UCSF is committed to creating and maintaining an environment in which all persons who participate in campus programs and activities may work together in an atmosphere free of harassment, exploitation, or intimidation, including sexual violence. The campus seeks to ensure that the campus community is aware that such behavior is prohibited both by law and by campus policy and that UCSF will not tolerate sexual misconduct in any form, including acquaintance or date rape. UCSF seeks, by virtue of the adoption and publication of this Policy as well as the provision of other campus resources intended to address these issues, to educate the campus community so as to prevent occurrences of sexual violence.

UCSF campus goals are to create a supportive climate that encourages each victim/survivor of sexual violence to report the incident(s) and to provide support and information to assist her/him in dealing with these traumatic events. This policy also intends to promote campus safety through facilitating the collection of accurate data on incidents of sexual violence and prompt reporting of sexual violence incidents to appropriate campus officials.

This policy is intended to address issues that are not otherwise covered by the campus Sexual Harassment Policy. [3]

Definitions

Rape

When referring to "rape," this document uses the California Penal Code definition of that offense. The California Penal Code prohibits the following acts, among others, which are summarized as follows: (a) sexual intercourse against an individual's will accomplished by force or threats of bodily injury; (b) sexual intercourse against an individual's will when the person has reasonable fear that she/he or someone else will be injured if she/he does not submit; or (c) sexual intercourse when the person is incapable of giving consent, or is prevented from resisting, which includes but is not limited to instances when the victim/survivor is prevented from resisting due to alcohol or drugs.

Sexual Assault

This document uses the term "sexual assault" as defined by the California Penal Code. The definition includes forced sodomy (anal intercourse), forced oral copulation (oral-genital contact), rape by a foreign object (forced penetration by a foreign object, including a finger), and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal). It also includes situations in which the accused sexually assaults a victim/survivor who is incapable of giving consent, including instances in which the victim/survivor is prevented from resisting due to alcohol or drugs.

Sexual Violence
Rape and/or sexual assault.

Policy

The UCSF policy on sexual violence applies to all employees, faculty, students and other members of the campus community, including invitees and visitors. Note: this policy does not relate to patients. The policies related to the care of patients can be found in the UCSF Medical Center Administrative Manual. (See Sentinel Event/Adverse Event Reporting and Review, Child Abuse Reporting, Domestic Violence Reporting, Elder/Dependent Adult Abuse Reporting, Regulatory Agencies - Reportable Events, and Workplace Violence.)

It is UCSF policy to actively prevent rape and sexual assault. The campus maintains a zero tolerance standard concerning violence. UCSF will take action necessary to correct and discipline behavior that is found to violate campus policy or regulations proscribing sexual violence.

If the individual accused is a University employee, he/she shall be treated fairly with appropriate due process protections consistent with applicable University policies and state and federal law.

UCSF policy and state laws prohibit retaliation against an individual who reports a violation of law.

Responsibilities A UCSF employee reporting a recent incident of sexual violence should be advised to speak to his/her supervisor; a student should be directed to the Dean of Students. Each also should be directed to the UC Police Department or a representative of the Center for Gender Equity's Sexual and Relationship Violence Resource Program for reporting or other options as appropriate. It is not the function of any campus representative to urge a particular course of action upon the victim/survivor. Under this policy, an affected individual will be accorded the right to privacy, and confidentiality will be maintained other than in circumstances where there is a need to know and to the extent permitted by University policy and California law. Extremely sensitive information is gathered during the investigation of a complaint of sexual assault. California law provides constitutional and statutory protection for the privacy of the individual and specifically allows a complainant of sexual violence to report as "Jane Doe" or "John Doe" in order to maintain confidentiality.

Related Policies

- 150-13 - Sexual Harassment and Sexual Violence [4]
- 150-27 - Violence and Bullying [5]

References

- UCSF Campus Code of Conduct [6]
- Academic Personnel Manual, Office of the President: Affirmative Action and Nondiscrimination in Employment (APM-035); Non-Senate Academic Appointees/Grievances (APM-140)
- Collective Bargaining Agreements
- Personnel Policies for UC Staff Members, Office of the President [7]
- UCSF Sexual Violence Policy Statement (Associate Dean Zina Mirsky, June 7, 2000)
- University of California Policies Applying to Campus Activities, Organizations, and Students, Office of the President [8]
- Center for Gender Equity [9]

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