



JEANNE CLERY

DISCLOSURE OF
CAMPUS SECURITY
POLICY &
CAMPUS CRIME
STATISTICS

ANNUAL SECURITY
REPORT



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Contact Information

For Campus Emergencies

Cell phone	9-1-1
Campus landline phone	9-9-1-1
UC Merced Police Department	209-228-2677
Emergency status line	866-993-0969
Emergency website	http://emergency.ucmerced.edu
Blue lights	Press the call button

UC Merced Police Department

Non-emergency (24 hours)	209-228-2677 (CAT-COPS)
Administrative office	209-228-8273
Fax	209-228-7866
Anonymous line	209-228-8477
Police website	http://police.ucmerced.edu
Police Facebook page	https://www.facebook.com/ucmercedpolice
Lost and found	209-228-2767
Live scan	209-228-8273

General Information

Office of Student Conduct/Student Life	209-228-5433
Student Health Services	209-228-2273 (CAT-CARE)
Disability Services/Students	209-228-6996
Disability Services/Staff	209-259-8806
Counseling Services	209-228-4266
Human Resource Office	209-228-8247
Office of the Executive Vice Chancellor & Provost	209-228-4439
Office of Ombuds Services	209-228-2598
Whistleblower hotline	800-403-4744
Ethics, Compliance, Audit & Risk (ECARS)	209-201-3491
Office of Campus Climate	202-425-7544
Behavioral Intervention Team	https://ecar.ucmerced.edu/threat_management
Title IX Officer	209-285-9510
Valley Crisis Center	24/7 Hotline – 209-722-4357 Merced Office – 209-725-7900

Resources for Survivors of Sexual Assault, Stalking and Dating/Domestic Violence

CARE Director	209-228-4147
Campus Advocate (Confidential)	209-386-2051
Valley Crisis Center of Merced (Confidential)	209-722-4357
Merced County Victim Witness Assistance Program	209-385-7385
Merced County District Attorney	209-385-7381
Merced County Mental Health Emergency Services	209-381-6800
Campus Student Response Team/Dean of Students	209-228-3633

Off-Campus Safety Contact Information

Merced County Sheriff Department	209-385-7445
Merced City Police / Fire Department	209-385-6905
County Fire / Cal Fire	209-385-7385
Riggs Ambulance	209-966-3622

University of California, Merced

Opening in 2005 as the 10th campus of the University of California, UC Merced continues to strive for excellence in carrying out the UC system's mission of teaching, research and service. As a key tenet in carrying out this mission, UC Merced promotes and celebrates the equity and inclusion of all members of its community.

The 21st century ushered in the promise of new ways of connecting people to new knowledge and to one another. UC Merced capitalizes on this promise by functioning as a network, not simply a single place, linking its students, faculty and staff to the educational resources of the state, nation and world. The idea of network extends to UC Merced's relationships with neighboring institutions: educational, cultural and social. UC Merced seeks strong and mutually supportive relationships with a variety of collaborators in its region: public and private

colleges and universities; federal and state organizations that share UC Merced's educational and research goals; and cultural and social institutions.

This networking principle is also realized through the physical and intellectual integration between UC Merced and its surrounding community. The campus has been established as a model of physical sustainability for the 21st century, inviting all members of the campus and surrounding community to think and act as good stewards of the environment they will convey to future generations. UC Merced celebrates its location in the San Joaquin Valley, reflecting the poetry of its landscape, history, resources and diverse cultures, while capitalizing on and expanding the Valley's connections to the emerging global society. UC Merced recognizes that research that begins with the natural laboratory at home can extend what is known in the state, nation and world.

Message from the Chief of Police

Welcome to UC Merced, where security and well-being of our students, faculty, staff and visitors is our top priority. The UC Merced Police Department is a part of the Physical Operations, Planning and Development Division.

The mission of the UC Merced Police Department is to provide law enforcement, crime prevention, investigation and security services to the university community in support of the overall mission of teaching, research and public service. Each of our dedicated safety personnel strive to provide a safe and nurturing environment. We work closely with university stakeholders, local law enforcement agencies and the surrounding community in a collaborative effort to prevent crime and ensure the safety of our university community. It gives us the opportunity to learn more about how we may better serve you, and to help educate the community about the responsibilities of living at, working at and visiting UC Merced.

The Campus Security Act requires colleges and universities to publish an Annual Security Report (ASR) that contains three years' worth of campus crime statistics and

certain policy statements. The university must disclose crime data for the school and public areas immediately adjacent to the campus and certain non-campus facilities and remote classrooms. Information must be collected from campus police, local law enforcement agencies and other college officials who have significant responsibility for student and campus activities.

The UC Merced Police Department works with many campus stakeholders and partners in the preparation and distribution of this report. Crime prevention and safety is everyone's business. This ASR is part of an ongoing effort to ensure that we continue to work together to foster a safe environment for our university community.

As you read this report, you will learn more about the services provided by the university police department, Student Affairs and other campus service providers. We encourage you to use this document as a guide for safe practices on or off university grounds.

Chou Her
Executive Director and Chief of Police
Public Safety and Police Services

Annual Security Report

This report is issued in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act). The Higher Education Opportunity Act (HEOA) requires institutions to disclose statistics for the previous three years (calendar years 2016, 2017, and 2018) concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by the University. This report also includes University policies and procedures about campus security, including policies regarding sexual and gender-based violence, alcohol and drugs and maintaining a safe campus.

The UC Merced Police Department has primary responsibility for coordinating and compiling the information contained within the ASR. Information is provided by other University offices such as Office of Student Conduct, Housing and Residence Life, Ethics and Compliance and other Campus Security Authorities (CSA's) along with information provided by other law enforcement agencies surrounding the campus. Each of these offices also provide updated policy information and crime data which they may have.

The UC Merced Police Department distributes an individual notice about the availability of the ASR to students and employees by October 1 of each year with a link to the report. Anyone including prospective students and employees may obtain a paper copy of this report by contacting UCMPD Merced at (209) 228-4216 located at 5200 N. Lake Road, Merced, California, 95343.

The ASR and the Annual Fire and Safety Report (AFSR) are distributed separately. The AFSR may be directly accessed on the Environmental Health & Safety website at <https://ehs.ucmerced.edu/general-safety/fire->

[safety/annual-reports.](#)

Geography

The U.S. Department of Education requires disclose of statistics for reported Clery crimes that occur on campus, on public property within or immediately adjacent to the campus, and in or on non-campus buildings or property that are owned or controlled by the university. This information is updated annually.

- **On campus** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes. (Buildings and property located at 5200 N. Lake Road, Merced, CA 95343).
- **Public property** – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus, and is owned by a public entity, such as a city or state government. (North Lake roadway – Bellevue Road North to Yosemite Lake, and 1 mile into Yosemite Lake, North Lake Road bicycle path between Yosemite Road and Yosemite Lake).
- **Non-campus** – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution:

- Tri-College Center at “G” St. & University Dr., Merced, CA
- 550 East Shaw Ave., Fresno, CA
- 4225 Hospital Road, Buildings 1200 & 1201, Atwater, CA
- 755 & 767 E. Yosemite Ave., Merced, CA
- 1715 Canal St., Merced, CA
- 1985 Olive Ave, Merced, CA
- 3600 M St., Merced, CA
- 1747 M St., Merced, CA
- 655 W. 18th St., Merced, CA
- 3601 San Jose Ave., Merced CA
- 3827 San Jose Ave., Merced, CA
- 255 Snowhaven Ct., Merced, CA
- 2615, 2618, 2639, W. Bruce Ave., Wawona, CA
- 2640, 2644 & 2667 English Ln., Wawona Ave., CA
- 2587 River Rd., Wawona, CA
- 7799 Chilnualna Falls Rd., Wawona, CA

Crime and Fire Reporting to UC Merced Police

Community members are strongly encouraged to immediately report all crimes promptly to the UC Merced Police Department at 209-228-2677 (non-emergencies), dial 9-9-1-1 (emergencies only) from a campus landline and 9-1-1 from a cellular phone. You may also contact the police department using any blue-light kiosk on campus, or by pushing the help buttons in elevators. In addition, you may report crimes to the Title IX Officer or Office of Student Life and Office of Student Conduct.

UC Merced police officers are responsible for investigating all crimes and incidents that occur on UC Merced owned, leased or controlled property. Any instances of criminal activity occurring at these sites or at off-campus sanctioned events hosted by UC Merced should be promptly reported to the police department.

Crimes committed in or on other off-campus buildings or property owned or controlled by UC Merced may be reported to the police

agency of jurisdiction where the building or property is located; however, the UC Merced Police Department may investigate incidents on all UC Merced properties and at UC Merced sanctioned events as needed.

Crimes occurring on properties not affiliated with UC Merced should be reported immediately to the law enforcement agency having jurisdiction. UC Merced Police Department coordinates police response to crimes in adjoining jurisdictions, when appropriate, and does assist local law enforcement agencies such as the Merced Police, Merced Sheriff’s Department and the California Highway Patrol.

Additionally, UC Merced police officers work collaboratively with other law enforcement agencies to address safety concerns, student-conduct concerns and other related community issues. Information that is provided to UC Merced Police Department about criminal activity engaged in by UC Merced students at off-campus locations is provided to the Office of Student Conduct for action or follow-up.

Good reasons for promptly reporting crimes

- It allows officials to provide assistance and support to victims of crimes, their friends and family;
- It allows officials to prosecute criminal activity; and
- It allows officials to send Timely Warnings and notices to the campus community about incidents that might affect the ongoing safety and security of our campus, including murder, burglary, auto theft, robbery, arson, rape, sexual assault (the identity of victims remain confidential) and hate crimes.

Reporting to Campus Security Authorities

While the University prefers that community members promptly report all crimes and other emergencies directly to the UC Merced Police Department, we also recognize that some may prefer to report to other individuals or

University offices. The UC Merced Police Department works with other campus partners to identify, train and maintain up-to-date lists of UC Merced's Campus Security Authorities (CSA). CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with UC Merced:

- Campus police or campus security department of an institution;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department;
- Any individual or organization specified in Department of Education Campus Safety and Security Reporting Handbook as an individual or organization to which students and employees should report criminal offenses; and
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

CSAs are responsible for forwarding non-identifying information to the campus Clery Coordinator for inclusion in the ASR, regardless of whether the victim chooses to file a report with law enforcement or press charges. Information forwarded by CSAs is for statistical purposes only. If someone wants to pursue criminal charges, he or she must file a report with the police department. When a CSA receives notice of an incident that may be a reportable crime, he or she must disclose the information to the designated Clery Coordinator. These reports are confidential unless the victim provides permission to document identifying information or permission for the police to investigate the incident. The department maintains a CSA list that is continually updated, and CSA training is available to all students, staff and faculty. Private Security officers/volunteers working University events receive CSA training from

UCMPD if they temporarily have a significant responsibility for student safety.

Clery Act crime statistic information is collected from police reports generated by UC Merced Police Department, email, mail or in-person by UC Merced designated CSAs, Student Conduct, Title IX and local law enforcement agencies with jurisdiction over non-campus Clery designated locations. Statistical information received is cross-referenced to reduce the risk of duplicate reporting.

