states that “if a Responsible Employee learns, in the course of employment, that a student may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer or designee.”

Instructors, supervisory staff, Human Resources, Academic Personnel, and campus police have an additional Responsible Employee requirement to “inform the Title IX officer if they receive a report of prohibited conduct from anyone affiliated with the university, which includes faculty, staff and others affiliated with the university.”<sup>19</sup>

The Responsible Employee role emanates from Title IX guidance. The broad application of this designation in the UC SVSH Policy is designed to facilitate prompt, comprehensive coordination of the campus response by the Title IX Officer and to ensure that survivors know all of their rights, options, and resources.

<sup>19</sup> FAQ: Important facts about professors, supervisors and other “responsible employees” who are required to report. (n.d.). Retrieved October 02, 2020, from <https://sexualviolence.universityofcalifornia.edu/faq/responsible-employee.html>

There are several different kinds of reporting obligations. Responsible Employees' obligations differ from those of Campus Security Authorities (CSA) and mandated reporters. Campus Security Authorities are designated by the Clery Act to report certain crimes, which include domestic violence, dating violence, sexual assault, and stalking. CSA reports are aggregated and anonymized and included in the crime statistics published in the Annual Security and Fire Safety Report.

The Responsible Employee requirement also 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.

#### **6.1.4. Initial assessment and supportive measures**

Upon receiving a report of Prohibited Conduct from a survivor or third party, OPHD's Intake team will reach out to the complainant to inquire about safety and welfare needs; notify the complainant of their rights and options on campus; refer the complainant to confidential on- and off-campus resources, including the PATH to Care Center (see sections 3.2.2 and 5); and invite the complainant to schedule an intake meeting.

At any time after receiving a report, OPHD has the ability to propose and implement supportive measures, including interim and mitigating measures such as no-contact directives, academic supportive measures, emergency housing, interim suspension, or other measures suited to the situation.

- **Interim measures** are services, accommodations, or other measures put in place temporarily, after the Title IX Officer receives a report, to assist or protect the complainant, the respondent, or the University community and/or to restore or preserve a party's access to a University program or activity or deter Prohibited Conduct.
- **Mitigating measures** are services, accommodations, and other measures intended for survivors who are not in a resolution process, or for prior complainants who were involved in processes that did not lead to a policy violation.

Supportive measures are intended to address safety concerns and ensure that both the complainant and respondent have the ability to continue with their work or study during the course of any resolution process or in the absence of a resolution process.

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## **6.2. REPORTING TO LAW ENFORCEMENT**

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

OPHD and UCPD can help direct a survivor to the appropriate office. Confidential resources, such as PATH to Care, can also be very helpful to survivors in understanding how administrative and law enforcement reporting options differ and how they relate to one another. (For example, OPHD responds to allegations of Prohibited Conduct, and its findings feed into the campus disciplinary process; UCPD responds to allegations that a law has been violated, and its findings feed into the criminal justice system.)

Police departments 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 a case to the District Attorney to consider for prosecution. The decision to prosecute is 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.

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## **6.3. ADVOCACY AND ACCOMPANIMENTS DURING REPORTING**

At OPHD and UCPD, survivors have the right to be accompanied by an advocate or emotional support person during all stages of reporting (and any subsequent investigation), including during forensic evidence collection.

For more information about survivor support, see section 5.

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#### **6.4. RESPONDENT SERVICES**

Respondent Services coordinators provide resources, information, and referrals to students and employees who have been charged with violating the UC Policy on SVSH. The goal of this service is to ensure that respondents are informed of the campus process, their rights, and available resources.

Respondent Services coordinators do not participate directly in the SVSH university investigation and adjudication process, nor do they provide legal advice or advocacy on behalf of a respondent. Respondent Services coordinators are not a Confidential Resource.

In 2020-21, the Center for Support and Intervention provided respondent services to 46 undergraduate students. People & Culture and the Academic Personnel Office, who provide respondent services for non-academic and academic employees, respectively, did not report having engaged directly with employee respondents.

In addition to Respondent Services, to whom respondents in OPHD matters are referred, Social Services (section 3.2.5) offers confidential counseling for students concerned about causing harm. Social Services employs social workers who specialize in sexual and gender violence and harassment. In 2020-21, Social Services staff provided services, over 38 visits, to seven clients concerned about causing SVSH harm to someone else.

Confidential counseling is available to employee respondents through Be Well at Work - Employee Assistance (section 3.2.4).

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

\*Data in sections 7 and 8 are snapshots reported at the end of the time period covered in this report (July 1, 2020 - June 30, 2021). These data reflect what was known about SVSH cases, including those still in progress, on June 30, 2021. Sometimes, as a case progresses, additional information changes the way a case is categorized. This report will not reflect any such changes that took place after June 30, 2021.



National studies generally agree that only a minority of survivors report sexual violence and sexual harassment to authorities. This is consistent with the findings of the 2018 MyVoice survey results.<sup>20</sup> Understanding the true prevalence of such incidents and their impact on the campus community thus requires triangulating on multiple types of information.

This section provides three inferential lenses onto the experience of SVSH in the UC Berkeley community: reports made to campus authorities (OPHD and UCPD); usage of campus survivor support resources (PATH to Care and Social Services); and self-report, through the anonymous (2018) MyVoice Survey.

Data from all of these sources are brought together to reveal patterns in the experience of the campus community. Section 7.1 quantifies trends over the course of the academic year, compared to previous years. Section 7.2 focuses on how experiences of SVSH vary according to campus affiliation. Section 7.3 analyzes the types of SVSH harm survivors are experiencing, while section 7.2.4 presents data on the disparate impacts of SVSH on marginalized communities. Information on locations (on- or off-campus) of reported SVSH harm are presented in section 7.4. Section 7.5 presents the sources of reports.

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## **7.1. CHANGES IN SVSH-RELATED SERVICE PROVISION OVER TIME**

Each year, the Annual Report looks at the number of reports made to campus authorities and the number of clients served by support resources to illuminate trends.

### **7.1.1. Changes from year to year**

2020-21 saw a *decrease* in reports of SVSH to OPHD and an *increase* in individuals who received survivor support services at PATH to Care; Social Services also experienced an increase.

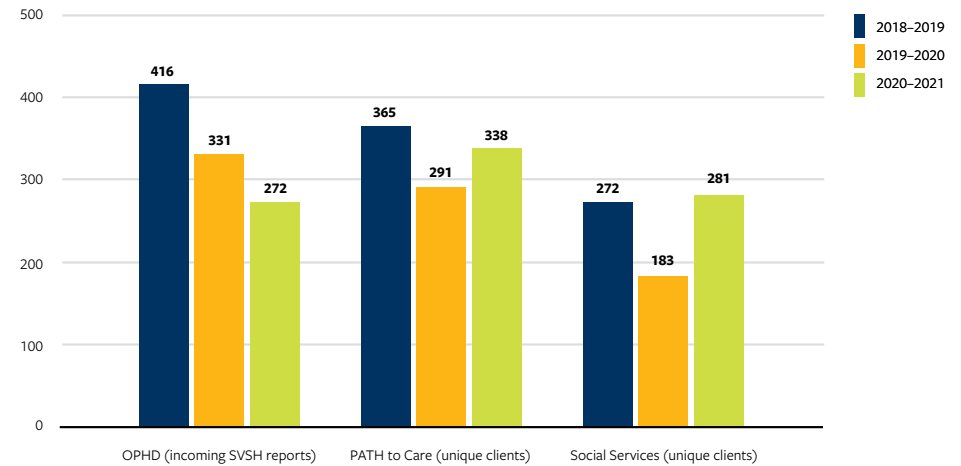
Of the 468 reports received by OPHD, 272 reports alleged one or more forms of conduct prohibited under the UC SVSH Policy (there were 290 SVSH allegations overall; a single report made to OPHD may contain multiple SVSH allegations).

<sup>20</sup>Bartolone, J. and Gebhardt, Z. (2019). Final Report University of California, Berkeley MyVoice Survey. NORC. [https://myvoice.berkeley.edu/lib/img/pdf/MyVoice\\_Final\\_Report\\_Publish.pdf](https://myvoice.berkeley.edu/lib/img/pdf/MyVoice_Final_Report_Publish.pdf)

The PATH to Care Center survivor support team provided advocacy to 338 unique clients through 2,580 distinct services.

Social Services is unique in that it provides counseling services to both survivors and respondents. Social Services provided services to 281 unique clients for SVSH-related reasons (including survivors, respondents, and others). Social Services provided approximately 1,035 hours of individual SVSH-related appointments and 115 hours of group SVSH-related appointments.

Figure 2 compares annual trends for SVSH reports made to OPHD and clients served by PATH to Care and Social Services across the most recent three years:



**Figure 2: Changes in SVSH-related service provision (2018-21)**

### 7.1.2. Month by Month OPHD Incoming Reports Trends

Although overall figures showed a pattern different from previous years, month-by-month trends were similar. As in past years, utilization of campus reporting and support services varied by time of year, peaking in the middle of each semester.

Figure 3 shows the number of new incoming cases to OPHD per month in 2020-21:

**Figure 3: OPHD incoming reports by month (2019-21)**

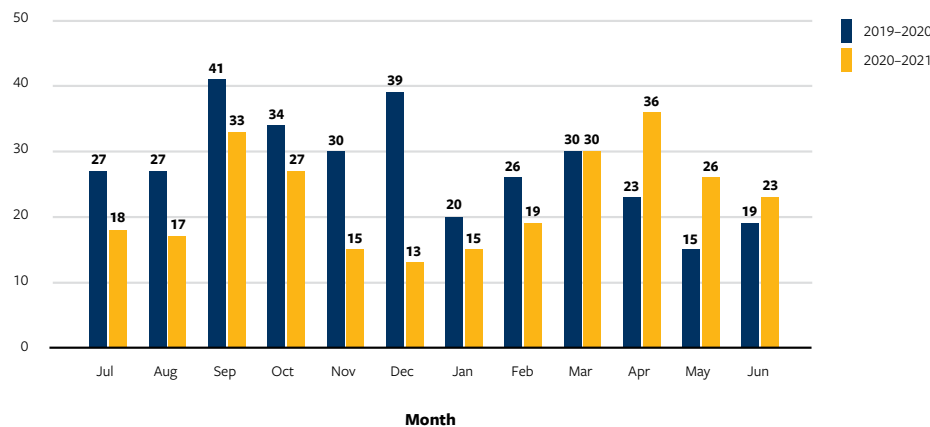
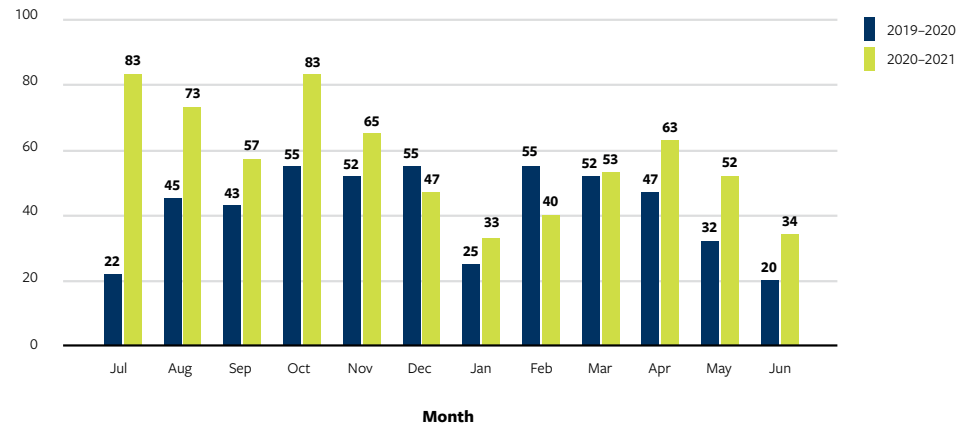


Figure 4 shows a similar pattern for the PATH to Care Center (PTC). The number of clients seeking survivor support services from PTC in 2020-21 generally peaked in the middle of each semester (October and April) and tailed off at the beginning and end of each semester. That said, summer and early fall of 2020 were busier times for the PATH to Care Center in 2020-21 than in the previous year.

