

Glossary

Adjudication Process of deciding or resolving a dispute between two parties.

ASCA Association for Student Conduct Administration, whose mission is to support higher education professionals by providing education materials and resources, professional development opportunities, and a network of colleagues.

Campus Any UC location (e.g., campus, medical center, Office of the President) or the Lawrence Berkeley National Lab and Agriculture and Natural Resources.

Campus SaVE Act Campus Sexual Violence Elimination Act; an amendment to the Clery Act that requires higher education institutions to report crime statistics involving domestic violence, dating violence and stalking, provide for standards in institutional student conduct proceedings, and provide campus community wide prevention educational programming.

CARE: Advocacy Office for Sexual and Gender-Based Violence and Misconduct (CARE) This office provides advice and assistance to complainants concerning sexual misconduct. CARE provides confidential assistance and advocacy, participating in case management of reported complaints, assisting with providing training in coordination with key stakeholders, and provides input regarding policy creation and revision. CARE serves as the primary point of contact for all complainants choosing to use its services concerning sexual misconduct. Members of the University community who receive reports of sexual misconduct are expected to take proactive steps to refer the complainants to CARE.

Case Management Team A team—comprised of student conduct, Office for Prevention of Harassment and Discrimination /Title IX, campus police, advocacy and other subject matter experts as needed—maintains consistent coordination of reported cases, provides case management for all ongoing cases, ensures all cases are addressed efficiently and effectively, and coordinate communications with claimant and respondent. The Office for Prevention of Harassment and Discrimination /Title IX Officer provides oversight of this team function.

Complainant Any person who files a report of sexual misconduct.

Clery Act The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; Federal law that requires colleges and universities that participate in federal student financial aid programs, to disclose information about certain crime statistics on and around their campuses.

Clery Coordinator A campus officer responsible for ensuring compliance with the Clery Act, including collecting, maintaining, and reporting campus crime statistics to the Department of Education.

Consent Under the University's Policy on Sexual Harassment and Sexual Violence, consent is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Silence does not mean consent.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is incapacitated. A person cannot consent if they are unconscious or coming in and out of consciousness. A person cannot consent if they are under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if their understanding of the act is affected by a physical or mental impairment.

Coordinated Community Review Team (CCRT)

Brings together a cross-section of campus and community constituents to guide the campus in preventing and responding to sexual misconduct at a campus level. The team is responsible for a campus collaborative approach to address sexual misconduct, and focuses on developing and reviewing policies, developing community relations (internal and external), discussing legal updates, providing cross training, and coordinating communication and prevention education and outreach efforts. The designated individual from each campus will provide oversight for this team and this team will report to the Chancellor (or designee).

Dating Violence Abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant and is determined by length and type of relationship and the frequency of interactions.

Dear Colleague Letter Guidance issued by the Department of Education’s Office for Civil Rights on April 4, 2011 to assist colleges and universities with meeting their obligations under Title IX to provide an educational experience free from sexual harassment and sexual violence.

Domestic Violence Abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship. It can be physical, sexual, emotional, economic, or psychological.

ED U.S. Department of Education, the federal agency that establishes policy for, administers and coordinates most federal assistance to education, and implements laws enacted by Congress.

DOJ Department of Justice, the US federal agency responsible for enforcement of the law and administration of justice.

Governance Oversees the principles and program, ensures compliance and provides high-level strategic direction (the “what”).

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol, drugs or other medication are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person’s decision-making capacity, awareness of consequences, ability to make fully informed judgments, and inability to communicate.

Being intoxicated by drugs, alcohol or other medication does not absolve one’s responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the respondent knew, or whether a reasonable person should have known, that the complainant was incapacitated.

LGBTQ Individuals who identify as Lesbian, Gay, Bisexual, Transgender, Queer/Questioning.

OCR The Department of Education’s Office for Civil Rights, within the DOJ, whose mission is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.

Ombuds The Office of the Ombudsman provides a safe and comfortable environment to discuss complaints, concerns or problems confidentially. When appropriate, the office initiates an informal intervention with the goal of facilitating a resolution that is acceptable to all parties involved. The ombudsman acts as an independent, impartial resource. If a matter cannot be resolved through our office, a referral will be made. When appropriate, the office can make recommendations regarding policy review and change. The Office of the Ombudsman serves all students, faculty, staff, and administrators of the campus community.

Ongoing Prevention and Awareness Campaigns Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills addressing dating violence, domestic violence, sexual assault, sexual violence, and stalking, using a range of strategies with audiences throughout the institution.

Operations Each unit must implement the program as appropriate, in accordance with management directives (drives toward the “what” with the “how”).

Police Campus police are sworn police officers employed protect the campus and surrounding areas and the people who live on, work on and visit it. Campus police officers are commissioned through their state Peace Officer Standards and Training after completing established training. A university police officer has equivalent authority as a municipal or state peace officer.

Primary Prevention Programs Programming, initiatives, and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop dating violence, domestic violence, sexual assault, sexual violence, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexually, encouraging safe bystander intervention, and seek to change behavior and social norms in health and safe directions.

PSA Public Service Announcement/Ad; messages in the public interest disseminated by the media with the objective of raising awareness and changing public attitudes and behaviors toward a social issue.

Records and information management Policy, regulations, and general principles for appropriately managing, accessing, and preserving administrative records throughout their lifecycle and schedules for their final disposition

Respondent A person against whom a report of sexual misconduct is filed.

Response Model Teams The response model consists of two teams. 1. A case management team that includes, at a minimum, student conduct, Office for Prevention of Harassment and Discrimination /Title IX, campus police and advocacy; team will meet regularly. 2. A team responsible for a campus collaborative approach to addressing sexual violence; to ensure success the team must include key stakeholders across the campus and community.

Sexual Assault occurs when physical sexual activity is engaged without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person’s intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person’s incapacitation (including voluntary intoxication).

Sexual Harassment Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. It is conduct that explicitly or implicitly affects a person’s employment or education or interferes with a person’s work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.

Sexual Misconduct Includes dating violence, domestic violence, sexual assault, sexual violence, and stalking.

Sexual Violence Physical sexual acts engaged without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion, domestic violence and stalking.

Stalking When a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Student Advocate A student who has the experience, skills, and knowledge to train students on how to recognize and address sexual misconduct and to provide advice and assistance to complainants of sexual misconduct (dating violence, domestic violence, sexual assault, sexual violence, and stalking).

Student Conduct Officer University Official responsible for handing resolution meetings or conduct reviews with an individual alleged to have violated the Code of Conduct and to assign or recommend sanctions.

Title IX Officer/ Office for Prevention of Harassment and Discrimination The designated coordinator or agent of the University with the responsibility for coordinating University Title IX compliance efforts.

Trauma-Informed Services Services designed to acknowledge the impact of violence and trauma on people's lives and the importance of addressing trauma in education. Services are influenced by an understanding of the impact of interpersonal violence and victimization on an individual's life and development. To provide trauma-informed services, all staff of an organization must understand how violence impacts the lives of the people being served, so that every interaction is consistent with the recovery process and reduces the possibility of re-traumatization.

VAWA The Violence Against Women Act, a federal law meant to end violence against women by improving the criminal justice response to violence against women and enhancing services to and resources for victims.

University of California Policy On Sexual Harassment and Sexual Violence Policy that applies to all UC employees and students at its campuses and University programs and activities and furthers the University's commitment to compliance with the law and to the higher standards of ethical conduct.