Confidential Reporting Process

If you are the victim of a crime and do not want to pursue actions within the UC Merced system or the criminal justice system, you are encouraged to consider filing a confidential report for purposes of inclusion in the annual disclosure of crime statistics. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of you and others. With this information, the university can keep an accurate record of the number of incidents involving students, faculty and staff, determine where there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community to potential danger. Please note that if others have witnessed the crime, they may report independently to a non-confidential reporting source on campus who may have a duty to act.

Contact Numbers

For on-campus emergencies (police, fire, or medical) dial 9-9-1-1 from a campus phone, dial 9-1-1 from a cell phone, or use one of the emergency blue lighted kiosks located on campus

For non-emergencies, call the police department at 228-2677 (CAT-COPS), text a tip to 209-626-8826, or email ucmerced@tipnow.com. Online reports may also be made to the police department at <http://police.ucmerced.edu/form/make-report-online>.

Law Enforcement Partnerships

UC Merced Police Department is required to have a Memorandum of Understanding (MOU) with local entities to comply with statutory requirements¹ and must adopt and implement written policies and procedures to ensure that reports of violent crimes, hate crimes or sexual assaults are immediately, or as soon as practicably possible, disclosed to local law enforcement.

The UC Merced Police Department has a memorandum of understanding (MOU) with the Merced City Police Department, Merced County Sheriff's Office, Merced District Attorney and the Alliance for Community Transformations, the parent organization of the Valley Crisis Center.

The MOU is designed to promote collaboration to enhance the reporting, investigation and appropriate response to sexual assault and other covered crimes, and to ensure the university complies with all state and federal laws that provide specific requirements related to these issues², as.

The UC Merced Police Department will act as the first responder to incidents and have responsibility for the investigation of crimes on the UC Merced campus and on property owned, operated or controlled by UC Merced, and will report to Merced City Police Department or Merced County Sheriff's Office incidents of violent crimes, hate crimes and sexual assault in accordance with the appropriate agency with jurisdiction.

The Merced County Sheriff's Office will act as the first responder to incidents and have responsibility for the investigation of crimes occurring in Merced County, and will report incidents of violent crimes, hate crimes and sexual assault that affect UC Merced to the campus police department.

If incidents occur that involve police action from the UC Merced Police Department and

Merced City Police Department and/or Merced County Sheriff's Office, law enforcement supervisors from each department will confer and decide which agency will have primary responsibility for investigating and reporting the incident based on the incident location.

The parties recognize that regardless of which law enforcement agency ultimately has operational responsibility in responding to sexual assaults, hate crimes or other violent crimes, other parties may be first responders to crime reports. Each of the parties has a responsibility to act in a manner that facilitates effective law enforcement and institutional response, as well as appropriate treatment of the individual reporting the crime. This includes ensuring the appropriate preservation of evidence and coordination with law enforcement to maintain chain of custody and authorize forensic sexual assault examinations.

Local Law Enforcement Statistics

Each year, the UC Merced Police Department reaches out to other law enforcement agencies that have jurisdiction over UC Merced off-campus locations to request crime statistics. All reports received are maintained at the campus police department. Crimes reported to these agencies that occurred at UC Merced-owned or controlled locations are included in this report.

If UC Merced PD investigates a CLERY crime that took place in a non-CLERY location, the department reports that statistic to the appropriate agency with jurisdiction. UC Merced Police will not count it in the CLERY statistics.

Emergency Response and Evacuation Procedures

UC Merced's Emergency Plan and

¹ Established by AB 1433 (Gatto, 2014), specified in the California Education Code (Ed. Code 67383, subd. (a) and Ed. Code, 67381)

² Outlined in California Education Code sections 67380, 67381 (the Kristin Smart Campus Safety Act of 1998) and 67383, including SB 967 (de Leon, 2014), specified in California Education Code section 67386; the federal Jeanne Clery

Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); Title IX of the Higher Education Amendments of 1972 ("Title IX"); and the California Penal Code and applicable state laws related to health and confidentiality/privacy

Procedures, Evacuation Guidelines, Notification about Emergencies and Emergency Resources are available at <http://emergency.ucmerced.edu/>. These guidelines establish the framework through which the university prepares for, responds to, recovers from and mitigates the effects of a wide variety of emergencies and disasters that could adversely affect the health, safety and/or general welfare of its students, staff, faculty and visitors.

The UC Merced Emergency Preparedness website, <http://emergency.ucmerced.edu/>, contains information related to campus emergency responses and procedures. UC Merced conducts tests of the emergency notification systems on the UC Merced campus. One specific test that occurs each year is held in October in conjunction with the “Great California Shake-out.” This test is announced and includes information related to the campus emergency response and evacuation procedures. Additional announced and/or unannounced tests may also be conducted throughout the year. These tests are designed to access and evaluate campus emergency plans and capabilities, and to educate the campus community.

UC Merced emergency response personnel have received training in the principles of the Incident Command System and in responding to critical incidents. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the UC Merced Police Department, CAL Fire, Riggs Ambulance and general services units at UC Merced. These entities work together to manage incidents. Depending on the nature of an incident, affected UC Merced departments and other local or federal agencies may also be involved through the provision of mutual aid. UC Merced has evacuation guidelines that can be viewed at <http://emergency.ucmerced.edu/evacuation-info>. Annual fire drills are conducted in housing buildings by the campus Fire Marshall’s office.

UC Merced is required to immediately notify the campus community (or segments of the campus community) upon confirmation of any significant emergency or dangerous situation on the campus that constitutes an immediate threat to the health or safety of students or employees.

The determination of what constitutes a significant emergency or danger to the campus will be made by emergency first responders. This process will also involve the campus Senior Leadership Team where time allows for it.

Emergency Notifications

UC Merced has a comprehensive emergency preparedness program that includes a mass-notification system commonly referred to as “UCMAAlert.” UCMAAlert is a layered approach to notifying students, staff, faculty, parents and campus guests of an emergency or dangerous situation that poses an immediate threat to their health, safety and/or general welfare while on campus.

An emergency notification will be issued without delay as soon as the police department confirms that a significant emergency or dangerous situation exists. The safety of the campus community will be considered when determining what information will be released. The only reason an emergency notification would not be issued is if doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency or otherwise mitigate the emergency.

In the event of an emergency, the police department — in coordination with External Relations — will notify the campus community through one or a combination of notification avenues. Those could include emergency emails, text messages, external public announcements, internal public announcements and messages posted on select digital display screens located throughout campus. The initial notification and updates will be placed on the [Emergency Alert Website](#), which will temporarily replace the regular campus website in the case of a significant emergency. This “light” site is built to load quickly and to withstand heavy Web traffic.

To receive text messages, students, staff, faculty and parents must update their personal information at <http://emergency.ucmerced.edu/notification-methods/emergency-notifications>. People can contact the police department at 209-228-2677.

Timely Warnings

The Clery Act requires institutions to alert the campus community regarding any Clery Act crime that is reported to campus police or a CSA and is considered to represent a serious or continuing threat to students and employees.

The warning will be titled “Campus Crime Alert Bulletin,” or, in case of an impending hazard such as a flood or fire watch not involving a crime, “Campus Information Bulletin.” Notifications will be issued by the police department and may be in collaboration with External Relations and Student Affairs.

To facilitate the issuance of Timely Warnings and emergency notifications required by the Clery Act, the UC Merced Police Department works with the Merced City Police Department, Merced County Sheriff’s Office, Merced District Attorney or the Alliance for Community Transformation. Parties agree to coordinate the sharing of information related to crimes on and off campus that pose serious threats to the safety of students and employees.

UC Merced Police Department does not need to obtain the approval of an outside law enforcement agency to issue any warnings and/or notifications, nor is UC Merced Police Department required to seek pre-clearance of the content of any warning and/or notification. However, the UC Merced Police Department will inform the appropriate law enforcement jurisdiction about such warnings as soon as practicable.

Clery Act Crimes

Clery Act Crimes include homicide, murder, negligent and non-negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle

theft, arson, domestic violence, dating violence, stalking and hate crimes, which includes any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation or destruction, damage or vandalism of property that was motivated by bias.

Responsibility for Issuing Timely Warnings

The UC Merced Police Department is responsible for issuing timely warnings. Although the Clery Act does not define the word “timely,” because the intent of a warning regarding a criminal incident(s) is to allow people to take precautions for their personal safety, a timely warning should be issued as soon as pertinent information about the crime is available. Therefore, even if not all facts surrounding a criminal incident(s) are available, the police department will issue an alert for any Clery Act incident that meets the criteria set forth below.

Timely warnings will be widely distributed in appropriate areas on the campus, provided to External Relations and electronically mailed to members of the campus community.

Standard for Issuing Timely Warnings

A Timely Warning is a notification to the UC Merced campus and/or campus communities of a Clery Act crime that poses an on-going threat to the safety of students or employees. A Timely Warning may be issued in the form of a Crime Bulletin.

Determination about whether to issue a Timely Warning is made on a case-by-case basis, considering all facts surrounding a reported Clery Act crime including, but not limited to, such factors as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

Determination to Issue Timely Warnings

The decision to issue a Timely Warning will be determined by UC Merced Police Department personnel. When possible, the

decision will be made in collaboration with External Relations. The UC Merced Police Department may elect not to issue a Timely Warning in very limited circumstances: if the suspect has been detained and no threat to the campus community exists; if the Chief of Police or designee determines there is no threat; or if the incident is reported in such a manner that negates the need for a Timely Warning. The UC Merced Police Department will consider notifying crime victims before alerts are issued to the campus community.

Daily Crime and Fire Safety Log

The UC Merced Police Department Crime and Fire Safety Log records all alleged criminal incidents, including non-Clery Act crimes, reported to campus police, regardless of how much time has passed since the alleged incident occurred. Crimes on this log are recorded by the date they were reported, and include the nature of the crime, the date and time the incident occurred, the general location of the incident and disposition of the complaint, if known. The log can be found on the UC Merced Police Department website at <http://police.ucmerced.edu/programs-services/programs-services>. The log is also available for viewing during normal business hours at the police department.

The only exceptions in the posting of crimes reported are: if the disclosure is prohibited by law; if disclosure would jeopardize the safety of the community; or if disclosure would jeopardize confidentiality of the victim. Posting of crimes **reported** may be temporarily withheld in some cases if the release of information would: jeopardize an ongoing investigation; endanger the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence.

Campus Security Programs & Procedures

The UC Merced Police Department provides support and services to the campus community members to help make UC Merced a safe place to work, learn and live.

The UC Merced Police Department presents workshops and training sessions annually, publishes and distributes brochures and fliers for students, faculty and staff on topics such as personal safety, office and residential security, burglary and theft prevention and vehicle security. In addition, the UC Merced Police Department provides consultation and crime prevention audits, may assist in developing department specific emergency plans for evacuations, bomb threats and criminal incidents, and gives crime-prevention input in the planning of new campus buildings and landscaping design and maintenance.