In the past, Social Services service provision has followed a similar pattern, with appointment peaks in the middle of each semester. In 2020-21, Social Services tracked appointment trends by semester only, logging slightly fewer appointments in the Spring (433 appointments) than in the Fall (447 appointments).



**Figure 4: PATH to Care appointments by month as compared to the previous year (2019-20 and 2020-21)**

## 7.2. CAMPUS AFFILIATION

One way of understanding the impact of SVSH on the campus community is through the lens of who is affected and who was reported to have caused harm. We begin with information from reports made to administrative authorities, followed by information about services provided to survivors.

Because they serve only UC Berkeley students, Social Services is not included in this section.

## 7.2.1. Affiliations in reports to OPHD

Figure 5 classifies incoming SVSH-related reports to OPHD by affiliations of complainants and respondents.

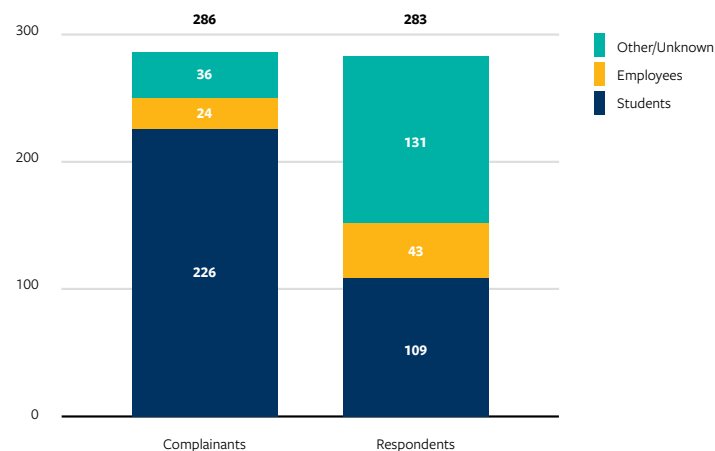
The UC SVSH Policy uses the term “complainant” for a person alleged to have experienced Prohibited Conduct, and the term “respondent” for a person alleged to have engaged in Prohibited Conduct.

In Figure 5, the “Students” category includes undergraduate, graduate and professional, and unspecified students. The “Employees” category includes represented and policy-covered staff, Senate and non-Senate faculty, and unspecified employees. (Former campus affiliates are categorized by their relationship to the university at the time of the alleged incident; for example, former students are counted in the “students” category.) The “Other” category in Figure 5 includes complainants and respondents who were not affiliated with campus, or whose affiliation to the campus was unknown to OPHD. The campus affiliations of complainants and respondents may be unknown if the complaint OPHD receives does not contain that information and OPHD was unable to obtain the affiliations in subsequent outreach.

Given that students make up the majority of people on campus (41,189 undergraduates and graduate students enrolled in the 2020-21 academic year), it is not surprising to see in Figure 5 that the majority of identifiable complainants (i.e., excluding the “Other” category) in incoming reports are students.

That said, as seen in Figure 6, the proportion of student complainants is actually higher than their majority status would, by itself, predict. Of those reports in which the complainant has a known campus affiliation (excluding the “Other/Unknown” category in Figure 5), about 90% of the complainants are students; by comparison, students constitute roughly 78% of the campus population.<sup>21</sup>

Conversely, faculty and staff, who make up about 21% of the overall campus community, are slightly *overrepresented* among respondents in SVSH-related cases, at 28%.<sup>22</sup>



**Figure 5: Incoming SVSH-related OPHD cases by affiliation of complainants and respondents (2020-21)**

<sup>21</sup> CalAnswers. (2021). Campus Workforce At a Glance. [Data set]. Office of the Vice Chancellor of Finance. <https://calanswers-bi.berkeley.edu:9503/analytics/saw.dll?Dashboard>

<sup>22</sup> CalAnswers. (2021). Campus Enrollment At a Glance. [Data set]. Office of the Vice Chancellor of Finance. [https://calanswers-bi.berkeley.edu:9503/analytics/saw.dll?Portal&PortalPath=%2Fshared%2FACademic%20Planning%2F\\_portal%2FCampus%20Enrollment%20At%20a%20Glance](https://calanswers-bi.berkeley.edu:9503/analytics/saw.dll?Portal&PortalPath=%2Fshared%2FACademic%20Planning%2F_portal%2FCampus%20Enrollment%20At%20a%20Glance)

This asymmetry may well reflect the power dynamic that is inherent in, and potentially magnifies the impact of, many instances of alleged SVSH. That said, data from the 2018 MyVoice study showed that most harm experienced by students was inflicted by other students. Another factor that may be contributing to the asymmetries in Figure 6 is that Responsible Employees have a special obligation to report possible harm experienced by students, increasing the representation of students as complainants, even when the identity and affiliation of the respondent is unknown.

### 7.2.2. Affiliations of PATH to Care Center clients

Data from survivor support utilization provides a useful additional perspective into the kinds of harm survivors experience, by affiliation and location. Figure 7 shows the breakdown of PATH to Care clients' affiliations to campus in 2020-21. The majority of PATH to Care's clients were undergraduate students.

Employees (staff, faculty, instructors, visiting scholars) made up a much higher percentage of PATH to Care's clients in 2020-21 – around 27% – than in the previous year (14%). One possible explanation for this proportional increase could be that more employees became aware of the PATH to Care Center or learned that PATH to Care's services are available to them; another could be that students, most of whom were studying remotely, sought local services in their community rather than from PATH to Care. With the return to campus of students and employees in 2021-22, it will be interesting to analyze next year's pattern of client visits.

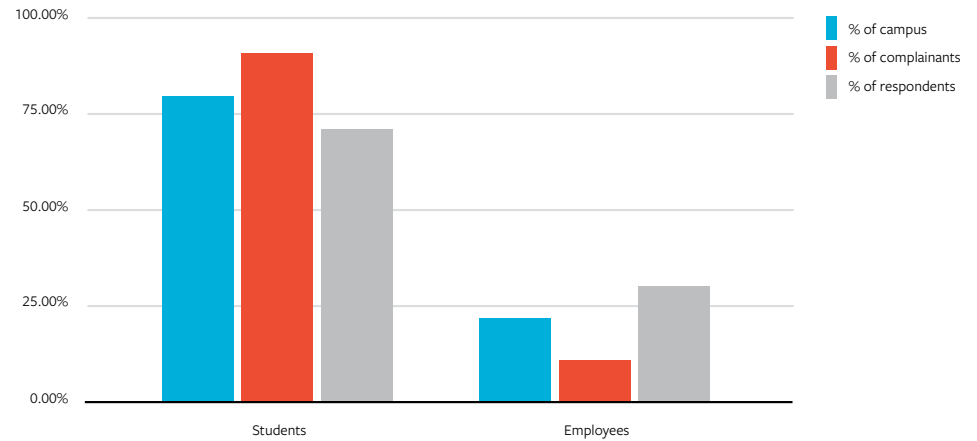


Figure 6: Proportions of campus affiliations of complainants and respondents compared to the overall campus population (2020-21)

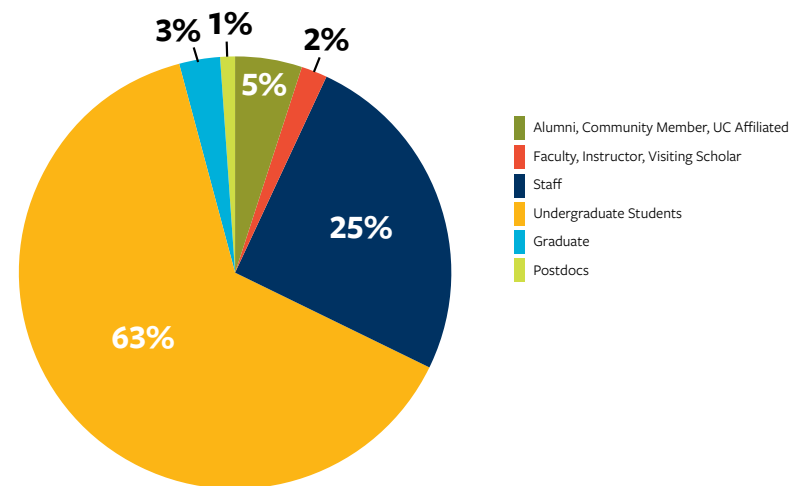


Figure 7: Campus affiliations of PATH to Care clients (2020-21)

### 7.2.3. 2018 MyVoice Survey

The correlation between SVSH experience and campus affiliation, presented above, is consistent with what was learned in the 2018 MyVoice Survey, which asked participants about experiences of SVSH that occurred in the five years prior to the survey. According to the survey, undergraduate students experience SVSH at the highest rates, and staff and faculty experience SVSH at the lowest rates (Figure 8).

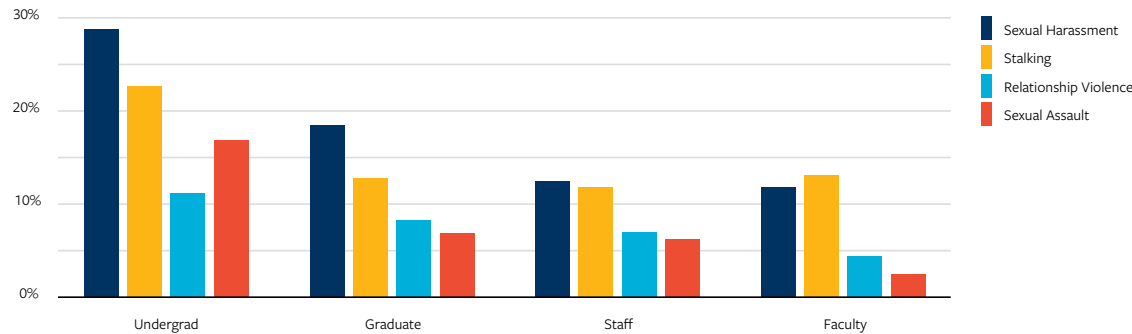


Figure 8: Experiences of SVSH harm reported in 2018 MyVoice Survey, by affiliate group

### 7.2.4. Experience of SVSH harm and intersectional demographic factors

The campus affiliation of survivors is not the only way to understand who is most impacted by SVSH. National surveys, and Berkeley’s own 2018 MyVoice Survey, have found that SVSH impacts marginalized communities at disproportionate rates, as shown in Table 2.<sup>23</sup> (For more details, see section 10.3 of the 2020 Annual Report.)

