

## UC Common Charter – CARE: Advocacy Office for Sexual and Gender-Based Violence and Misconduct

### CHARGE

CARE: Advocacy Office for Sexual and Gender-Based Violence and Misconduct (CARE) is an independent confidential and/or privileged campus resource for sexual misconduct, including, dating violence, domestic violence, sexual assault, sexual violence, and stalking (see below). The Advocacy Office serves as the primary point of contact for all complainants of sexual misconduct, and other members of the University community who receive reports of sexual misconduct take proactive steps to refer the complainant to CARE.

Independence refers to CARE's reporting to an individual outside the body responsible for investigating and adjudicating sexual misconduct complaints on campus. Confidential resources exist in order to provide a safe space for individuals to discuss their options, learn about resources, and discuss any concerns before deciding to take next steps. According to the University policy, individuals who consult with confidential resources are advised that their discussions are not considered reports of sexual misconduct and that without additional action by the individual, the discussions will not result in any action by the University to resolve their concerns. Unless there is risk of serious harm to others, a confidential advocate cannot share information without the express consent of the individual. Additionally, this information is not considered an official report to the University. For domestic violence, the CARE Advocate is not a privileged resource under the law. CARE Advocates ensure complainants are aware of this legal distinction prior to providing services.

CARE is appropriately staffed and resourced to ensure that there is advocacy support from qualified, trained individuals for complainants 24 hours per day, which includes at least one trained and prepared Advocate on campus ("24-hour support"). For more information about how the campus may accomplish this, please see the section below "Providing 24 Hour Support." The term complainant, for purposes of this document, includes anyone requesting services from CARE in the aftermath of an incident of sexual misconduct and who may also identify as victim, survivor, or reporting party. CARE does not provide services for respondents (see "Scope of Responsibility"). CARE may provide additional staff and services, including prevention and education to students, and training for staff and faculty. Also, CARE may be scaled to provide additional staffing and responsibility to better fit the campus needs.

### MINIMUM REQUIREMENTS

CARE must provide a minimum of one full-time employee Advocate and 24-hour support to complainants (see "Structure & Oversight"). The Advocate reports directly to the Campus Ethics and Compliance Officer (CECO) or Vice Chancellor of Student Affairs (VCSA). In the event either of these roles is not independent from investigating and/or adjudicating sexual misconduct complaints on campus, then CARE reports to another Vice Chancellor-level individual who meets these requirements (see "Structure & Oversight"). The campus may

implement multiple measures to meet the 24-hour support requirements. These other forms of 24-hour support may augment, but may not supplant the need for a full-time employee dedicated to complainant advocacy.

### *Scope of Responsibility*

CARE and its Advocate(s) serve as support for allegations of sexual misconduct and navigating appropriate resources. CARE provides services to all complainants of sexual misconduct, where requested, which may include enrolled students or those who were enrolled students at the time of incident, regardless of when and where the incident occurred. It may also include faculty and staff as the model evolves, but with additional resources as needed. CARE should communicate with complainant in a manner that minimizes the number of times the complainant must retell their story to prevent re-victimization.

The primary role of CARE is to support complainants; however, where appropriate, it has roles in prevention and education, but should not bear responsibility for all the activities related to prevention and education. The Advocate also serves as a subject-matter expert and may sit on associated committees to fulfill the mission of CARE.

The Advocate does not provide services to a respondent; respondents will receive support services from someone of comparable level of skill and support as to that of complainants. This support should span the continuum of the investigation and adjudication process, and will be performed by someone identified and designated by the campus.

### *Services Provided to Complainants*

CARE serves as a resource and provides support in reporting, in facilitating appropriate accommodations (such as housing and academic) and referrals for emotional, psychological, counseling, and medical assistance. The Advocate supports the complainant with all on- and off-campus services, which may include acting as a liaison or cooperating with external individuals and organizations (e.g. the local rape crisis center, family, and friends). CARE and its staff, including the Advocate, must follow FERPA (Family Educational Rights and Privacy Act) and other legal guidelines in these interactions. The confidential and/or privileged role played by CARE is clearly explained to the complainant at the outset of the process and appropriately documented.