Public Service Officer Program

The Public Service Officer (PSO) program provides a wide range of services including campus patrol, safety escorts and support for special events. PSOs supplement the UC Merced Police Department's security efforts at the Downtown Campus Center as well as patrol efforts at the Village Landing, Village Terraces and Northwood Village apartment complexes. Although not vested with law enforcement authority, PSOs work for the UC Merced Police Department and request the presence of police officers when needed.

Community Service Officer Program

The Community Service Officer (CSO) Program provides a wide range of services, including campus patrol, library patrol, event security, the UC Merced safe-bike program, electronic and bicycle registration and peer-to-peer crime-prevention presentations. CSOs provide escorts for students, faculty, staff or visitors when requested between the hours of 5 p.m. and 2 a.m. everyday. To get an escort, call 209-228-2677

Student Orientation Presentations

Each semester and throughout the year during prospective student orientations, the police department presents information regarding security awareness and safety issues to students, their parents, families and other supporters.

Rape Aggression Defense Program

The Rape Aggression Defense (RAD) basic personal defense system is a national program of realistic self-defense tactics and techniques taught for women only. All courses are taught by nationally certified RAD Instructors.

RAD's goal is to provide realistic self-defense options to women, regardless of their levels of physical conditioning. Students, staff and faculty at all ability levels, ages and strength levels will learn techniques and information that can be used effectively from the first day of class. RAD is not a martial arts program, nor does it require students to be athletes to succeed.

The RAD program will provide the knowledge to make educated decisions about personal defense, including physical and non-physical options, and insight into "attacker mindset."

More information on the RAD Program is available [online](#) or by calling the UC Merced Police Department at 209-228-2677.

Violent Intruder Response Training

The Violent Intruder Response Training (V.I.R.T.) is a civilian response to a violent intruder/active-shooter training and covers information everyone should know before an incident occurs, options for people during a crisis, and law enforcements' responses to various incidents.

The information can be used every day, in any setting, on or off campus, at work or during your travels. The program is 1.5 hours long including time at the end for questions and discussion.

Contact the UC Merced Police Department at 209-228-2677 to request a class. Several open-session classes are also offered throughout the year on and off campus.

Police Insight Program

The Police Insight Program is a six-week program designed to teach community members about law enforcement in a university setting. Community members are encouraged to express their views and engage in open dialogue with members of the campus Police Department regarding a wide range of topics. Cohorts are held once a semester. If you would like to learn more about participating, please call (209) 2228-2677 or email police@ucmerced.edu.

Policy Statements

The Clery Act requires institutions to publish and distribute an ASR, which must contain various campus policy statements. These statements must accurately reflect how the policies are currently implemented.

Law Enforcement Authority

UC Merced Police Department has primary law enforcement jurisdiction on the campus, associated university properties and adjacent areas. UC Merced police officers are empowered as part of a full-service state law enforcement agency³. UC Merced police officers have primary responsibility for all criminal investigations and the arrest of criminal violators. Officers and dispatchers fully subscribe to the standards of the California Commission on Peace Officer Standards and Training (POST), and receive the same training as other state, city and county peace officers and dispatchers throughout the state, plus additional training to meet the unique needs of the campus environment.

Crime Prevention, Security Awareness Programs and Risk Reduction

The prevention of crime is a top priority for UC Merced police personnel. All members of the UC Merced community are encouraged to take responsibility for their own safety and security, and when possible, assist others with their safety and security needs. While the UC

³ Section 830.2(b) of the California Penal Code, and Education Code 92600

Merced Police Department can offer guidance, risk reduction suggestions and assistance regarding campus safety, each person must take primary responsibility for his or her own safety.

The UC Merced Police Department supports proactive crime prevention by working closely with community members to help create and maintain a safe environment. The UC Merced Police Department supports and encourages students to attend violence prevention education offered by the UC Merced Campus Advocacy Resources and Education (CARE) office. For example, as part of the UC Office of the President's initiative to help prevent sexual violence, all members of the UC community are required to receive sexual violence prevention and intervention training. For undergraduate students at UC Merced, this comes in the form of Violence Intervention & Prevention (V.I.P.) program. Graduate students receive access to workshops and on-line training. Starting in 2015, V.I.P. became a mandatory training that all incoming undergrad students are required to attend within their first 6-weeks of classes. This program aims to educate incoming students on bystander intervention techniques to respond to and prevent sexual violence such as sexual assault, dating/domestic violence, and stalking. The CARE office also provides prevention workshops, presentations, campaigns and class announcements year-round. In addition, the UC Merced Police Department gives various presentations and workshops regarding personal safety, self-defense, and office safety/workplace violence.

The UC Merced Police Department's effort to educate the campus community about incidents of crime, the importance of reporting crime and the prevention of crime is performed on an ongoing basis. The CARE office, the UC Merced Police Department, Student Affairs, Student Life and Leadership, Campus Residential Life office, Dean of Students' office, Office of Student Conduct, and the Center for Student Wellness and Health Promotion all actively participate and contribute to this effort. From freshman orientation to graduation commencement,

students and employees are presented with and offered many different safety and security programs. The above-listed departments offer a variety of educational programs each month, which may vary depending on requests by community members.

Campus Safety and Security Education, Programming and Other Events

The UC Merced Police Department collaborates with campus departments such as the CARE office, the Office of Campus Climate, Housing, Office of Student Life (OSL) and other key campus departments to provide security and safety programs, presentations and workshops throughout the year. In addition, these campus units and the UC Merced Police Department produce and publish brochures and pamphlets relating to personal safety, bystander intervention and risk-reduction strategies.

Campus Advocacy, Resources & Education (CARE) Services

The Campus Advocacy, Resources & Education (CARE) office is a confidential and informal resource for UC Merced students, staff and faculty in reference to sexual assault, domestic/dating violence and stalking. It provides all the mandatory training for all undergraduate students. The CARE office provides ongoing prevention trainings and workshops and collaborates with departments to offer specific programming.

The CARE office offers confidential crisis intervention services via a Campus Advocate. The Campus Advocate provides advocacy with accommodations, community resources and communication with campus departments. Reports to the Campus Advocate DO NOT constitute official notice to the University. Contact the Campus Advocate at 209-386-2051 and for general questions contact us at 209-228-4147 or e-mail at ucmcare@ucmerced.edu. The CARE office website is <http://care.ucmerced.edu>.

Office of Ombuds Services

The campus ombuds is a confidential and

informal resource for students, staff and faculty. It will provide informal dispute resolution services to faculty, lecturers, postdoctoral scholars, staff, students and anyone with a university-related concern. Reports to the campus ombuds DO NOT constitute official notice to the university. These services are designed to supplement — not to replace — other processes (formal or informal) available to the campus community.

The ombuds office will:

- Confidentially receive complaints, concerns or questions about alleged acts, omissions, improprieties and/or broader systemic problems;
- Listen, make informal inquiries or otherwise review matters received, offer resolution options, make referrals, and mediate disputes independently and impartially; and
- Serve as an information and communication resource, consultant, mediator, dispute-resolution expert and source of recommendations for institutional change for the university.

The ombuds provides feedback to the university when trends, patterns, policies, or procedures of the university generate concerns or conflicts.

The Office of Ombuds Services can be reached by calling 209-228-4410 for a consultation or to make an appointment.

Pastoral and Psychological Counselors

Although confidential psychological counselors typically have significant responsibility and involvement in student and campus activities, they are exempt from Clery reporting requirements. However, they are encouraged to forward non-identifying information to the police department on crimes that may be reported through their offices for inclusion in the annual security report.

Whistleblower and Anti-Retaliation

The University of California has a responsibility to conduct its affairs ethically and in compliance with the law. If individuals suspect a UC employee is engaged in improper governmental activities, UC has policies that instruct individuals how to “blow the whistle” and can protect individuals from retaliation if the need arises. Improper governmental activities include acts such as corruption, bribery, theft or misuse of university property, fraudulent claims, fraud, coercion, willful omission to perform duty, economic waste, gross misconduct, gross incompetence or gross inefficiency; or any condition that may significantly threaten the health or safety of employees or the public. Serious or substantial violations of UC policy may constitute improper governmental activities determined upon review or investigation. Individuals can report any activity that violates any state or federal law or regulation to their supervisor (or other appropriate administrator), directly to Human Resources, Academic Personnel Office, the Locally Designated Official (LDO), University Wide Whistleblower Hotline at 800-403-4744 or <http://ethics.ucmerced.edu/reporting-improper-activities>.

Security of and Access to and Maintenance of Campus Buildings and Grounds

During the school year, the campus’s daily population is 10,081 students, staff and faculty.

Because the campus is an open environment, individuals may find it easy to access the buildings and grounds; a few may engage in criminal activity. At all times, be alert and aware of your surroundings and use good judgement and safety precautions.

Buildings, facilities and landscaping are maintained in a manner that minimizes hazardous conditions. UC Merced police officers regularly patrol the campus and report malfunctioning lights or other unsafe physical conditions to Facilities Management for

correction. In addition, anyone who sees a hazardous condition may report to UC Merced Police Dispatch, campus Facilities Management, or other appropriate units.

Non-Residential Buildings

The campus has thirteen buildings that directly support academic instruction and research: Leo and Dottie Kolligian Library; Classroom and Office buildings 1 and 2; Science and Engineering buildings 1 and 2; the Social Sciences and Management Building; the Student Services Building; the Classroom Building Annex; the Students Activities and Athletic Center (SAAC); Gallo Recreation and Wellness Center; Facilities A and B; and the Police Trailers.

Mixed-use Space

Granite Pass and Glacier Point are UC Merced's first two Housing units with mixed-use, student-focused environments. These two buildings offer residential housing, study rooms, lounge spaces, meeting spaces and sheltered bike storage. The ground floor public space includes classrooms and student life space connected to the pedestrian circulation network.

The buildings may be accessed by authorized faculty, staff and students, using their keys or card access, after business hours. The administrative offices in the library building are locked at 5 p.m. However, the main library is open to UC Merced and the greater Merced community until midnight during the academic year. From 6 p.m. until midnight, library staff members are present to help maintain a safe environment. UC Merced Police Officers and Police Community Service Officers periodically provide foot patrol through the library to help maintain that safe environment.

It is essential that staff, faculty and students work with the UC Merced Police Department to keep closed facilities locked and to prevent unauthorized access. Do not prop doors open, leave doors unlocked or open the door for people you do not know. In addition, protect the security of campus keys, and report immediately any loss or theft of keys to the

campus locksmith and university police.

Residential Buildings

UC Merced provides housing to approximately 3,712 students. The UC Merced Police Department and Student Housing staff work closely together to create a safer and more comfortable living and learning environment.

UC Merced leases apartments in the city of Merced for off-site student housing. These locations are in residential areas. UC Merced Police Department and the Merced Police Department jointly patrol and provide police services at these locations.

Although all student residences are accessible by key 24 hours a day, in order to maintain the safety and security of residential buildings, residents and visitors must ensure that locked buildings stay closed and locked. Keep suite and room doors locked, always carry your key, take precautions to protect your keys against theft or loss, and immediately report any theft and/or loss of your building, suite or room keys. In addition, do not open the door for unknown persons, and alert residence hall staff and the UC Merced Police Department if you notice improper entry or suspicious activity. Always use good judgement and follow campus safety procedures.