Aggregated client demographic data from the PATH to Care Center conveys a similar picture. All PATH to Care Center clients are asked to fill out an intake form in which every field is optional, including demographic questions. In comparison to the previous year, there was an increase in the percentage of PATH to Care clients who identified as People of Color; LGBTQ+; gender non-conforming, transgender, genderqueer and/or men. Figures for 2020-21 are given in Table 3.

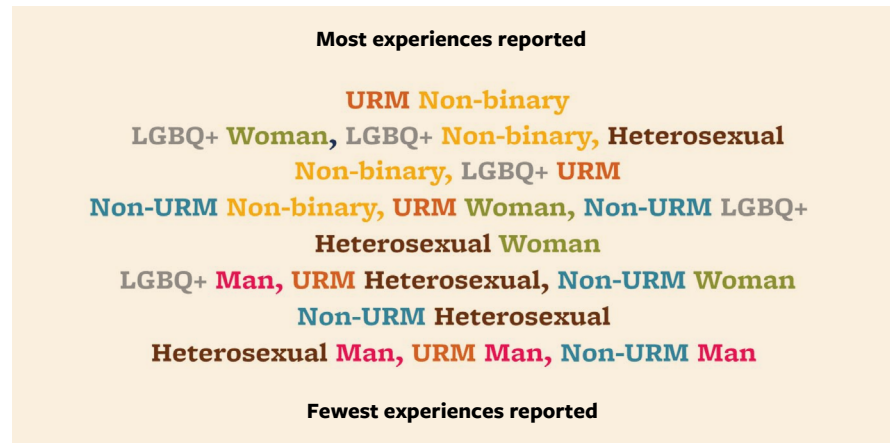


Table 2: Illustration of 2018 MyVoice finding that people holding more marginalized identities experienced higher rates of relationship violence and sexual assault

<sup>23</sup> Bartolone, J. and Gebhardt, Z. (2019). Final Report University of California, Berkeley MyVoice Survey. NORC. [https://myvoice.berkeley.edu/lib/img/pdf/MyVoice\\_Final\\_Report\\_Publish.pdf](https://myvoice.berkeley.edu/lib/img/pdf/MyVoice_Final_Report_Publish.pdf)

Given that every individual holds multiple identities, PATH to Care Center clients were able to indicate more than one of the identities listed in Table 3.

### 7.3. TYPES OF SVSH HARM RECORDED BY DIFFERENT CAMPUS OFFICES

This subsection tracks the incidence of various forms of SVSH harm in the UC Berkeley community according to data from UCPD (7.3.1), OPHD (7.3.2), Social Services (7.3.3), and the PATH to Care Center (7.3.4).

Both OPHD and UCPD track the type of SVSH harm experienced by those who report to their offices. Reports can be made to UCPD and/or to OPHD, depending on the nature of the incident and the jurisdiction of UCPD and OPHD.

As discussed in section 2.1.1.1, advocates and other experts reported that dating/domestic violence rose during the pandemic. The number of reports and rates of service utilization for people who have experienced dating/domestic violence is therefore important to note.

#### 7.3.1. Types of SVSH crimes reported to UCPD

The University of California Police Department (UCPD) handles reports of crimes that take place within their geographical jurisdiction, namely, campus property. The Clery Division publishes the [Annual Security and Fire Safety Report \(ASFSR\)](#), which provides statistics about crimes that occurred within the geographical area defined by the Clery Act during each calendar year.

Dating/Domestic	18
Sexual Assault	22
Stalking	12

**Table 4: SVSH-related crimes reported to UCPD (2020-21), as of July 28, 2021\***

*\*Data above is a snapshot reported at the end of the time period covered in this report (July 1, 2020 - June 30, 2021). These data reflect what was known about SVSH cases, including those still in progress, on July 28, 2021. Sometimes, as a case progresses, additional information changes the way a case is categorized. This report will not reflect any such changes that took place after July 28, 2021.*

76%	Identified as BIPOC
36%	Identified as LGBTQ+
6%	Identified as gender non-conforming, transgender, genderqueer
13%	Identified as men

**Table 3: Intersectional demographics of PATH to Care clients served in 2020-21**

Both UCPD and the Clery Division collect data about reports of crimes meeting the federal definitions of dating/ domestic violence, rape, fondling, incest, statutory rape, and stalking. (Federal definitions of crimes can be found in the ASFSR.)

Table 4 contains the number of dating/domestic violence, sexual assault, and stalking reports UCPD received in the time period covered in this report (2020-21), as of July 28, 2021.

For data on SVSH-related crimes collected by the Clery Division for the calendar years of 2020 and 2021, see the ASFSR.

### 7.3.2. Types of SVSH harm reported to OPHD

Figure 9 compares the subtypes of the 290 SVSH allegations made in the 272 SVSH-related reports received by OPHD in 2020-21, as compared to the subtypes of SVSH reported to OPHD in the previous (2019-20) academic year.

In 2020-21, sexual assault constituted the greatest proportion of SVSH allegations OPHD received, followed by sexual harassment. This differs from the previous three years, in which sexual harassment was the most common form of SVSH allegation reported to OPHD. In fact, allegations of sexual harassment decreased in 2020-21, while the number of sexual assault allegations stayed relatively steady between the previous year and the 2020-21 academic year. Notably, the number of relationship/dating/domestic violence reports to OPHD rose in 2020-21 over the previous year.

OPHD receives many more SVSH-related reports than UCPD does (compare Figure 9 to Table 4). One reason is that sexual harassment is not a reportable offense to UCPD, because it is not a crime. However, sexual harassment is against the UC Policy on SVSH, and is therefore reportable to OPHD.

(The allegations in Figure 9 are classified according to the definitions of prohibited conduct in the UC SVSH Policy, which OPHD enforces. Exact definitions of these categories can be found in the UC SVSH Policy. “Other Prohibited” behaviors includes invasion of sexual privacy, retaliation, sexual intercourse with a person under the age of 18, exposing one’s genitals in a public place for the purpose of sexual gratification, and failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under the SVSH Policy.)

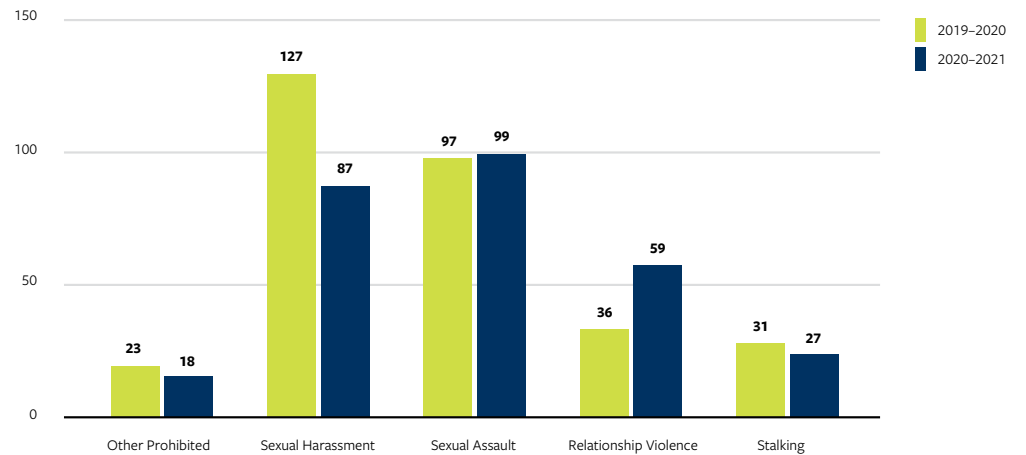


Figure 9: SVSH allegations reported to OPHD in 2020-21 vs. 2019-20

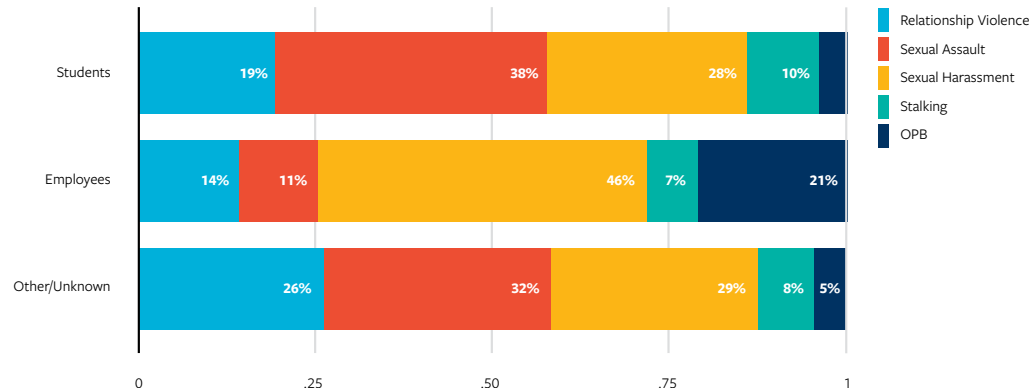


Figure 10: Types of SVSH allegations by affiliation of impacted party in reports to OPHD (2020-21)

Figure 10 shows that the type of allegation most commonly reported to OPHD varies with the campus affiliation of the impacted party (the survivor and/or complainant). For students, sexual assault was the most common complaint (38%). For employees, sexual harassment was the most common complaint (46%).



The “Other/Unknown” category in Figure 10 includes cases in which the affiliation of the complainant (impacted party) was unknown, as well as cases in which the complainant was not a student or employee of UC Berkeley.

In the 2020-21 academic year, OPHD transitioned to a new case management and database platform, iSight. Such tools make it possible to track some patterns over time and determine whether a newly reported incident is part of a broader pattern.

### 7.3.3. Types of SVSH harm for which clients contacted Social Services

As shown in Figure 11, 28% of all SVSH-related appointments at Social Services (including appointments with survivors and respondents) were for sexual assault. Intimate partner/domestic/dating violence was the second most common reason for Social Services appointments (14%), followed by sexual harassment and stalking (2.5%). The rest were coded by Social Services as “Trauma.”

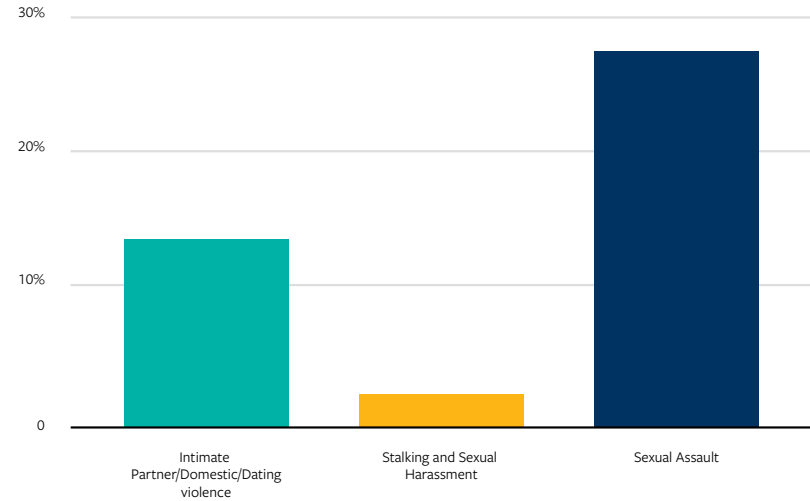


Figure 11: Types of harm for which clients sought Social Services support (2020-21)

### 7.3.4. Types of SVSH harm for which clients contact the PATH to Care Center

As shown in Figure 12, sexual assault was the most common reason (35%) for visits to the PATH to Care Center in 2020-21, followed by dating/domestic violence (23%), sexual harassment (11%), and stalking (6%). This pattern was similar to the previous year.