The Advocate may support the complainant by getting them to the appropriate services for medical process requirements, including a forensic medical exam, restricted medical exam, prophylactic measures, sexually transmitted infection testing, and healthcare mandated reporting advisement.

The Advocate may explain to the complainant various reporting options, including law enforcement, student conduct, Title IX, anonymous reporting, or no reporting. For these, the Advocate may also support the complainant during the initial interview and follow-up interviews and can serve as the complainant's liaison with the investigative body. If the complainant does file a report, the Advocate assists with navigating with the appropriate subject matter resources various legal and administrative proceedings, including: emergency, temporary, domestic violence and civil restraining orders; Persona non Grata status;

accompaniment to court appointments; No Contact directives; and accompaniment to administrative hearings.

#### *Role on Campus Case Management Team*

CARE participates on the campus case management team (CMT), which bears responsibility for ensuring the campus efficiently and effectively addresses all allegations of sexual misconduct. As part of this CMT, CARE assists with the case management process, as appropriate, ensuring the team remains focused on a trauma-informed approach. The Advocate must be careful to maintain confidentiality during their participation in the CMT's activities, and there may be times when CARE should excuse themselves from the CMT discussions (i.e. discussing specific scenarios or information that would necessitate the Advocate violate their confidential and/or privileged status). Unless there is risk of serious harm to others, a confidential Advocate cannot share information without the express consent of the individual.

### **STRUCTURE & OVERSIGHT**

#### *Reporting*

CARE reports directly to either the Campus Ethics and Compliance Officer (CECO) or the Vice Chancellor of Student Affairs (VCSA). If either of these roles is not independent from investigating and/or adjudicating sexual misconduct complaints on campus, then CARE reports to another Vice Chancellor-level individual who meets these requirements.

#### *Location*

Physical office space is centrally and neutrally located on campus (separate and distinct from any reporting and investigation function) and accessible to students. Existing CARE space will be modified to meet the University's common criteria and incorporate feedback from campus subject-matters experts as appropriate.

#### *Providing 24-hour Support*

The campus must provide support to complainants, 24-hours per day/7days per week. CARE may provide this support through telephone service, office hours, or other methods or there may be defined individuals, trained and qualified, who provide this support when CARE is not available; however, the campus must identify the methods that it uses and then communicate those methods to the campus, the University system, and the larger community surrounding its campus. The campus may engage in agreements with community partners or other University campuses to meet this 24-hour/7 day per week support requirement. Such agreements must include that all complainants with UC affiliations be connected with campus resources and the campus must monitor referrals to assess whether this is happening.

#### *Background & Training*

This position adheres to the minimum requirements of the UC Common Advocate position, based on the job description used across the University. In order to maintain the highest level of confidentiality (confidential and/or privileged), the Advocate must be trained in accordance with the California Evidence Code as well as stalking and domestic violence-specific training and multi-cultural competencies. For further details about training requirements, see

University model job description. The University will provide additional and annual training and professional development as appropriate to ensure the Advocate has the knowledge and experience to support complainants.

### **ASSESSMENT & EVALUATION**

CARE needs to collect data to assess its effectiveness and ability to make positive contributions to complainants and the larger campus efforts to prevent and respond to sexual misconduct. CARE should aggregate and de-identify information in these reports. To better observe CARE's impact on campus efforts, this aggregate information is shared with the Campus Coordinated Review Team for Sexual and Gender-Based Violence and Misconduct (CCRT) in order to identify gaps and weaknesses in CARE's and the campus' policies and processes. For example, this aggregate information from CARE can assist the CCRT in identifying themes about incidents of sexual misconduct on campus and changing policies and procedures, as appropriate. Cultural variables around sexual misconduct are discussed and considered in policy and training content. As appropriate, CARE provides aggregated, de-identified information to the University Office of Ethics, Compliance, and Audit Services (ECAS) in order to assess the impact of University efforts to support complainants. CARE should also work with University partners to develop a confidential feedback mechanism so that complainants may inform CARE about their effectiveness, and service quality. Metrics established systemwide will also be collected, reviewed at the campus level, and measured on a periodic basis (i.e. every 6 months) and provided to ECAS.