Residence hall maintenance, including lighting, grounds keeping, window and door locks, is directed through the Residence Life Office. If you notice lights burned out, broken locks or other maintenance related problems call Residential Life at 209-228-4663.

Parking, Biking or Walking on Campus

If you park on campus, lock your vehicle and consider using a steering-wheel or pedal-locking device and/or auto alarm. We also encourage everyone to remove or place out of view items of value. This extra step decreases the opportunity for thefts. Similarly, always lock your bicycle, even if you will be gone only a few minutes, and secure it to a fixed bike rack. If you are out at night on campus, use the police department's Community

Service Officer (CSO) Safety Escort Service by calling 209-228-2677. Most important, if you need assistance, do not hesitate to ask any staff member, CSO or police officer.

Policy Regarding Alcohol and Controlled Substances

The university strives to maintain communities and workplaces free from the illegal use, possession or distribution of alcohol and other drugs. Manufacture, sale, distribution, dispensation, possession or use of alcohol and controlled substances by university students and employees — on university property, at official university functions or on university business — are prohibited except as permitted by law, university policy or campus regulations. Violation of these policies is subject to disciplinary action, including suspension or dismissal from the university, and may be referred for criminal prosecution and/or result in required participation in appropriate treatment programs.

California Alcohol and Drug Laws and Sanctions

California law prohibits furnishing and selling alcoholic beverages to underage (younger than 21) or obviously intoxicated individuals. Underage persons may not buy alcoholic beverages or possess them on campus, in public or in places open to public view; the penalties for violations of these laws may include substantial fines and jail. Alcohol may not be sold without a license or permit. State law also prohibits driving a motor vehicle under the influence (a blood alcohol level of .08 percent or higher creates a presumption of intoxication, but one can be charged with lower blood alcohol levels); drinking or possessing an open container of alcohol while driving; and operating a bicycle while intoxicated. Drunk driving penalties include jail or prison, fines of \$1,000 or more, driver's license suspension or revocation and required drug/alcohol treatment programs. Refusing to submit to a test for blood alcohol can result in suspension of driver's license for up to 3 years. Sale or

possession for sale of controlled substances such as cocaine, methamphetamines, heroin, Ecstasy, GHB, Ketamine, LSD, PCP, marijuana and "designer drugs" is a felony. Sentences are enhanced for previously convicted felons, for distribution within 1,000 feet of a school or university or within 100 feet of a recreation facility and for distribution to a pregnant woman or to someone under 18 by someone over 18. Property used in drug transactions can be seized.

Drugs and Alcohol Abuse Education Programs

The University of California recognizes misuse of alcohol and other drugs as a treatable condition and offers programs and services for University employees and students with substance abuse problems in accordance with the Federal Drug-Free Schools and Community Act. Employees (including student employees) and students are encouraged to seek assistance as appropriate from Employee Support Programs, health centers and counseling or psychological services available at University locations or through referral. Information obtained regarding an employee or student during participation in such programs or services will be treated as confidential, in accordance with Federal and State Laws.

Alcohol and Drug Abuse Prevention and Treatment

Alcohol and Drug Abuse Prevention and Treatment for students is part of the UC Merced Health and Wellness Education Program (HWEP) hosted by the H. Rajender Reddy Health Center or 228-2273 (CAT-CARE). HWEP provides organized campus-wide outreach and prevention programs; assessment, education and referrals for students with identified needs related to alcohol or other drugs; and specific education programs designed for students referred for alcohol/drug incidents. HWEP also provides training for staff and faculty on identifying and referring substance abusers and student support programs.

Resources for Alcohol and Drug Help

UC Merced

- Counseling and Psychological Services: 209-228-4266
- Student Health Services: 209-228-2273 (CAT-CARE)

Merced County

- Merced County Alcohol and Drug Services: 3305 G St., Merced, 209-381-6850; <http://www.co.merced.ca.us/index.aspx?nid=78>
- Recovery Assistance for Teens (RAFT): 3313 G St., Merced, 209-381-6880
- Alcoholics Anonymous: 209-385-0309 (8:00 am – 12:00 am)
- Alateen: 209-524-3907
- Merced County Alcohol, Drug and Mental Health Services: 888-334-0163 (no charge, 24 hours), TDD toll free: 866-293-1818; <http://www.co.merced.ca.us/index.aspx?nid=462>
- Merced County Mental Health Emergency Services: 209-381-6800
- Merced County Treatment Center: The Center, 3305 G St., Merced, 209-381-6880

The following resources exist to assist people in alcohol and drug treatment and recovery. These services are not endorsed by UC Merced or the County of Merced but provided as a community service.

- Alcoholics Anonymous: 800-970-9040; <http://www.aa.org>
- Narcotics Anonymous: 209-526-1817; <http://www.na.org>
- Marijuana Anonymous: 800-766-6779; <http://www.marijuana-anonymous.org>
- Tough Love Support for family members of teens: 209-386-0980
- Hobie House men's residential treatment program: 209-722-6335
- Tranquility Village women's residential treatment program: 209-357-5200
- Alcohol Treatment Referral Hotline: 800-ALCOHOL
- Al-Anon and Alateen Family Group Headquarters, Inc.: 800-344-2666 (U.S.)

- Alcoholics Anonymous World Services Inc.: 212-870-3400
- National Drug and Alcohol Treatment Referral Service: 800-662-HELP (4357)
- National Council on Alcoholism and Drug Dependence Hope line: 800-622-2255 / 800-NCACALL
- Families Anonymous: 800-736-9805
- Marijuana Anonymous World Services: 800-766-6779; <http://www.marijuana-anonymous.org>
- Nar-Anon Family Groups: 310-534-8188 or 800-477-6291; <http://www.na.org>

Dating Violence, Domestic Violence, Sexual Assault and Stalking

The University of California system is committed to creating and maintaining campus communities dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in university programs and activities can work and learn together in an atmosphere free of harassment, exploitation or intimidation. Every member of the community should be aware that the UC prohibits sexual violence – including sexual assault, dating violence, domestic violence and stalking – and sexual harassment, retaliation and other prohibited conduct that violates law and/or UC policy. The university responds promptly and effectively to reports of prohibited conduct and takes appropriate action to prevent, to correct, and, when necessary, to discipline behavior that violates its policies on sexual violence and sexual harassment. The University provides a prompt, fair, and impartial process from the initial investigation to the final result by employees from the Title IX Office and the Office of Student Conduct who have been trained on trauma-informed practices. The University follows the guidance and policy as developed by the University of California Office of the President and as described in the Sexual Violence Sexual Harassment policy available at <https://policy.ucop.edu/doc/4000385/SVSH>.

Reporting

Any person may make a report — anonymously or by name — of prohibited conduct to the campus's Title IX officer or any responsible employee, or to any appropriate office such as the Academic Personnel Office, Student Affairs, Office of the Provost or Human Resources. Reports will be sent to the Title IX officer. All complaints (student, staff, and faculty) will receive information about their rights and options when a report is submitted to UC Merced Police Department or to the Title IX office.

Any person can submit a report at <http://dsvp.ucmerced.edu/>.

Immediate Health and Safety

The university will consider and take interim measures as appropriate to ensure the safety, well-being, and equal access to university programs and activities of its students. Interim measures include, but are not limited to, no-contact orders, housing assistance, academic support, accommodations and referral to counseling. The university may place the respondent on an interim suspension as appropriate. Any accommodations or protective measures initiated will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide such accommodations or protective measures.

Students can seek orders of protection and/or restraining orders through the courts. The UC Merced Police Department will also help the victims of these crimes apply for Emergency Restraining Order (ERO) through the court. The Campus Advocate can assist the student in the process of applying for a Temporary Restraining Order (TRO) through the court. The Office of the Associate Vice Chancellor and Dean of Students will help to provide accommodations.

Throughout the resolution process, the university will offer and provide support services for complainants through the CARE office, and for respondents through the respondent services coordinator.

At all stages of the process, the complainant and respondent have the right to advisers and support people of their choosing.

All stages of the resolution process will be tracked by the campus case management team. All university officials involved in the resolution process will be trained to carry out their roles in an impartial manner in keeping with trauma-informed practices.

The standard of proof at all stages of the investigatory process is preponderance of the evidence.

Jurisdiction over Reports of Prohibited Conduct

The university has jurisdiction over alleged violations that occur on university property or connected with university activities, programs or events. In addition, the university may exercise jurisdiction over conduct that occurs off-campus:

- That affects the learning or working environment; and/or
- that would violate other university policies had it occurred on campus.

Sexual Violence and Sexual Harassment Resolution Process, including possible sanctions

Upon receipt of a report of or information about alleged sexual violence and/or sexual harassment, the campus's Title IX officer will determine whether an investigation should be initiated. Appendixes A through E provide action taken in a flow-chart format which describes each step of the investigation. The flow charts pertain to students, staff and faculty.

- Student Investigation and Adjudication Process as referenced in Policies applying to Campus Activities, Organizations and Students (PACAOS) – Appendix A

Sanctions will be assigned as follows:

- Sexual Assault – Penetration or Sexual Assault – Contact that is aggravated as defined in the SVSH Policy will result in a minimum sanction of suspension

for two calendar years.

- Sexual Assault – Penetration, Domestic or Dating Violence, or Stalking will result in a minimum sanction of suspension for two calendar years unless there are exceptional circumstances.
- Sexual Assault – Contact will result in a minimum sanction of suspension for one calendar year, unless there are exceptional circumstances.
- Sexual Harassment and other Prohibited Behavior, as defined by the SVSH Policy, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified in Section D above.
- Staff Adjudication Process as referenced in Personnel Policies for Staff Members (PPSM-70) – Appendix B

Possible sanctions the University may impose on policy covered staff depend on the nature of the violation and may include:

- Written reprimand in personnel file
- Reduction in salary
- Temporary or permanent demotion
- Unpaid suspension
- Denial or curtailment of emeritus /emerita status
- Dismissal from the employ of the University
- Mandated education
- Change in work location
- Restrictions from all or portions of campus
- Restrictions to scope of work.
- Senate Faculty Adjudication Process as referenced in Policy, Faculty Conduct and the Administration of Discipline (APM-016) – Appendix C

Following consultation with the Peer Review Committee, in accordance with

APM-016, the Chancellor or Chancellor's designee will decide what action to take to resolve the matter. Sanctions may include:

- No Formal Discipline – In the event the Chancellor or Chancellor's designee determines to resolve the matter without taking any formal disciplinary action, the Chancellor or Chancellor's designee will promptly communicate this decision and its rationale to both the complainant and the respondent
- Early Resolution – The Chancellor or Chancellor's designee can enter into an early resolution with the respondent in accordance with APM 016. An early resolution can be achieved at any time prior to the final imposition of discipline.

Subsequent to the respondent agreeing to the terms of the early resolution, the Chancellor or Chancellor's designee will promptly inform complainant of those terms, including any discipline or other corrective or remedial measures, and the rationale for these terms.

- Charge Filed with Academic Senate Privilege & Tenure Committee – The Chancellor or Chancellor's designee can take steps to propose discipline and file a charge with the Academic Senate's Privilege & Tenure Committee without first pursuing early resolution, or if respondent does not agree to early resolution.