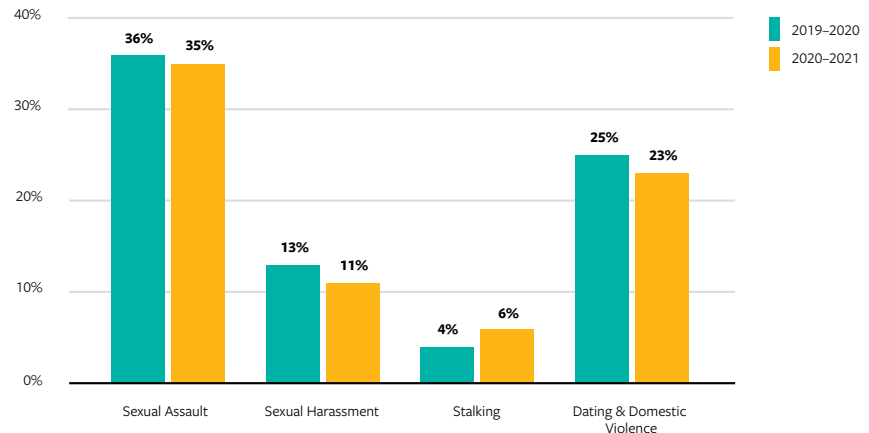


Figure 12: Types of harm for which clients sought PATH to Care services (2019-21)

The number of “Other/Unknown” cases at PATH to Care has risen over the past three years, peaking at around 25% of cases in 2020-21. Individuals who contact PATH to Care are not required to disclose their reasons for seeking help, and a confidential advocate may not know the reason for the visit. Such cases are classified as “Unknown”. Examples of reasons classified as “Other” include bias incidents and forms of harassment or abuse that are not SVSH. Other/Unknown cases are not reflected in Figure 12.

Figure 13 shows the types of harm for which PATH to Care clients sought services over the previous three years. Notably, the number of clients who sought support from PATH to Care for dating/domestic violence has remained relatively consistent in the past three years.

#### 7.4. REPORTED INCIDENT LOCATIONS

A point of interest for many, and an indicator of impact on the community, is the range of locations at which incidents of SVSH tend to take place. This section reports on the locations associated with reports of SVSH incidents made to OPHD.

##### 7.4.1. Locations of SVSH incidents reported to OPHD

The jurisdiction of the UC SVSH Policy includes campus, campus activities, and the behavior of campus affiliates. Accordingly, reports which come into OPHD may be associated with a variety of locations, as presented in Figure 14.

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.

The “Online” category refers to incidents occurring primarily online; these include harassment and stalking. The percentage of reported “Online” incidents increased, from the previous year, to 12.9%, as did the percentage of off-campus (25.7%) and “Other/Unknown” location (38.6%) incidents.

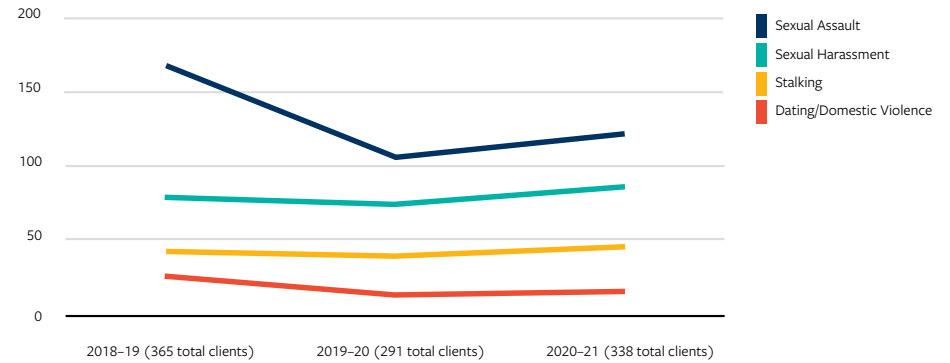


Figure 13: Three-year comparison of the reasons PATH to Care Center clients sought support (2018-21)

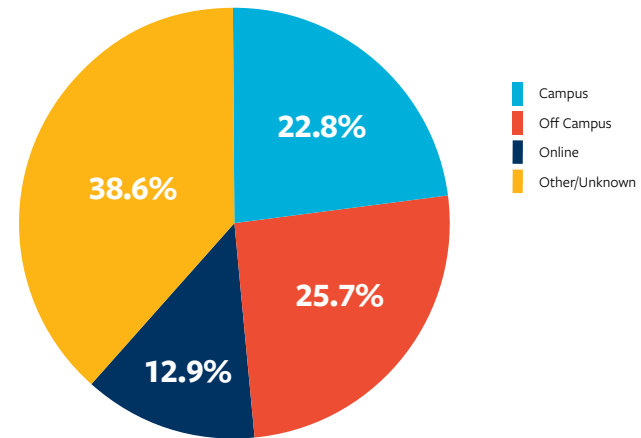
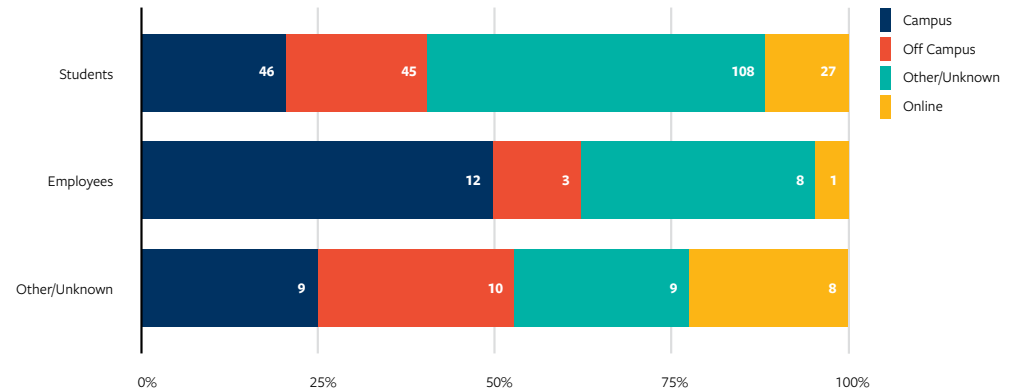


Figure 14: Locations of SVSH incidents reported to OPHD (2020-21)

As shown in Figure 15, which examines locations by affiliation of the complainant, almost 48% of reported SVSH incidents involving student complainants took place in “Other/Unknown” locations. A likely explanation for this figure, as well as the increases mentioned, is the shift to remote instruction necessitated by the COVID-19 pandemic.

The number of on-campus SVSH incidents reported to OPHD declined from the previous year, likely reflecting the reduced number of people working and studying on campus and in campus housing. That said, roughly the same amount of SVSH incidents impacting students occurred on campus as off-campus. For employees, more SVSH incidents reported to OPHD occurred on campus than anywhere else. This supports the need for continued efforts to reduce SVSH on campus, in departments, and student housing.



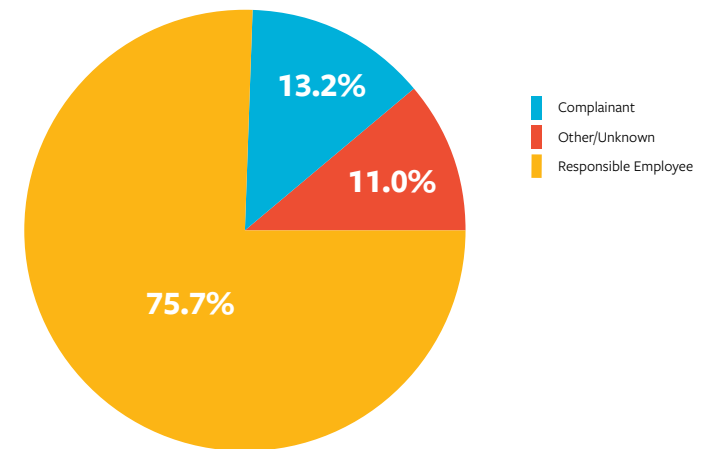
**Figure 15: Locations of SVSH incidents reported to OPHD, by affiliate group (2020-21)**

## 7.5. 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, and whom survivors tell about their experience of SVSH.

As Figure 16 illustrates, the majority of SVSH reports made to OPHD came from Responsible Employees (206, or 75%), rather than from complainants directly (36, or 13%). This high proportion of Responsible Employee reports continues a pattern observed in 2018-19 and 2019-20, and is likely attributable to efforts to educate the campus community about the Responsible Employee requirement outlined in the UC SVSH Policy. 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.)

Of the 206 Responsible Employee reports, 49 came from Housing, 12 came from the Center for Student Conduct, and 6 came from UCPD. The reports in the “Other/Unknown” category came from third parties (i.e., not complainants) not identified as Responsible Employees; for example, students without reporting obligations, non-affiliates, and/or anonymous reporters.



**Figure 16: Who reported SVSH incidents to OPHD (2020-21)**

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## **7.6. REFLECTIONS**

The biggest quantifiable difference between 2020-21 and past years is the decrease in SVSH-related reports made to OPHD. It is unlikely that the decrease in incoming reports to OPHD signals an inability to access the office by those working and studying remotely. Not only did OPHD introduce a new, web-based reporting portal, adding to the possible ways to report; but OPHD also experienced an increase in reports of other protected category harassment and discrimination. It is also unlikely, given the PATH to Care and Social Services figures, that SVSH incidents decreased overall. What seems more plausible is that the location and type of SVSH incidents were affected by the living and working conditions inflicted by the pandemic. Agencies around the world reported that the COVID-19 pandemic and shelter-in-place orders caused or exacerbated stressors and isolation, two conditions known to enable intimate partner and domestic violence. Without access to spaces away from the person abusing them, survivors may not have had means to report or did not feel safe reporting. It is also possible that the trends shown above result from the fact that, with fewer individuals working and living on campus, a greater proportion of the harm for which survivors sought support was inflicted off campus by individuals not associated with UC Berkeley, over whom OPHD has no jurisdiction. Data from the following sections may shed light on this theory.







# 8.0 Resolution, Investigation, and Adjudication\*

\*Data in sections 7 and 8 are snapshots reported at the end of the time period covered in this report (July 1, 2020 - June 30, 2021). They may differ from subsequently reported data in official reports due to changes in case outcomes.

\*The policies and procedures described in this section reflect UC systemwide changes that went into effect August 14, 2020, due to new federal Title IX regulations. (See section 2.1.2. Policy Change.) The current SVSH policy is always available at <https://policy.ucop.edu/doc/4000385/SVSH>. Past SVSH policies are archived at <https://ophd.berkeley.edu/archive>.

