

YOUR RIGHTS UNDER TITLE IX AND UNIVERSITY OF CALIFORNIA POLICY

Title IX of the Education Amendments of 1972 prohibits sex discrimination in educational programs including: housing, and activities sponsored by the University. Sex discrimination is a broad category which includes: sexual harassment, sexual assault, dating and domestic violence, stalking, invasions of sexual privacy, and discrimination based on gender. Additionally, Title IX prohibits discrimination against pregnant, lactating, and parenting students, staff, and faculty. Everyone is protected by Title IX, regardless of their actual or perceived: sex, gender identity, and/or gender expression.

Title IX confers certain rights to students related to the response and reporting of incidents of sexual harassment, sexual violence, and retaliation. These rights include a focus on equitable access to processes for bringing a complaint forward to the campus, and equitable treatment within the complaint resolution process. These rights are incorporated into the UC SVSH Policy and campus procedures, and are summarized below:

Reporting sexual harassment and sexual violence

Students, staff and faculty who want to report incidents of sexual violence and sexual harassment have numerous options. They can report on campus to the [Office for the Prevention of Harassment and Discrimination \(OPHD\)](#), where the campus will explore their complaint under UC and campus policies and procedures. They can also pursue criminal complaints with law enforcement, either to the [UC Police department on campus](#) or to the police department in their local jurisdiction. They can also bring complaints directly to the [Department of Education's Office for Civil Rights](#), which enforces Title IX.

Note that students, faculty and staff have a right to pursue administrative reports (i.e., with OPHD and/or OCR) and criminal complaints (i.e., UCPD or local police) at the same time. You can choose one, some or not of these options.

Interim Measures

Once a complainant reports an incident of sex discrimination, sexual harassment or sexual violence, they have the right to receive immediate help. This help can include changing classes, campus housing, campus employment or transportation arrangements so that the complainant can continue their education or employment free from ongoing sex discrimination, sexual harassment or sexual violence. Even if a complainant chooses not to engage in a formal process, the campus can take steps to promote safety.

Adequate, Reliable and Impartial Investigations

The investigation and resolution of a complaint will be conducted by officials trained in how to protect the safety of complainants and respondents. Investigators are also trained in trauma-informed investigation techniques.

Both parties (complainant and respondent) have the same opportunities to have a support person present during the investigation and resolution process, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

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In addition, the process will afford the complainant and the respondent equal rights to:

- present witnesses, evidence, and other information
- obtain notification of the time frames for all major stages of the investigation
- receive simultaneous written notification of the result of any university investigation and disciplinary proceedings
- appeal the outcome of an investigator and/or disciplinary proceeding
- Access support resources throughout the process

UC Title IX offices use a preponderance-of-evidence standard of proof in all investigations. This means that a policy violation decision will be made based on whether the evidence shows that *it is more likely than not* that the alleged conduct occurred. This standard of evidence is prescribed in the [UC SVSH Policy](#), Section V.A.5.

Necessary Remedies

If an investigation determines that sex discrimination, sexual harassment, or sexual violence occurred, UC Berkeley will take prompt and effective steps reasonably calculated to end the prohibited conduct, eliminate the hostile environment, prevent its recurrence and, as appropriate, remedy its effects.

For more information about possible remedies see the [UC Policy on Sexual Violence and Sexual Harassment](#), Section V.A.6., and the campus investigation and adjudication procedures, Section V.C.