The Chancellor or Chancellor's designee will promptly inform the complainant that the charge has been filed.

- Non-Senate (Non-Represented) Faculty Adjudication Process as referenced in Policy, Faculty Conduct and the Administration of Discipline (APM-140) – Appendix D

Following consultation with the Peer Review Committee or Academic Personnel Office, and in accordance with APM-150,

the Chancellor or Chancellor's designee shall decide what action to take to resolve the matter. Sanctions may include:

- No Disciplinary Action – In the event the Chancellor or Chancellor's designee determines to resolve the matter without taking any disciplinary or corrective action, the Chancellor or Chancellor's designee will promptly communicate this decision and its rationale to both the complainant and respondent.
- Informal Resolution – The Chancellor or Chancellor's designee can pursue an informal resolution in accordance with APM-150, which may include discipline and/or other corrective or remedial measures. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

Subsequent to respondent agreeing to terms of an informal resolution, the Chancellor or Chancellor's designee will promptly inform complaint of those terms, including any discipline or other corrective or remedial measures, and the rationale for these terms.

- Notice of Intent – The Chancellor or Chancellor's designee can issue a notice of intent instituting dismissal or other corrective action in accordance with APM-150.
- Non-Faculty (Non-Represented) Academic Personnel Adjudication Process as referenced in Policy, Faculty Conduct and the Administration of Discipline (APM-140) – Appendix E

Possible sanctions the University may impose on policy covered Non-Faculty Academic Personnel may include:

- No Further Action – Supervisor or appropriate administrative authority may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale

will be promptly communicated to both the complainant and the respondent.

- Information Resolution – Supervisor or appropriate administrative authority may propose an informal resolution in accordance with APM-150, which may include discipline and/or other corrective or remedial measures. The proposed informal resolution and its terms will be reviewed by the Chancellor's designee for approval. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

In the event the informal resolution is approved and agreed to by the respondent, the complainant will be promptly informed of its terms and the rationale.

- Notice of Intent – Supervisor or appropriate administrative authority may propose to issue a notice of intent instituting dismissal or other corrective action in accordance with APM-150. The proposed terms of the notice of intent shall be reviewed by the Chancellor's designee for approval.

Following the provision of a notice of intent, corrective action or termination will be implemented in accordance with APM-150. The terms of the implemented action and its rationale will be promptly communicated to both the complainant and the respondent.

Formal Investigation (Student Respondents)

If an investigation will not be conducted, the Title IX officer will notify the complainant in writing and explain the rationale for the determination.

If an investigation will be conducted, the Title IX officer and Office of Student Conduct will jointly send written notice of the charges to the complainant and respondent. The written notice will include:

- A summary of the allegations and potential

- policy violations;
- The purpose of the investigation;
- A statement that the investigative report, when issued, will make factual findings and recommendation regarding whether there has been a violation of university policy;
- A statement that the findings and recommendation will be based on a preponderance of the evidence standard;
- A summary of the process, including the expected timeline; and
- A summary of the rights of the complainant and respondent.

Decision on Responsibility and Disciplinary Sanctions

Upon completion of the Title IX investigation, the Title IX officer and the Office of Student Conduct will jointly send to the complainant and the respondent:

- Written notice of the investigation findings and the investigator's recommended determinations; and
- Will provide a copy of the investigation report. The investigation report may be redacted, if necessary, to protect student privacy rights.

Appeal Process

The complainant and respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the available grounds. In cases where there was a hearing, the following grounds for appeal apply:

- There was procedural error in the hearing process that materially affected the outcome;
- The determination regarding policy violation was unreasonable based on the evidence before the hearing officer; this ground is available only to a party who

participated in the hearing; and

- The sanctions were disproportionate to the hearing officer's findings (applies only in cases where there was no hearing).

In cases where there was a hearing, an appeal must be submitted to the hearing coordinator within 10 business days following issuance of the notice of the hearing officer's determination and, if imposed, the disciplinary sanctions (see Section VII.H.).

In cases where there was no hearing, an appeal must be submitted in writing to Student Conduct within 10 business days following Student conduct's notice to the parties that the preliminary determination was final and that Student conduct would impose the proposed sanction.

Appeal Decision

Within 10 business days of receiving the appeal, the appeal officer will send their written decision to complainant and respondent. The appeal officer may uphold, overturn, modify, remand the case back or issue any other directive he/she deems appropriate. The appeals officer's decision is final and there is no further right of appeal. Additional details are outlined in Appendix E of Policies Applying to Campus Activities, Organizations and Students (PACAOS)

Educational Programs

The Campus Advocacy, Resources & Education (CARE) office provides prevention education for the UC Merced community to promote an environment free from the threat of sexual violence, dating/domestic violence, and stalking. Free, confidential and knowledgeable support is provided for those impacted by sexual violence, dating/domestic violence and stalking. All incoming students are required to attend a mandatory prevention education program.

CARE encourages the UC Merced community to step in and speak up against sexual violence, dating/domestic violence and stalking.

During 2018, these presentations were offered to the campus community:

- *Being A New Member/Greek Announcements* - Discussions of how sexual violence affects Greek organizations as well as identifying techniques Greek organizations can use to promote violence prevention
- *Changing the Rules* - Annual event where students learn about the types of sexual violence, and survivors get the opportunity to share their stories
- *End Gender-based Violence Badge(s): Intellectual Experience Badge Leadership, Community Engaging the World/Global Awareness*
- *Class Announcements/Org Announcements* - 5-10 minute presentations for classes and student organizations providing an introduction to types of domestic/sexual violence, resources, and bystander intervention techniques.
- *GROW (Graduate Orientation Week)* - Introduction to types of domestic/sexual violence; handling disclosures of domestic/sexual violence they may receive in their role as a Graduate Student
- *New Employee Orientation* - Introduction to types of domestic/sexual violence, resources, bystander techniques, and responsibilities as new employees at UC Merced
- *Peer Educator/CARE Campus Collaborators Trainings* - Training students how to present and talk about topics relating to dating violence/sexual violence
- *Responsible Employees (Professional Staff/Faculty/Student Employees)* - Introduction to types of domestic/sexual violence, resources, bystander techniques, and employee responsibilities
- *Domestic Violence, Stalking and Sexual Assault Awareness Month Fairs* - Information about crimes and bystander

intervention techniques, addressing common misconceptions about crimes.

- *Step Up to Safety/Orientation* - Introduction to types of domestic/sexual violence for students and how parents can have these discussions at home with other siblings as well as other community members
- *Training (Conduct Board)* - Overview of domestic/sexual violence, trauma informed approaches, and university policies & procedures regarding sexual violence and sexual harassment
- *Violence Intervention & Prevention (V.I.P.) Programs* - Mandatory incoming student education; Introduction to types of domestic/sexual violence, resources, and bystander intervention techniques

Immediate Assistance for Victims of Sexual Violence

Victims of sexual violence are encouraged to take the following steps:

1. Seek immediate assistance. Victims are strongly encouraged to call the police to ensure physical safety and/or to initiate an investigation based upon their comfort level.
2. Preserve evidence. Even if a victim is not sure about pursuing an investigation or sanctions against the perpetrator, they are encouraged to preserve evidence. It is important to preserve physical evidence because it can assist in criminal prosecution or obtaining a criminal protective order. Evidence should be preserved in a paper bag, not a plastic bag when possible.
 - Victims of sexual assault should make every effort to save anything that might contain the perpetrator's DNA. Therefore, the victim should try not to bathe or shower, use the restroom or douche, change clothes, comb hair, clean up the crime scene or move

anything the offender might have touched. Evidence of sexual assault is most effectively collected via a sexual assault forensic exam within approximately 7 days as a general guideline after an assault.

- To obtain the free exam, a victim can call the UC Merced Police Department or local law enforcement by dialing 9-1-1, or by calling the Campus Advocate at 209-286-2051 and Valley Crisis Center after hours at 209-725-4357.
 - A police report is not required before obtaining the exam, and the exam by itself will not begin an investigation. A police case number is necessary to obtain the exam. However, this does not mean an investigation will automatically commence without the victim's consent. The police case number, which can be obtained with the help of the victim advocate, is simply used to identify and track the package of evidence to be collected as part of the exam.
 - Victims of sexual violence can also preserve evidence by saving text messages, instant messages, social networking pages, photographs and other documents that could be useful to the police.
3. Obtain medical attention. Health care providers can examine and treat physical injuries, provide pregnancy tests and test for sexually transmitted diseases. The victim may go to the hospital or see his or her primary care provider. Registered UC Merced students may visit the Student Health Center; however, the health center does not provide the sexual assault forensic exam.

California laws make it illegal to engage in a sexual act with another without the person's affirmative "Yes means Yes" consent.

Affirmative Consent

This means affirmative, conscious, and

voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Reporting Options & Confidential Resources

The UC Merced Police Department is located at the back of the campus near the facilities building. To reach the police department by phone, call 9-9-1-1 from a campus landline phone, 9-1-1 from a cell phone, or 209-228-2677 (CAT-COPS) for non-emergencies. UC Merced Police Officers and Public Safety Dispatchers are on duty 24-hours a day, seven days a week.

When a report is made to the UC Merced Police Department, an officer, specially trained in these types of cases will be dispatched to the scene. The officer will explain, guide and provide the victim with all the available options on how to proceed so that the victim can make an empowered decision. The officer will also contact the campus advocate to ensure that the victim has support throughout the process. A sexual assault forensic exam may be obtained at that time. When the investigation is concluded, the case may be submitted to the Merced County District Attorney's Office for their review and consideration in the formal filing of criminal charges. The decision to formally file criminal charges against the accused individual is at the sole discretion of the Merced County District Attorney's Office.

California Crime Victim's Bill of Rights – Marsy's Law

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and

abuse, throughout the criminal or juvenile justice process.

2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, **upon request**, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, **upon request**, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, **upon request**, at which the defendant the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, **upon request**, at any proceeding, including any delinquency proceeding, involving a post-arrest release

decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, **upon request**, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. To be informed, **upon request**, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution
 - It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. To the prompt return of property when no longer needed as evidence.

15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, **upon request**, of the parole or other release of the offender.
16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. To be informed of the rights enumerated in paragraphs (1) through (16).

UC Merced's goal is to prevent, correct and when necessary, to discipline behavior that violates the UC policies on sexual violence and sexual harassment.

- Office for the Prevention of Harassment and Discrimination/Title IX officer: 209-285-9510; Arts and Computational Science Building, rooms 311 and 313; <http://dsvp.ucmerced.edu/>
- Office of Student Conduct: 209-228-5433; located in Granite Pass, Room 167. This office is obligated to notify the Title IX officer at <http://studentconduct.ucmerced.edu/>

UC Merced has a Title IX officer in the Office of Compliance on campus to provide assistance, support, and to monitor and oversee overall compliance with laws and policies related to sexual violence. Office of Compliance staff members can explain and discuss victims' rights and options, including the right to file a criminal complaint or administrative complaint; confidentiality; the investigation process; remedial and protective measures; support options; and other related matters.