Section 8 discusses the formal process that ensues after an allegation of prohibited conduct has been reported to the Office for the Prevention of Harassment and Discrimination (OPHD).

Not all survivors choose to report, at the time immediately following an incident or later. For survivors to make the reporting choice that is right for them, it is important to understand the formal process and what is possible within it. It is also important for respondents to understand the process and their rights.

- Section 8.1 provides a brief summary of the commitment to a trauma-informed process.
- Section 8.2 covers the types of resolution that are possible at OPHD, including but not limited to Formal Investigation.
- Section 8.3 covers the disciplinary (adjudication) processes that can ensue if and when OPHD has completed a Formal Investigation.
- Section 8.4 discusses measures that have been taken to ensure consistency over time and across the different adjudication processes.
- Section 8.5 provides data regarding investigation and adjudication outcomes.
- Section 8.6 discusses timelines and provides data regarding the duration of investigation and adjudication processes.
- Section 8.7 discusses the complex relationship between transparency, confidentiality and privacy.

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## **8.1. TRAUMA-INFORMED PRACTICES**

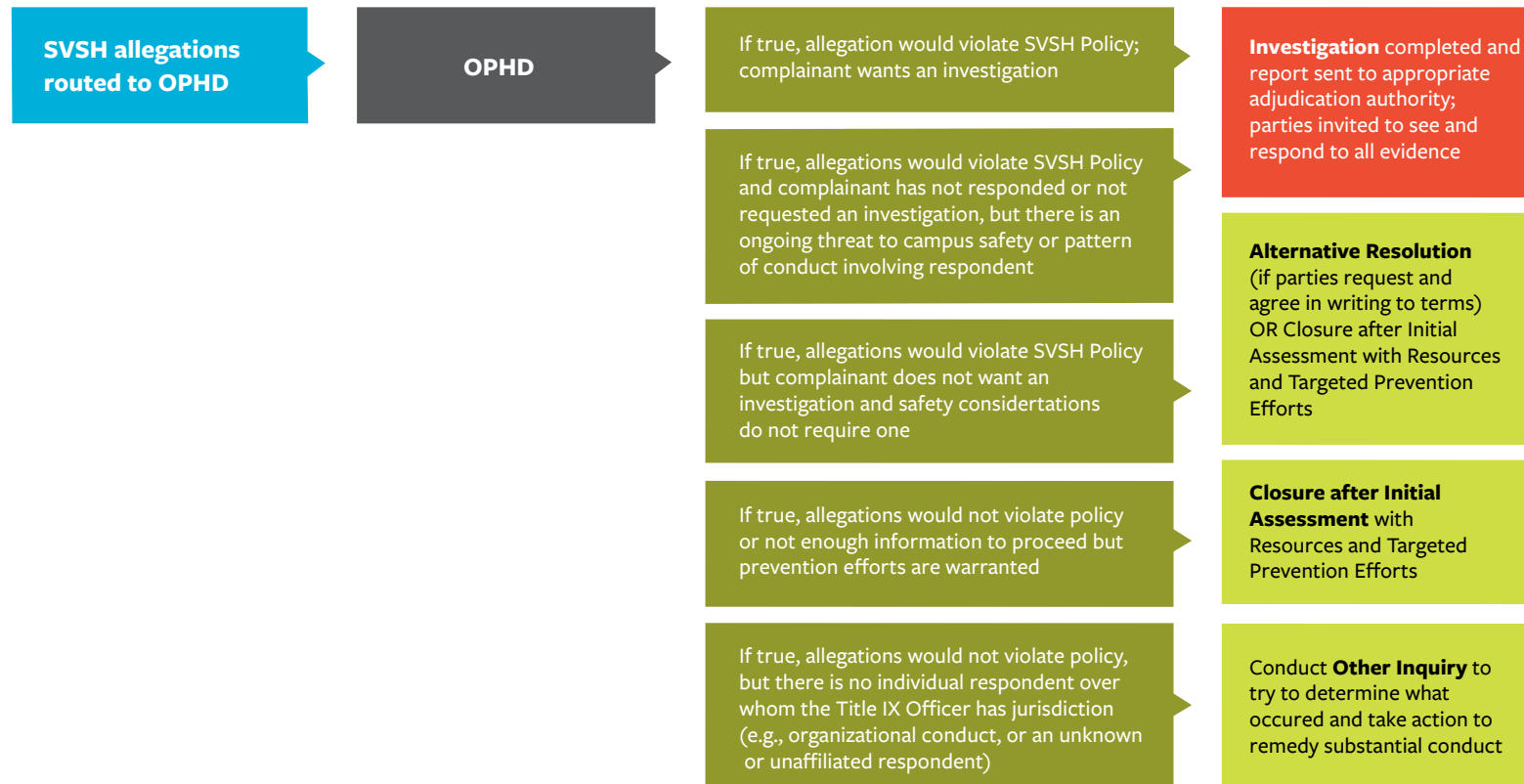
Investigators and adjudicators on the UC Berkeley campus are trained in trauma-informed practices, as mandated by the UC Policy on SVSH. In addition to specialized training undertaken by professionals in the Center for Student Conduct, OPHD, and UCPD, the campus offers annual training in trauma-informed practices to all who play a direct or supporting role in SVSH investigation and administrative response. In 2020-21, 46 individuals (staff, faculty, administrators) participated in a 2-hour SVSH Fundamentals training, and 93 individuals attended a subsequent “special topics” training on responding to SVSH incidents impacting members of the LGBTQ+ community.

Beyond training, procedures are also designed to include trauma-informed elements. For example, complainants and respondents have the right to an advisor and/or an emotional support person throughout the university’s reporting and complaint resolution process. For information about survivor support, see section 5; for information about respondent services, see section 6.4.

## 8.2. OPHD RESOLUTION TYPES

There are several possible outcomes after a report has been made to OPHD. The Title IX Officer is tasked with ensuring that the overall process of determining whether the SVSH policy (or other applicable policies) have been violated is carried out according to established procedures and documented accurately at all stages.

A number of factors determine whether a case is formally investigated, resolved “informally through alternative resolution,” or closed after initial assessment (with resources provided and, where appropriate, targeted prevention efforts). In most cases, the wishes of the parties can factor into how a case is resolved, as seen in Figure 17, which provides a simplified flowchart of the OPHD complaint resolution process and resolution types.



**Figure 17: Simplified flowchart of the OPHD process**

The following subsections review the resolution types depicted in Figure 17. The [Complaint Resolution Process](#) section of OPHD’s website also offers detailed information.



### **8.2.1. Closure after Initial Assessment with resources provided / with targeted prevention efforts**

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 process and outcome is described as "Closure after Initial Assessment, resources provided."

It is also not uncommon for OPHD to receive reports of conduct which, while concerning, would not violate the UC SVSH Policy. In such instances, OPHD can recommend and implement preventive measures, such as targeted educational conversations, trainings or other, non-disciplinary administrative actions. This outcome is described as "Closure after Initial Assessment with targeted prevention efforts."<sup>24</sup>

When OPHD closes a matter by engaging in targeted prevention efforts or simply by providing resources, records are retained. The matter can be reopened in the future if additional information emerges that enables further review under the UC SVSH Policy.

Outside observers who are aware that something happened may wonder why OPHD is not taking action. Due to complainant and respondent privacy rights, OPHD is very limited in its ability to discuss the actions it has or has not taken. This is true even for Alternative Resolutions and Formal Investigations, discussed below.

### **8.2.2. Alternative Resolution**

"Alternative Resolution" is one of the options OPHD can pursue in situations in which the allegations, if true, would amount to an SVSH Policy violation and OPHD has enough information to be able to take responsive action.

After an initial assessment of the allegations, the Title IX Officer may—if the Complainant and Respondent both agree in writing—begin an Alternative Resolution process. 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 voluntary, documented outcomes, often with provisions that are enforced over a period of time.

Alternative Resolution does not result in a determination by OPHD as to whether or not the UC SVSH Policy was violated; thus it cannot lead to a formal disciplinary sanction.

If the Alternative Resolution process is not successful because the parties cannot agree to terms, or if either party changes their mind during the process and wishes for a Formal Investigation instead, the case can proceed to investigation. Once concluded, however, an Alternative Resolution agreement is binding, and the case cannot be reopened unless the Title IX Officer determines that the Respondent did not satisfy the agreed-upon terms or the process was unsuccessful in preventing further Prohibited Conduct.

As of August 2020, Alternative Resolution is not permitted when the respondent is an employee and the complainant is a student. Situations which pose a threat to the campus community may also not be suitable for Alternative Resolution; the campus Title IX Officer makes this decision.

<sup>24</sup> Sometimes OPHD receives reports of conduct that would violate a different policy; such situations are not covered in this report.

### **8.2.3. Formal Investigation**

OPHD can launch a Formal Investigation of SVSH allegations 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 the complainant and respondent and witnesses, collecting documentary evidence, making findings of fact, and analyzing those facts against policy standards in a written report.

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.

Both the complainant and respondent have the opportunity to review evidence that will be relied upon before the written report is finalized.

The end result of an OPHD investigation is a determination of whether misconduct, in the form of an SVSH Policy violation, has occurred. Whether that determination is preliminary or final, and what happens next, depends on whether the conduct is DOE-covered (section 8.2.5) and on the campus affiliation of the respondent (section 8.3).

### **8.2.4. Other Inquiry**

When a report alleges a potential violation of the SVSH policy but is not appropriate for Alternative Resolution or Formal Investigation/DOE Grievance Process, the Title IX Officer may open an Other Inquiry process to try to determine what occurred and take appropriate steps to prevent future harm and remedy substantiated conduct. Other Inquiry is used where there is no individual, identifiable respondent under the university's jurisdiction, such as when the behavior is engaged in by an organization, where the respondent's identity is unknown, or where the respondent is unaffiliated with the university. Complainants are notified of the result of an Other Inquiry, typically within 60 days.

### **8.2.5. DOE-covered conduct**

In August 2020, the UC Policy on SVSH incorporated new procedures specific to allegations of conduct meeting the definition of DOE-Covered (see section 2.1.2). The Title IX Officer must determine whether any given case falls into this category. Conduct is considered DOE-Covered if all of the following statements are true:

- 1. Date: The alleged conduct occurred on or after August 14, 2020.**
- 2. Territoriality. The Complainant was in the United States when the conduct allegedly occurred.**
- 3. Program or Activity. The conduct occurred in a University program or activity, meaning the location was either:**
  - on-campus, or
  - off-campus, and the conduct occurred:

–in the context of University operations;

–at a location, event or circumstance over which the University exercised substantial control over the Respondent and the context in which the conduct occurred; or

–at a building owned or controlled by a student organization that is officially recognized by the University.

#### **4. The alleged conduct is any of the following:**

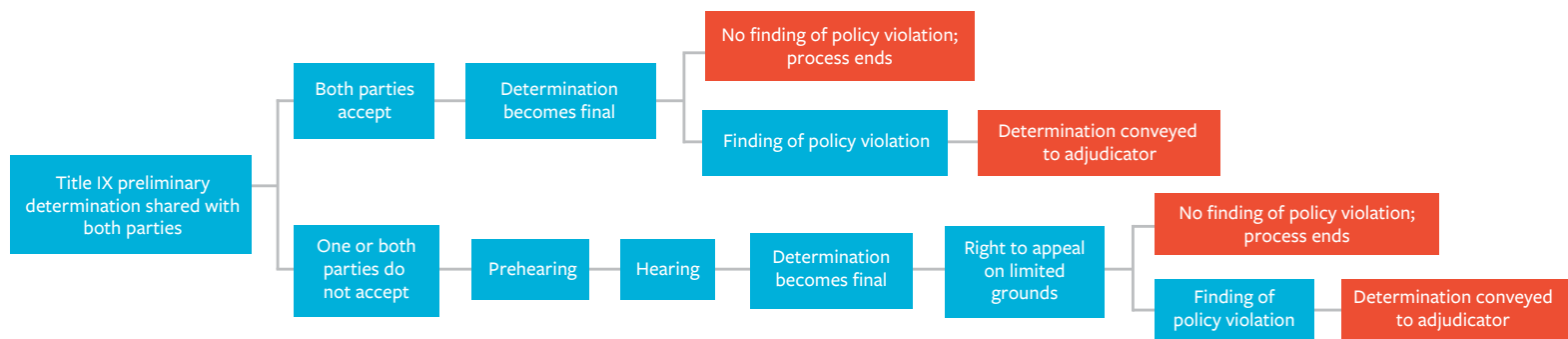
- conduct by an employee that meets the definition of Quid Pro Quo Sexual Harassment in Section II of the UC SVSH Policy;
- unwelcome sexual or other sex-based conduct (as defined in Section II of the Policy) that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University's programs or activities;
- conduct that meets the definition of Sexual Assault-Penetration;
- intentionally touching Complainant's intimate body part (genitals, anus, groin, breast, or buttocks) without the Complainant's consent (as defined in Section II of the Policy);
- conduct that meets the definition of Relationship Violence in Section II of the Policy;
- conduct that meets the definition of Stalking in Section II of the Policy; sexual intercourse with a person under the age of 18; or
- conduct that meets the definition of Invasion of Sexual Privacy in Section II of the Policy, and that a reasonable person would determine was so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University's programs or activities.

#### **8.2.6. Preliminary determinations, fact-finding hearings, and final determinations**

For cases with student respondents, all initial OPHD determinations are considered preliminary. If both parties (complainant and respondent) agree with the preliminary determination, it becomes final. If either party disagrees, a fact-finding hearing takes place, overseen by a hearing officer. The hearing officer then makes a determination of policy violation, which is considered final.

There are two formats for such fact-finding hearings, depending on the nature of the alleged conduct. If the conduct is DOE-covered (section 8.2.5), then the DOE grievance process is followed. The DOE grievance process is laid out in Interim Appendix F of the Policies Applying to Campus Activities, Organizations, and Students (PACAOS). In the DOE grievance process, hearings allow direct questioning of each party by the other party's advisor; each party has the right to see and hear all questioning and testimony at the hearing, if they choose to.

Hearings regarding conduct not covered by the new DOE regulations operate differently in some ways. All questioning is performed by the hearing officer; and each party has the right to be visually separated, if they wish. These "non-DOE-covered" hearings are described in PACAOS Appendix E. (For more information about the hearing process described in Appendices E and F, please see <https://svsh.berkeley.edu/reporting/svsh-hearings>.)



**Figure 18: Finalizing preliminary OPHD determinations (simplified)**

For employee respondent cases, the OPHD determination is considered final unless the alleged conduct is DOE-covered. In that circumstance, the initial OPHD determination is considered preliminary, and either party may request a DOE-covered fact-finding hearing, which operates similarly to what is described above for students. Employees may appeal a DOE-covered hearing outcome, on limited grounds.

Once an OPHD determination becomes final, whether the conduct is DOE-covered or not, the case passes to campus adjudicators. Their job is to decide on any appropriate disciplinary sanctions.

### 8.3. ADJUDICATION AND DISCIPLINE PHASES

Adjudication (disciplinary) procedures, and the bodies enforcing them, vary according to the campus affiliation of the respondent in the case.

- The Center for Student Conduct oversees the adjudication of cases involving student respondents. During 2020-21, the applicable framework for SVSH cases was the Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework (Appendices E and F) of the Policies Applying to Campus Activities, Organizations, and Students (PACAOS).
- The Vice Provost for the Faculty oversees adjudication for cases in which a faculty member or other academic appointee is the respondent. During 2020-21, the applicable frameworks for SVSH cases were the Investigation and Adjudication Framework for Senate and Non-Senate Faculty and the Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel.
- People & Culture oversees adjudication for cases involving a (non-academic) staff employee as respondent, in accordance with PPSM-62, PPSM-64 and PPSM-70, which can be found at <https://hr.berkeley.edu/policies/policies-procedures>.

(Union contracts for represented employees may contain procedures which supersede the above.)

Despite the procedural differences, there are broad similarities, and the university aspires to consistency in outcomes of SVSH cases, where possible. As part of this effort, the Title IX Officer is required to consult on all disciplinary decisions in SVSH cases.

The high level of confidentiality regarding student and employee records can make consistency challenging to demonstrate. One goal of this report is to shed as much light as possible on process and outcomes.

Subsections 8.3.1 through 8.3.5, below, focus on adjudication processes for student, staff, academic appointee, and senior leader respondents. Section 8.4 addresses consistency measures, and section 8.5 provides aggregate data regarding outcomes.

### **8.3.1. Student respondent cases**

The sanctioning phase in student respondent cases begins in the Center for Student Conduct (CSC) if OPHD has made a preliminary determination that the respondent is responsible for any violation. The complainant and respondent may provide CSC with input on sanctions. CSC notifies both parties of the proposed sanction, if any, and supporting rationale. If a case is forwarded to a hearing and the Respondent is found responsible, CSC reviews the hearing report to determine sanctions and provides notice of the updated sanctions and supporting rationale with the hearing outcome.

The complainant and respondent have an opportunity to appeal the final determination(s) and/or sanction proposal(s), on limited grounds. If either party appeals, the other is notified. The University administers the appeal process, but is not a party in the appeal; the University does not advocate for or against either party's position.

In deciding whether the appealing party has proven the asserted ground(s) for appeal, the Appeal Officer considers only the investigation file, the evidence presented at a previous fact-finding hearing (if applicable), and the appeal statements of the parties. The Appeal Officer may uphold the findings and sanctions; overturn the findings or sanctions; modify the findings or sanctions; or, in appeals alleging material procedural error, send the case back to the original Hearing Officer for further fact-finding if needed.

The Appeal Officer will summarize their decision in a written report, which is sent to both parties. Unless the case is sent back to the Hearing Officer for further fact-finding, the Appeal Officer's decision is final, and there is no further right to appeal.

For a detailed description of the student adjudication process currently in effect, which may differ in certain ways from the procedures followed in 2020-21, see <https://policy.ucop.edu/doc/2710641/PACAOS-Appendix-E> and <https://policy.ucop.edu/doc/2700689/PACAOS-Appendix-F>. (Recall that older policies are archived at [ophd.berkeley.edu/archive](http://ophd.berkeley.edu/archive).)

### **8.3.2. Staff respondents (non-academic)**

The following procedures apply to non-represented staff employees. They may also apply to represented staff, subject to any additional bargained terms.

Once an OPHD determination of SVSH policy violation becomes final (after a fact-finding hearing for DOE-covered conduct, if any, and any subsequent appeal), the final determination, along with any written response by the complainant and/or respondent, is conveyed to the respondent's supervisor or other appropriate administrative authority, who has the responsibility to propose and implement appropriate disciplinary action. The campus Title IX Officer is consulted. The Chief People & Culture Officer (Associate Vice Chancellor-HR) must review and approve any proposed disciplinary action(s) prior to implementation.

In accordance with relevant policies ([hr.berkeley.edu/policies/policies-procedures/ppsm](http://hr.berkeley.edu/policies/policies-procedures/ppsm)), the supervisor, after consulting with the Chief People & Culture Officer, may take formal corrective action, up to and including termination, as well as remedial actions that do not amount to formal correction.

Staff employees who are represented by a union follow a disciplinary process which is governed by the contract in place with the union and which may differ from what is described above. The employee may grieve any corrective (disciplinary) actions according to the terms of their union contract.

For a detailed description of the staff adjudication procedures currently in effect, which may differ in certain ways from the procedures followed in 2020-21, see <https://ophd.berkeley.edu/policies-and-procedures/policies-and-procedures-staff>. (Older policies and procedures may be found at <https://ophd.berkeley.edu/archive>.)

### **8.3.3. Academic appointees (other than faculty)**

The following procedures apply to non-represented, non-faculty academic appointees. They may also apply to represented, non-faculty academic appointees, depending on the terms of the union contract.

Once an OPHD determination of SVSH policy violation becomes final (after a fact-finding hearing for DOE-covered conduct, if any, and any subsequent appeal), the final determination, along with any written response by the complainant and/or respondent, is conveyed to the respondent's supervisor (or other appropriate administrative authority), who has the responsibility to propose and implement disciplinary action. The campus Title IX Officer and the Assistant Vice Provost for Academic Personnel are consulted. The Vice Provost for the Faculty (VPF), as the Chancellor's Designee, must review and approve any proposed disciplinary action(s) prior to implementation.

In accordance with APM-150, 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.

Academic appointees who are represented by a union follow a disciplinary process which is governed by the contract in place with the union and which may differ from what is depicted above. The employee may grieve any corrective (disciplinary) actions according to the terms of their union contract.

### **8.3.4. Faculty respondents**

The disciplinary process for faculty begins once an OPHD determination of SVSH policy violation has become final (after a fact-finding hearing for DOE-covered conduct, if any), and is conveyed to the Vice Provost for the Faculty, who serves as the Chancellor's Designee for purposes of overseeing the faculty disciplinary process.

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), Teaching Professors, 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 Unit 18 lecturers.

In October 2020, UC Berkeley had 1,551 Senate faculty and 1,384 faculty in other non-Senate titles (<https://pages.github.berkeley.edu/OPA/our-berkeley/staff-headcount.html>).

All faculty are subject to the Faculty Code of Conduct, i.e., Academic Personnel Manual (APM) section 015. Disciplinary procedures differ somewhat according to whether the individual is a Senate faculty member; a non-Senate, non-represented faculty member; or a represented Unit 18 lecturer.

Adjudication and discipline for Senate faculty is handled in accordance with APM-016, Senate Bylaw 336, and (for SVSH cases) the University of California Investigation and Adjudication Framework for Senate and Non-Senate Faculty.