This office is also responsible for conducting neutral, administrative (non-criminal) investigations of all reports of sexual violence, harassment, discrimination and retaliation. If a victim chooses, she/he may request an investigation regardless of whether the victim has made a police report against the

alleged perpetrator.

Although UC Merced encourages the timely reporting of all crimes, victims of sexual violence are not required to report to police, the Office of Compliance or any other campus office or official.

Regardless of whether a victim chooses to formally report sexual violence to law enforcement or UC Merced, the following on and off-campus confidential support resources are available to help:

- Campus Advocacy, Resources & Education (CARE) (students and employees): General Office number 209-228-4147; <https://care.ucmerced.edu/>; CARE is a source for information, crisis intervention and follow-up support regarding sexual assault, dating and domestic violence and stalking.
- Valley Crisis Center: 24-hour hotline (students and employees): 209-722-4357; 1960 P St., Merced; <http://www.valleycrisiscenter.org/>
- Counseling and Psychological Services (CAPS) (students only): 24-hour hotline: 209-228-4266; <http://counseling.ucmerced.edu/>; in the Student Health Center;
- Insight Employee Assistance Program (employees only): 800-422-5322; <http://counseling.ucmerced.edu/>
- Office of Ombuds Services (students and employees): 209-228-4410; <http://ombuds.ucmerced.edu/>; Student Services Building, Room 211.

You may report a sexual assault at any time.

- You have the right to a free and confidential Campus Advocate throughout the reporting process and you may talk with the Campus Advocate before you decide to report to law enforcement.
- The Campus Advocate is available through the CARE office.

The Campus Advocate will assist you in exploring your options and can accompany you throughout the process if you choose to report to law enforcement.

Required Notifications

Individuals making reports shall be informed about:

- Confidentiality of reports, including when reports cannot be kept confidential.
- The range of possible outcomes of the report, including Health and Safety measures, remedies, and disciplinary actions that may be taken against the respondent, and information about the procedures leading to such outcomes.
- Victim rights, University policies, Student Conduct policies and other relevant options, including the contact of the Campus Advocate.

If the report results in a formal investigation, after the conclusion of the investigation, the complainant and respondent will be simultaneously informed in writing of:

- The outcome of the investigation and its rationale.
- Any available appeal rights and procedures.
- How to obtain a copy of the Investigation Report, which may be redacted as necessary to protect privacy rights.

If the matter results in a disciplinary proceeding, when the proceeding concludes, the complainant and respondent will be simultaneously informed in writing of:

- The outcome of the proceeding, including the final determination with respect to the alleged offense; any sanctions being imposed; and the rationale for the result.
- Any available hearing rights, appeal rights and procedures.
- Any subsequent change to the results and when results will become final.

Seeking Medical Attention

What is most important is that survivors of sexual assault and other violent crimes are provided immediate care and support. If you are a survivor of violence, you have the right to seek immediate medical attention, no matter whether you report the incident, even if you do not feel you have been seriously injured. A medical examination can check for sexually transmitted infections or other injuries, and for pregnancy. Medical professionals are mandated to report disclosures of sexual assault to law enforcement, but a survivor does not need to report to law enforcement if he or she does not wish to do so. Emergency medical services can be requested by calling 9-9-1-1 from a campus landline or 9-1-1 from a cell phone.

Preserving Evidence

Physical evidence can be collected at a certified medical facility. The Campus Advocate or Valley Crisis Center advocate and a police officer will transport and accompany you to the exam. A full police report does not have to be filed for this resource to be used. Through an anonymous “Jane Doe” report, the survivor can have access to this resource without having to provide their name and information.

Support and Assistance

We want to ensure that you are provided with support and assistance. That is why the UC Merced Police Department contacts the Campus Advocate or Valley Crisis Center advocate as soon as you contact the police. If you do not want to speak to the advocate, you will be provided with written resources describing options and available support services. An advocate can provide individual crisis counseling, and will accompany you as requested to notify law enforcement authorities, medical treatment, interviews by law enforcement, student conduct proceedings, court hearings, etc.

The Campus Advocate provides support, advocacy and crisis intervention services. The

role of the Campus Advocate is to discuss options and procedures regarding academic assistance, housing, safety, medical and counseling needs, regardless of whether the victim chooses to report the crime to the campus police or law enforcement.

In addition, the Campus Advocate will make the necessary referrals to adequate resources, including support groups, individual psychological counseling and outside agencies. With respect to academic matters, the advocate serves as liaison between you and UC Merced Student Affairs to make necessary arrangements for accommodations, including class attendance. The Campus Advocate also serves as a liaison for issues of housing and safety and will assist in changing on-campus housing if necessary.

The Office of Compliance will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa, immigration assistance, student financial aid and other services available for complainants.

Reporting Suspected Sexual Misconduct by Students, Student Organizations, Staff or Faculty

To report suspected misconduct by a UC Merced student, staff member, faculty member or registered student organization, contact

- Office of Student Conduct; 209-228-5433
- Office of Compliance (Title IX, EEO, AA); 209-201-3491
- Human Resources; 209-228-8247
- Office of Academic Personnel (Faculty); 209-228-7948
- UC Merced Police Department; 209-228-2677
- UC Acts of Intolerance Report Form: https://ucsystems.ethicspointvp.com/custom/ucs_ccc/default.asp

Students, Staff, and Faculty have the right to free confidential advocacy throughout this process. The UC Merced Campus Advocate can be reached at 209-386-2051.

If a formal hearing is held, both the

complainant and the respondent may be present at the hearing and may be accompanied by an advisor or support person of their choice at any stage of the process. In addition, if the incident involved a crime, both are notified of the final decision and any sanctions imposed. A finding that the violation was intentional, forcible, violent or motivated by hatred or bias usually results in enhanced sanctions that may include suspension or dismissal.

Bystander Intervention

The UC Merced campus supports the use of the following forms of bystander intervention behaviors — Direct, Distract and Delegate (3 D's) — when you see or hear something that looks like your intervention could help:

- **Direct:** Approach the situation
- **Distract:** Create a distraction to diffuse situation
- **Delegate:** Seek assistance from others (friends, authority figures, etc.)

Changing the culture can happen with the support of every individual on campus. Below are some examples of behaviors or interventions that can be done to prevent gender-based violence.

- Hold perpetrators accountable for their choices to harm others by speaking up against their actions.
- Challenge victim-blaming myths and jokes about rape, stalking and abusive relationships in classes, practices, games and activities.
- Attend educational programs and trainings to learn more about the complexities of these issues. Model healthy relationships and interactions with others.
- Treat others with respect.
- Volunteer with the CARE Office
- Display posters, fliers, brochures and buttons from the CARE office.

Public Information Regarding Sex Offenders

Federal Law Regarding Registration and

Release of Information: Upon release from prison, individuals convicted of sex crimes may be required to register with law enforcement agencies under laws referred to as Megan's Laws. Additionally, the Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. Such institutions have the authority to release, in some circumstances, certain information about registered sex offenders.

At UC Merced, the controlled release of such information may occur through the authority of the Chief of Police in collaboration with legal counsel and the Office of the Chancellor, when such release is deemed appropriate for the safety of the university community.

The CSCPA amends the Family Educational Rights and Privacy Act (FERPA) to clarify that nothing in the act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

The public may gain access to information about convicted and registered California sex offenders at the Megan's Law website: <http://www.meganslaw.ca.gov/>.

Missing Persons

It is the policy of the UC Merced Police Department to accept all reports of missing persons without delay. Investigative priority will be given to missing person cases over the handling of property crimes. In cases where the missing person report originates in another law enforcement jurisdiction, UC Merced Police Department will take the report and immediately contact the law enforcement agency having jurisdiction. UC Merced Police Department will provide them all the necessary information they need to initiate an investigation as they deem appropriate.

Every case of a missing person poses unique investigative challenges that will dictate who, if any (e.g. spouse, roommates, family

members, guardians, friends, etc.) will be contacted, interviewed and in what order. When a person's disappearance is deemed to be suspicious, when foul play is suspected, and/or the person may be at risk, based on several factors, the UC Merced Police Department may request assistance from the Merced City Police Department or Merced County Sheriff's Office as described in the memorandum of agreement on Operational Responsibilities and Working Relationships. Where necessary, the UC Merced Police Department will also request assistance from a range of other local, state, and/or federal resources.

Missing Student Notification Policy Statement

If any person has reason to believe that a student who resides in on-campus housing is missing, she/he should immediately notify the UC Merced Police Department at 209-228-2677. A police officer will respond and generate a missing person's report and initiate an investigation. After investigating, if it is determined that the student is missing the UC Merced Police Department and the Vice Chancellor for Student Affairs will notify the student's emergency contact within 24 hours. If the student is under the age of 18 and not emancipated, the student's parents or legal guardians will be notified immediately.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted in the event the student is determined to be missing for up to 24 hours. If a student has identified such an individual, that person will be notified no later than 24 hours after the student is determined to be missing. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

A student is deemed missing after a reasonable investigation fails to discover the location of the student, or when a set of circumstances may suggest immediate concern to UC Merced officials. Such conditions may include — but are not limited

to — students who have health-related problems; a student who has not regularly attended class and has not been seen elsewhere; and/or parent(s) and roommate(s) of the student reports that a student is missing because they have had irregular contact with the student.

It is imperative that any missing student must be referred immediately to the UC Merced Police Department at 209-228-2677, regardless of how long the student is believed to have been missing. The official determination that a student is missing can be made at any time by the UC Merced Police Department. In addition to the UC Merced Police Department, students, employees or other individuals are encouraged to report if a student is believed to be missing.

- Assistant Vice Chancellor of Student Life and Residence Education: 209-228-4560
- Associate Vice Chancellor and Dean of Students: 209-228-3633
- Vice Chancellor for Student Affairs: 209-228-7620

If a missing student report is received by any of the above offices, the UC Merced Police Department will immediately be notified of the missing student report.

Action to be taken

For on-campus residential students, the reporting party will notify Housing & Residence Life and/or the UC Merced Police Department.

The Residential Life staff members will make the appropriate internal notifications and report to the UC Merced Police Department and the appropriate Student Affairs senior staff members.

For non-residential students, the reporting party will notify the UC Merced Police Department, which will notify the on-duty/on-call Student Affairs senior staff members.

The UC Merced Police Department will keep the key stakeholders apprised of the progress of the investigation.

Follow-up

If the search is successful, a Residential Life staff member or an appropriate Student Affairs staff member will contact the student and inform him/her of support services available on campus (e.g., Student Counseling Center, Student Health Center).

The support should also be offered to any other students (roommates, friends) affected by the incident.

If the search is deemed unsuccessful. The Chief of Police, the Vice Chancellor for Student Affairs, and/or other appropriate university officials will decide what further action should be taken.

Crime Statistics

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. The UC Merced Police Department maintains a close relationship with local law enforcement agencies where UC Merced owns or controls property to ensure that crimes reported directly to these agencies that involve the University are shared with the University Police.

UC Merced Police Department collects the crime statistics disclosed in this report through a number of methods. UC Police dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer aided-dispatch systems/records management system (CAD/RMS). After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The Department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook.

In addition to the crime data, the UC Merced

Police Department maintain the statistics that are reported to various Campus Security Authorities (CSA's). The statistics reported for the subcategories on liquor laws, drugs laws and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

A reported Clery crime to UC Merced Police Department may not be withheld or subsequently removed from the Clery crime statistics data based on a decision by a court, coroner, jury, prosecutor or other similar non-campus official. However, a reported crime may be withheld or subsequently removed from the crime statistics when sworn law enforcement personnel have fully investigated the reported crime and, based on the results of a full investigation and evidence, made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn law enforcement personnel may declare a crime report unfounded.

The Clery Act requires colleges and universities to include four general categories of crime statistics:

- **Criminal Offenses** – criminal homicide, including murder and non-negligent manslaughter and negligent manslaughter; sex offenses including forcible and non-forcible; robbery; domestic violence, dating violence, stalking and aggravated assault; burglary; motor vehicle theft; and arson.
- **Hate Crimes** – Any of the above offenses, and/or any incidents of domestic violence, dating violence, stalking, larceny-theft, simple assault, intimidation or destruction/damage/vandalism of property that were motivated by bias.
- **VAWA Offenses** – any incidents of domestic violence, dating violence and stalking. (Sexual Assault is also a VAWA offense but is included in the Criminal Offenses category for Clery Act reporting).
- **Arrests and Referrals for Disciplinary Action** – for weapons: carrying,

possessing, etc., law violations, drug abuse violations and liquor law violations.

Definitions of Reportable Crimes

- **Murder & Non-negligent Manslaughter** – is defined as the willful killing of one human being by another
- **Negligent Manslaughter** – is defined as the killing of another person through gross negligence.
- **Sex Offenses** – is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** – is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
 - **Fondling** – is the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental incapacity.
 - **Incest** – is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** – is non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Robbery** – is defined as taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear (includes attempts).
- **Aggravated Assault** – is defined as an unlawful attack by one person upon

another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm (regardless of the victim's extent of injuries or whether not they accept assistance).

- **Burglary** – is defined as the unlawful entry of a structure to commit a felony or a theft
- **Motor Vehicle Theft** – is defined as the theft or attempted theft of a motor vehicle.
- **Arson** – is defined as any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft or personal property of another, etc. (includes attempts).
- **Hate Crimes** – all of the crimes listed above and the additional four (4) listed below that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.
- **Larceny-theft** – includes, pocket picking, purse snatching shoplifting, theft from building or theft from motor vehicles.
- **Simple assault** – an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving broken bones, loss of teeth, internal injury, severe lacerations and/or loss of consciousness.
- **Intimidation** – is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of**

Property – to willfully or maliciously destroy, damage or deface or otherwise injure real or personal property, without the consent of the owner or person having custody or control of it.

Categories of Prejudice

- **Race** – a preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.
- **Religion** – a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation** – a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Gender** – a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity** – a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual or transgender person may be perceived as such.

- **Ethnicity** – a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.
- **National Origin** – a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group or because they are married to or associate with people of a certain national origin.
- **Disability** – a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Violence Against Women Act (VAWA)

- **Domestic Violence** – is defined as a felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of

violence occurred;

- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Dating Violence** – is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.

Stalking – is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

Violation of Weapons, Drug Abuse and Liquor Laws

- **Drug/Narcotics Violations** is defined as the unlawful possession, sale, use, transportation, growing, cultivation, manufacturing, making, distribution, purchase and/or importation of any controlled drug or narcotic substance. Also, violations of laws prohibiting the use of the equipment or devices utilized in their preparation and/or use.
- **Alcohol Violations** is defined as the unlawful possession, sale, transportation, manufacturing, purchase and/or use of alcoholic beverages as well as furnishing

alcohol to a minor (under 21 years old), maintaining unlawful drinking places, bootlegging and operating a still, using a vehicle for illegal transportation of liquor and attempts to commit any of the above.

- **Weapons Violations:** The unlawful possession or control of any firearm, deadly weapon, (including nunchakus or billy clubs) illegal knife or explosive device while on the property of the University of California, except as required in the lawful course of business or as authorized by the UC Merced Chief of Police. Additionally, the unlawful manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

2016-2018 Clery Crime Statistics

UC Merced Clery Criminal Offense 2018 Statistics							
Criminal Offenses	Year	Geographic Location				Unfounded	Total
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Buildings or Property	Public Property		
Murder/ Non-negligent Manslaughter	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Rape	2018	8	2	0	0	0	8
	2017	5	2	0	0	1	4
	2016	1	0	0	0	0	1
Fondling	2018	6	2	0	0	0	6
	2017	8	2	1	0	0	9
	2016	4	0	0	0	0	4
Incest	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Robbery	2018	0	0	0	0	0	0
	2017	0	0	0	1	0	1
	2016	0	0	1	1	0	2
Aggravated Assault	2018	2	1	0	0	0	2
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Burglary	2018	4	4	1	0	0	5
	2017	2	1	6	1	0	9
	2016	5	1	3	0	0	8
Motor Vehicle Theft	2018	2	0	0	0	0	2
	2017	1	0	0	0	0	1
	2016	0	0	2	0	0	2
Arson	2018	2	0	0	0	0	2
	2017	0	0	1	0	0	1
	2016	0	0	0	0	0	0

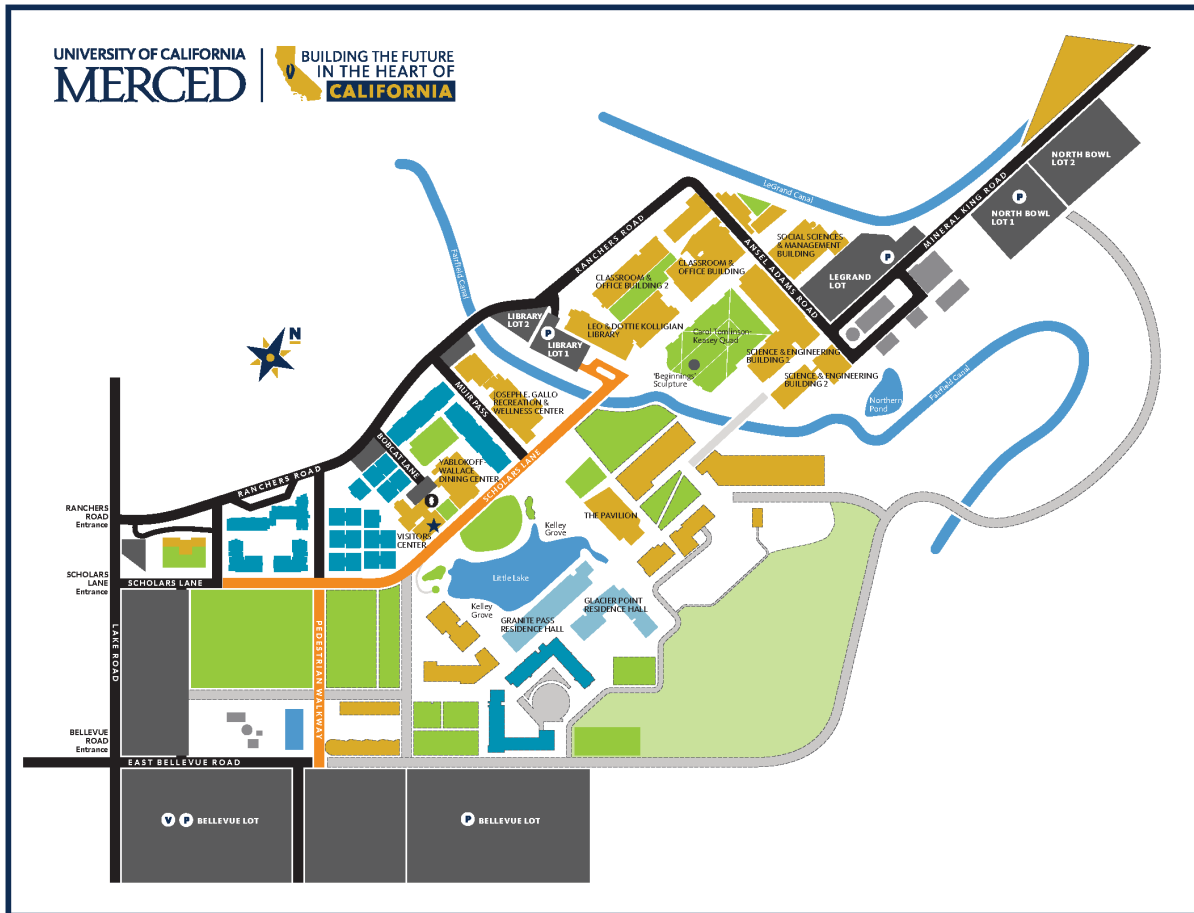
The number of 2018 Motor Vehicle Theft offenses in On-Campus Student Housing Facilities was changed from 1 to zero on 10/14/19. A review of the 2018 data found the removed instance did not occur in On-Campus Student Housing Facilities.

UC Merced Clery Hate Crime Statistics		
Hate Crimes	2018	There were no hate crimes reported.
	2017	There were no hate crimes reported.
	2016	There were no hate crimes reported.

VAWA Offenses							
VAWA Offenses	Year	Geographic Location				Unfounded	Total
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Buildings or Property	Public Property		
Domestic Violence	2018	2	2	0	0	0	2
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Dating Violence	2018	3	1	0	0	0	3
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Stalking	2018	19	2	0	0	0	19
	2017	15	0	0	0	0	15
	2016	8	4	0	0	0	8

UC Merced Clery Arrest and Disciplinary Referral Statistics							
Conduct Referrals	Year	Geographic Location				Unfounded	Total
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Buildings or Property	Public Property		
Arrests: Liquor Law Violations	2018	0	0	0	0	0	0
	2017	3	0	0	1	0	4
	2016	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2018	130	130	0	0	0	130
	2017	57	50	21	0	0	78
	2016	56	56	1	0	0	57
Arrests: Drug Law Violations	2018	2	1	1	3	0	6
	2017	0	0	0	3	0	3
	2016	4	1	4	4	0	12
Disciplinary Referrals: Drug Law Violations	2018	151	150	0	0	6	157
	2017	43	42	20	0	0	63
	2016	10	10	2	0	0	22
Arrests: Weapons Law Violations	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Disciplinary Referrals: Weapons Law Violations	2018	0	0	0	0	0	0
	2017	1	1	0	0	0	1
	2016	0	0	0	0	0	0