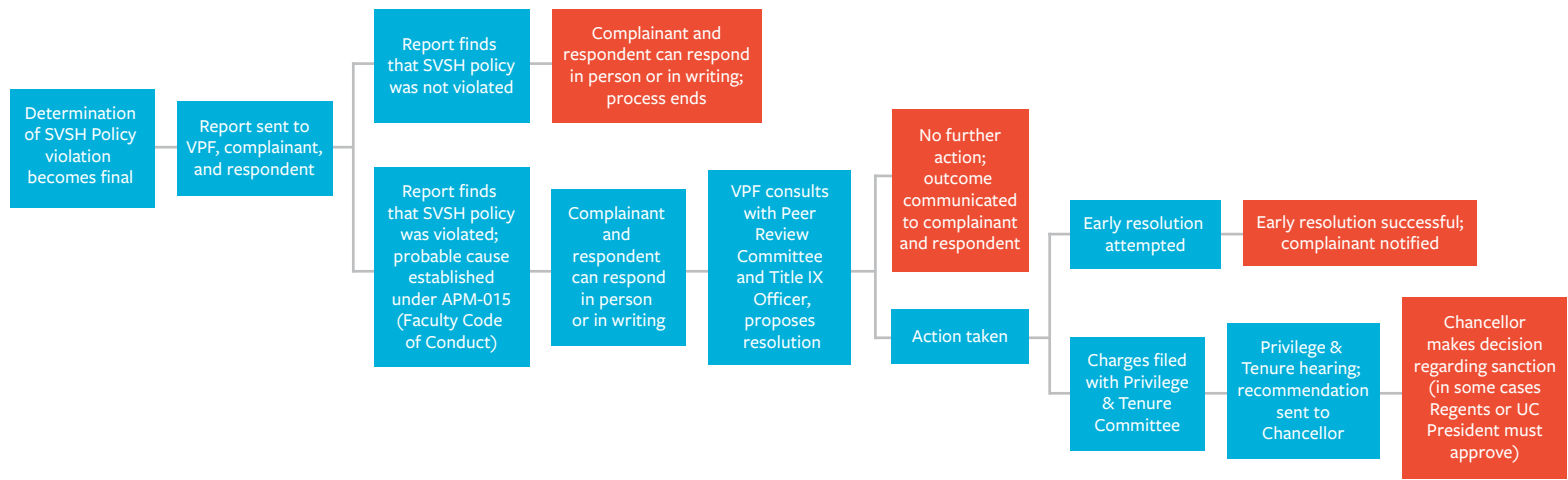
For SVSH cases involving Senate faculty respondents, the VPF consults with the campus Title IX Officer and a campus Peer Review Committee before deciding what sanctions (if any) to pursue. The Peer Review Committee is composed of six Senate faculty; its members provide input and perspective on disciplinary decisions. Peer Review Committee members receive training and serve two-year terms. (Peer Review Committees were created by a systemwide University of California mandate in 2017 to provide an additional level of consultation in Senate faculty cases.)

The VPF has two main options in Senate faculty respondent cases: file formal disciplinary charges with the 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, but if negotiations do not conclude within a specified time frame, the VPF must initiate the P&T process. Early resolution negotiations can still resume while the P&T process is ongoing. Completing either process preempts the other.

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 sanctions. 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 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. In February 2021, Senate Bylaw 336 was amended to change the burden of proof for allegations of a violation of the University’s policy on Sexual Violence and Sexual Harassment from “clear and convincing” to “a preponderance of the evidence,” creating consistency with the evidentiary standard used in SVSH hearings for students.

Early resolution settlement agreements 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, or separation, an early resolution settlement could include restrictions on the use of campus space, no-contact provisions, 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 Senate faculty disciplinary process is provided in Figure 19.





**Figure 19: Simplified flowchart of the adjudication process for Senate faculty respondents, 2020-21**

The disciplinary process for non-represented, non-Senate faculty is similar, but less complex. The VPF consults with the Assistant Vice Provost for Academic Personnel, rather than the Peer Review Committee; disciplinary sanctions are governed by APM-150 rather than APM-016. There is no Privilege & Tenure disciplinary hearing. Per APM-150, 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 under APM-140; if the action is termination, the employee may file a grievance, under Senate Bylaw 337, with the Privilege & Tenure Committee.

Unit 18 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 2020–21, the process was similar to that for other non-Senate faculty, as described above. For more information, see [https://ucnet.universityofcalifornia.edu/labor/bargaining-units/ix/docs/ix\\_30\\_discipline-dismissal\\_2016-2020.pdf](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/ix/docs/ix_30_discipline-dismissal_2016-2020.pdf).

### 8.3.5. Senior leaders

Created in 2016 by President Napolitano, the Systemwide Peer Review Committee must review and approve proposed disciplinary sanctions in SVSH misconduct cases involving respondents 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 Senate faculty disciplinary cases, is to promote equity and consistency in adjudication.

## 8.4. STRIVING FOR CONSISTENCY IN A DISTRIBUTED SYSTEM

In 2017, the report of the Chancellor’s Joint Administration/Senate Committee on SVSH 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.

As discussed above, adjudication systems vary for students, staff, faculty. One method of ensuring consistency across these different systems is to build in additional levels of comprehensive review. Since 2019, the campus Title IX Officer consults on sanctioning decisions in all cases. The Chief People & Culture Officer reviews all staff disciplinary decisions; the Peer Review Committee consults on all Senate faculty disciplinary decisions, and the Assistant Vice Provost for Academic Personnel reviews disciplinary decisions for all other academic appointees. In 2020, a systemwide task force issued guidelines for matching faculty sanctions to the severity of offenses.

Demonstrating consistency by comparing individual outcomes is challenging, 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.

Comparisons are possible at an aggregate level, however. Statistics presented in section 8.5 provide a lens into investigation and adjudication outcomes for students, faculty, and staff employees.

## 8.5. OUTCOMES OF CAMPUS INVESTIGATION AND ADJUDICATION PROCESSES

In the interest of illuminating the degree to which the campus is able to hold campus community members accountable, this section illustrates the outcomes of SVSH cases that were reported to the Office for the Prevention of Harassment and Discrimination (OPHD).

### 8.5.1. Closure of OPHD Cases in 2020-21

As discussed in section 8.2, OPHD resolves cases alleging SVSH in three ways: Formal Investigation, Alternative Resolution, or Closure after initial assessment, with resources and/or targeted prevention efforts. In the 2020-21 academic year, OPHD closed 268 SVSH cases. Figure 20 shows the number of SVSH cases OPHD closed by month.

Figure 21 characterizes the way SVSH cases were closed. The great majority of cases (236, or 88%) were closed following the initial assessment, with resources provided and/or targeted prevention efforts implemented. 27 (10%) went through formal investigation, and five (2%) were closed through alternative resolution.

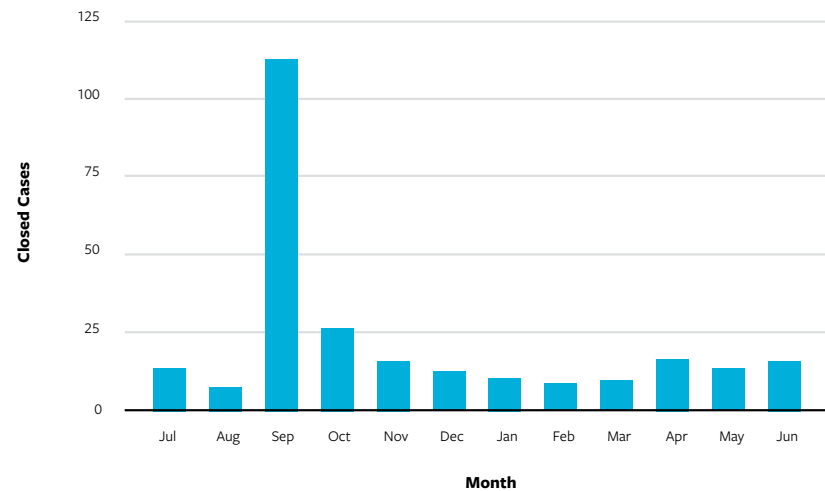


Figure 20: Number of SVSH cases OPHD closed by month (2020-21)

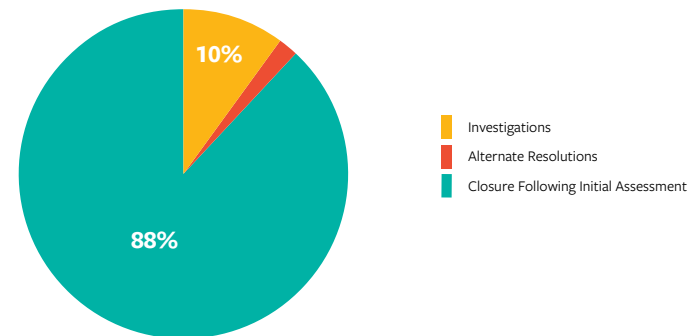


Figure 21: Resolutions of OPHD cases closed in 2020-21

### 8.5.2. OPHD investigation outcomes

Upon completion of an OPHD investigation, the OPHD report is provided to the relevant adjudicator, according to the affiliation of the respondent (section 8.3). As shown in Figure 22, OPHD completed 23 investigations in SVSH cases involving student respondents in 2020-21, making preliminary determinations of an SVSH policy violation in 19 (82.6%) of them. OPHD completed four investigations in SVSH cases involving staff and faculty respondents in the same time period and made a finding in two (50%) of those investigations.

### 8.5.3. Adjudication outcomes

Once an investigation is complete, the adjudication phase begins. This section reports on the outcomes of SVSH cases in which the adjudication phase concluded in 2020-21.

(Note that for some of these cases, the investigation phase concluded prior to July 1, 2020, and thus was included in investigation counts for the 2019-20 annual report, rather than being reflected in Figure 22. By the same token, some cases in which the investigation phase concluded towards the end of 2020-21, and are included in Figure 22, will conclude their adjudication phase in 2021-22, to be reflected in next year’s annual report.)

Annual reports do not track individual cases over time, and are not intended to be used for that purpose. Rather, they provide snapshots of the number of cases that entered or exited various phases of the SVSH process during a 12-month period.

In 2020-21, 17 SVSH cases with student respondents completed the adjudication stage. Three of those cases concluded adjudication with a determination of no violation of the UC SVSH Policy, and no sanction. 10 cases concluded with a determination that the SVSH Policy was violated, and resulted in a sanction being imposed (Figure 23).

The “other” category in Figure 23 includes cases in which the initial determination was overturned by the Hearing Officer or Appeal Officer in later phases, or the sanction was overturned/settled by a judge.