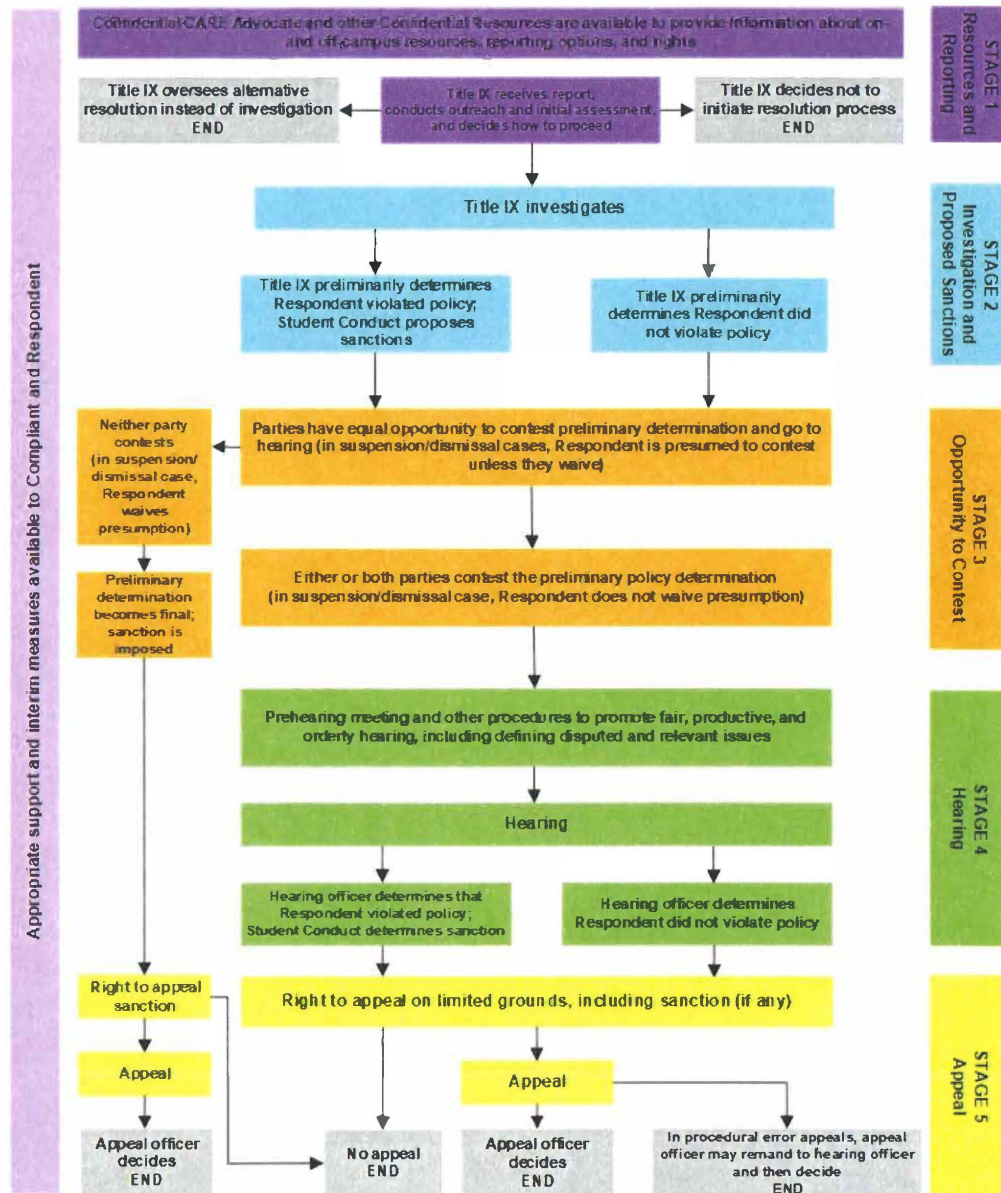
2019 Clery Geographical Map

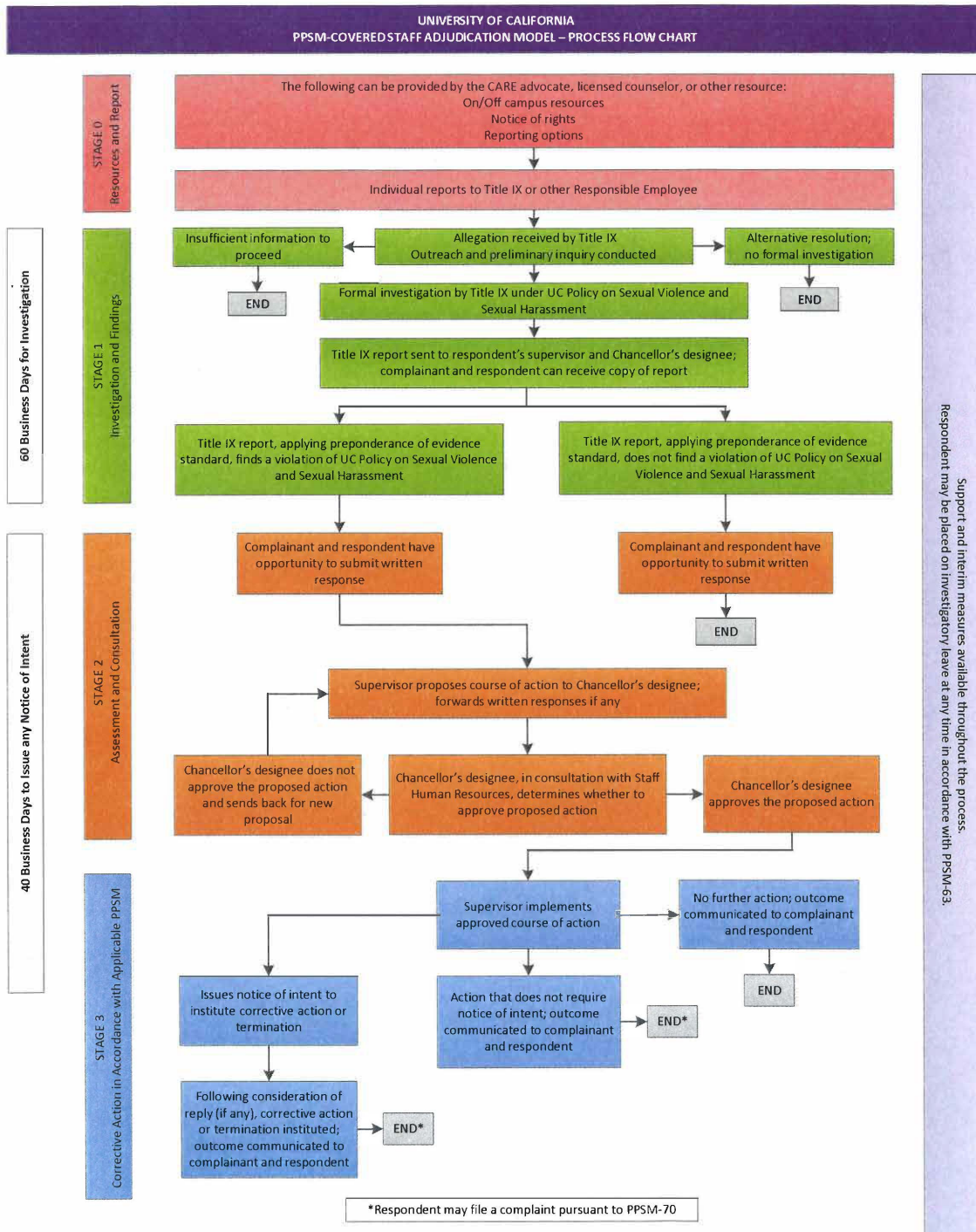


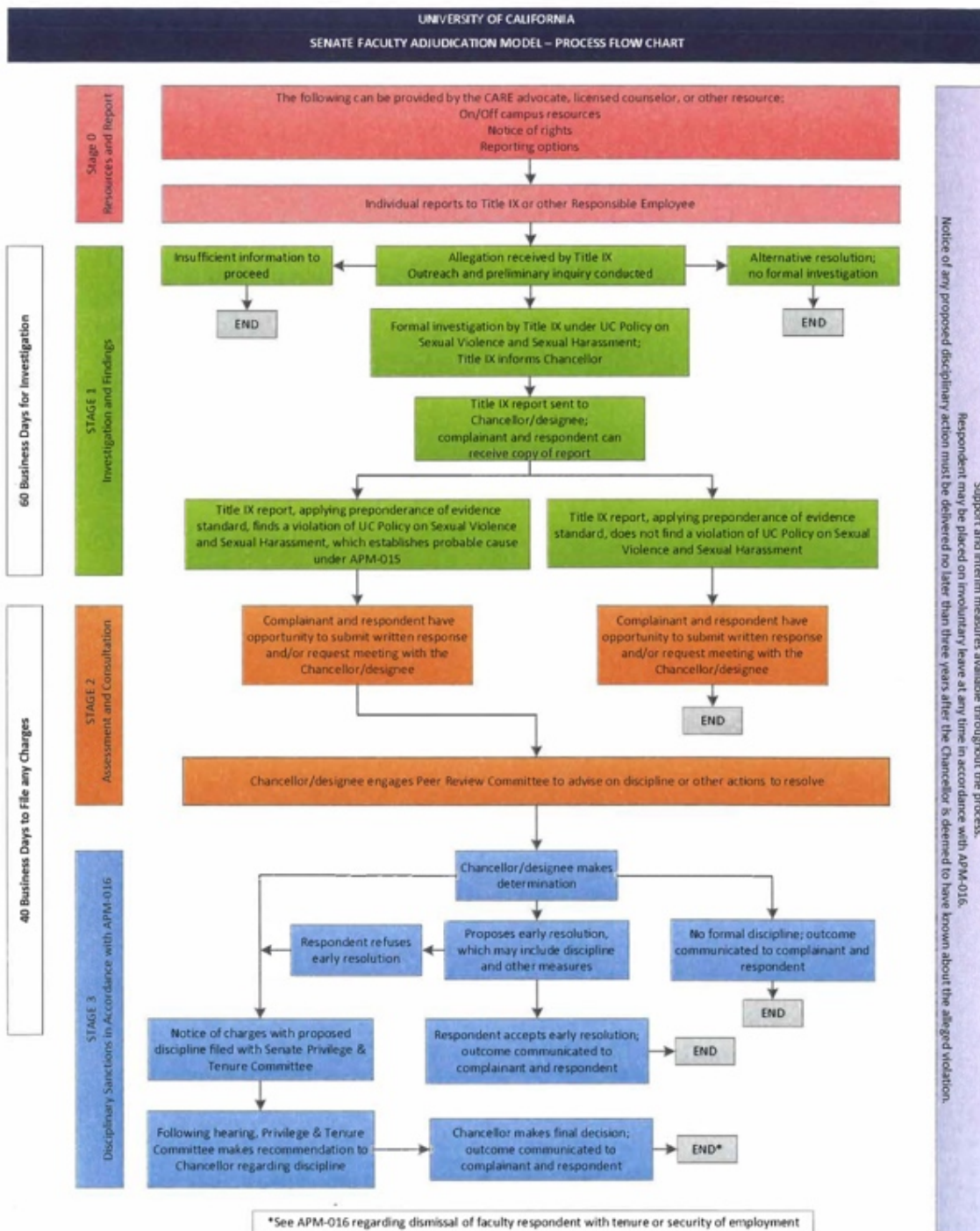
Appendix A-E

University of California – Policy PACAOS

Student Investigation and Adjudication Process Flowchart







UNIVERSITY OF CALIFORNIA
NON-SENATE (NON-REPRESENTED) FACULTY ADJUDICATION MODEL – PROCESS FLOW CHART