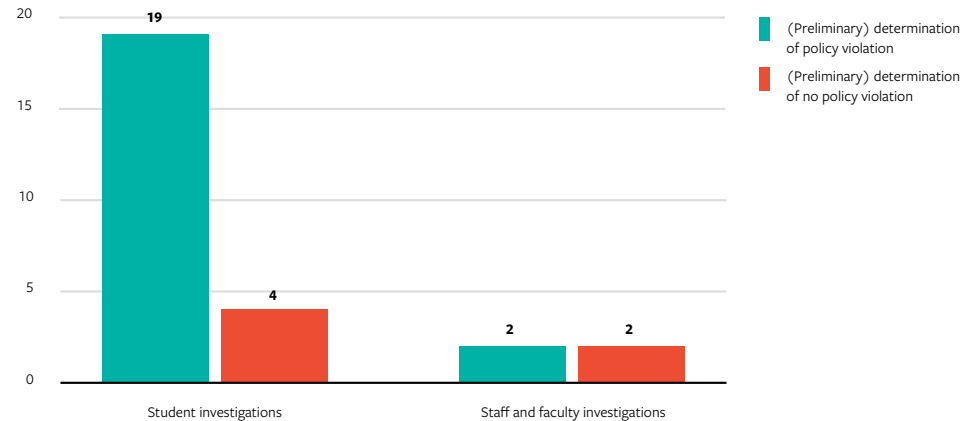


Figure 22: Outcomes of OPHD investigations in SVSH cases, 2020-21

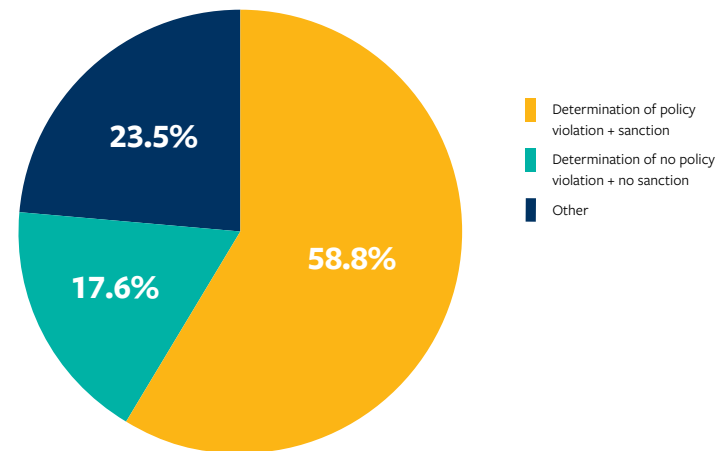


Figure 23: Adjudication outcomes and sanctions for student SVSH cases which concluded in 2020-21

Figure 24 depicts adjudication outcomes in SVSH cases with employee respondents in 2020-21. Nine such cases involved staff and faculty respondents. In four (44%), OPHD found an SVSH policy violation and a sanction was imposed. In one case, there was no finding of SVSH policy violation, and no sanction was imposed. Another four cases fell into the “Other” category. Cases fall into the “Other” category for a variety of reasons, including early separation from the university.

### 8.6. STRIVING FOR TIMELY CASE COMPLETION

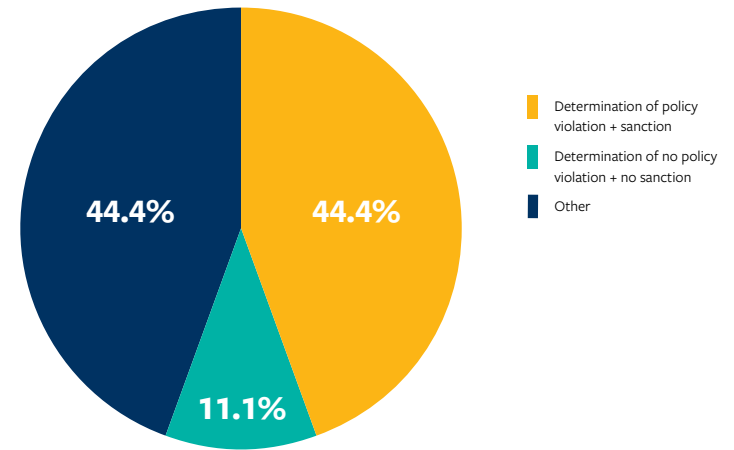
One of the concerns shared by both parties in an SVSH case, and the campus community, is the length of time it takes overall to investigate and adjudicate an SVSH case.

Investigation durations are calculated as the number of business days from the Notice of Investigation by OPHD to the issuance of a completed investigation report. Investigation duration varies according to a number of factors, including the complexity of the case. 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.

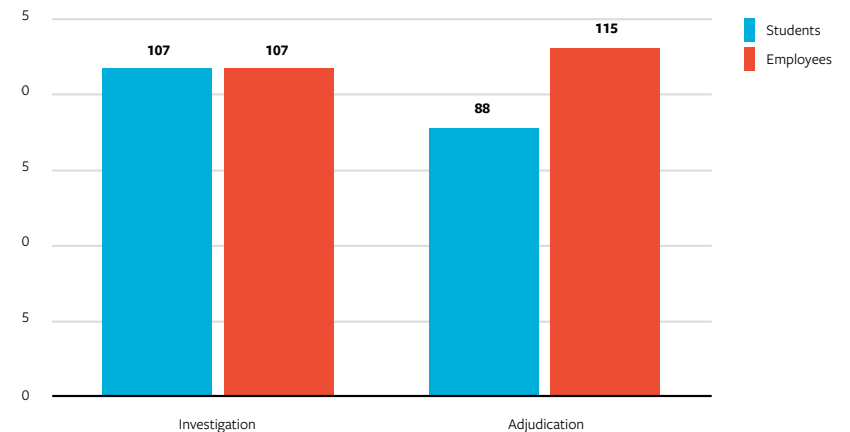
For investigations and adjudications across all respondent affiliations, the median is the descriptive statistic that best represents the typical duration of cases. Figure 25 presents median durations for Formal Investigations of SVSH cases closed in 2020-21. Setting aside two outlier cases, the median duration of investigations involving student respondents in 2020-21 was 107 business days. The median duration of investigations involving employee respondents in 2020-21 was also 107 business days.<sup>25</sup>

The median adjudication durations of SVSH cases in 2020-21 are also provided in Figure 25. As seen, the median duration of adjudications involving student respondents in 2020-21 was 88 business days. The median duration of adjudications involving employee respondents in 2020-21 was 115 business days.

Generally, the duration of adjudication correlates with the number of steps in the process. Student adjudications that go through an appeals process take longer than those that do not. Staff adjudication processes are generally simpler and take less time than faculty adjudication processes. Faculty adjudication cases that conclude via early resolution can resolve in a few months or less; those that go all the way through the P&T process can take well over a year.



**Figure 24: Adjudication outcomes and sanctions for employee SVSH cases which concluded in 2020-21**



**Figure 25: Median duration (in business days) of SVSH investigations and adjudications for cases involving student and employee respondents (see footnote 25).**

As was also true in 2019-20, too few faculty cases concluded the adjudication process for it to be possible to provide separate duration statistics; aggregate statistics for faculty cases over multiple years may be provided in a future report.

### **8.6.1. 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. New timeframes were added to systemwide policy and procedures during 2018-19, as discussed in the 2019 Annual Report. More restrictive timeframes were imposed in 2019-20 in an effort to shorten the duration of the overall process, as discussed in the 2020 Annual Report.

For example, the UC SVSH Policy in force during 2020-21 provides OPHD with 90 business days in which to complete an investigation (or request an extension for good cause). As seen in Figure 25, the median duration of employee and student respondent investigations exceeds this 90-day timeframe. More information about other specific timelines applicable to the various adjudication processes can be found in the 2020 Annual Report.

### **8.6.2. 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 procedures 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 (based on the date that the investigation is noticed to the parties).

The ‘three-year’ rule for faculty respondent cases is a clause in the Academic Personnel Manual (section 016) that stipulates a three-year window for filing disciplinary charges after the report of an allegation to campus authorities. The data in Figure 25 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.

<sup>25</sup> Two student investigations that concluded in 2020-21 took an uncharacteristically long time to complete, due in part to staff turnover and unavailability of the parties. With those two cases included, the median duration was 228 business days.

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## **8.7. 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, this 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.

## **9.0 Actionable Priorities and Final Reflections**

Each Annual Report is an opportunity to reflect on progress made toward goals set in past reports and consider the work ahead. The priorities set last year fall broadly into five categories:

- 1. Inclusivity**
- 2. Comprehensive prevention**
- 3. Sustainability**
- 4. Maintaining trust and transparency while adapting to rapid change**
- 5. Continuing to innovate**

For detailed information about each priority area, see section 12 of the 2020 Annual Report.

Progress continued toward these goals during the 2020-21 year, as noted throughout this report. There is still much more work to be done in 2021-22 and beyond.

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## **9.1. LEARNING FROM SURVEYS TO INFORM PREVENTION AND INNOVATION**

In 2018, UC Berkeley’s entire campus community was invited to share their experiences, beliefs, norms, and knowledge regarding sexual violence and sexual harassment (SVSH) through the MyVoice Survey. The survey findings and subsequent action steps (centering marginalized communities; raising awareness about resources; empowering family and friends; uplifting positive social norms; encouraging undergraduate social change) spurred innovative work in many areas, including prevention, survivor support, and campus responses to SVSH.

Efforts to launch the second MyVoice Survey began in 2020-21, led by the PATH to Care Center, the SVSH Advisor Office, and an advisory group composed of representatives from several partner offices. The expected launch of the second MyVoice survey was shifted from 2022 to 2023 due to the effects of the COVID-19 pandemic. Lessons learned from future SVSH surveys will inform a Comprehensive Prevention Plan, which is a deliverable for the OVW Continuation Grant (section 2.1.3.3.), and will help the campus continue to innovate.

An emerging trend in campus surveys is the increased utilization of shorter, more frequent “pulse” surveys for specific populations rather than campus-wide surveys done every few years. People & Culture adopted pulse surveys during the ever-changing pandemic. In the future, campus practitioners may wish to consider this method for SVSH surveys as well.



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## **9.2. ADAPTING TO CHANGE AND STRIVING FOR SUSTAINABILITY**

As the COVID-19 pandemic continues to evolve, the campus will need to adjust to hybrid work, the return of in-person instruction, financial constraints, and burnout. The return to campus of students and employees, some of whom have never been on the Berkeley campus, will also necessitate the (re)establishment of community norms.

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## **9.3. EQUITY AND BELONGING**

Just after the time covered by this report, Dania Matos was hired as the new Vice Chancellor for Equity and Inclusion, and the PATH to Care Center began its transition from the Division of Student Affairs into the Division of Equity and Inclusion. Reflecting the recognition that SVSH is intertwined with other forms of oppression, this move signals further connection between efforts to end various forms of oppression and efforts to prevent and address SVSH.

Campuswide initiatives to implement the [UC Gender Recognition and Lived Name policy](#), become a [Hispanic-Serving/Latinx-Thriving Institution](#), expand accessibility for people with disabilities through the [Access 2020](#) project, implement the recommendations of the [Undergraduate Student Diversity Project](#), become an [anti-racist campus](#), and [re-envision safety and policing](#) are examples of the campus community working toward environments where everyone feels respected and supported. Such environments are less likely to enable SVSH and other forms of harm.

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## **9.4. FINAL REFLECTIONS**

As the fourth annual report, this document is intended to provide a transparent, multi-dimensional view of SVSH prevention, incidence, and response on the UC Berkeley campus.

Efforts to address sexual violence and harassment at UC Berkeley do not exist in a vacuum. In 2020-21, the campus and the country were deeply affected by the COVID pandemic, political unrest, and social justice concerns. These disruptions served to highlight the impact that trauma has on society at large as well as our campus community, underscoring the need for prevention and response resources for SVSH as well as other kinds of exclusionary and oppressive behavior. As we all participate in designing our shared future, these goals will be our guide.







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A photograph of a green metal sign for the University of California. The sign is mounted on a white concrete base and features a decorative railing with a repeating scroll pattern. The text "UNIVERSITY OF CALIFORNIA" is displayed in large, gold, serif capital letters. The background consists of tall, dark evergreen trees.

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