



Annual Clery Act Campus Security Report

UC Santa Barbara is committed to providing a safe and secure campus environment for our students, faculty, staff and visitors; but, like all communities, UCSB does experience accidents, crime, and injury. This Website is designed to help our community members enhance their own safety by better understanding our campus environment and the many resources available to them.

---Michael D. Young, Vice Chancellor, Student Affairs

The University of California, Santa Barbara campus safety report, "Dedicated to the Safety of Our Community" is published annually to provide safety policies, information and statistics to its community and to prospective students and employees. Statistics on the reported occurrences of criminal activity are made public in accordance with the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act", formerly the Student Right to Know and Campus Security Act.

Annual Clery Act Campus Security Report

The report includes the following:

- Campus and Community Crime Statistics
- Policies for Reporting Crimes and Emergencies
- Collection and Distribution of Crime Statistics
- Campus Security Authorities and Reporting/ Contact Resources
- Security of and Access to Campus Facilities
- Policies Concerning Law Enforcement
- Programs About Security Practices and Programs to Inform About Crime Prevention
- Policies on Monitoring Crimes by Students at Off-Campus Sites Controlled by Recognized Student Organizations
- Policies on Alcoholic Beverages, Illegal Drugs, and Drug and Alcohol Abuse Programs
- University and Campus Sexual Violence Policies and Procedures
- Campus Sexual Violence Prevention Programs and Resources
- Registered Sex Offender Information
- Emergency Notification and Timely Warnings Policy
- Missing Student Notification Policy
- Annual Fire Safety Report
- Helpful Links

Questions regarding the Clery Act Campus Security Report can be directed to Barbra Ortiz, UCSB Clery Act Compliance Coordinator at (805) 893-7884 or ortiz-b@sa.ucsb.edu.

Campus and Community Crime Statistics

PDF Format Graphs:

Clery Report 2013 Statistics

PDF Address: <http://www.sa.ucsb.edu/docs/default-source/clery-act/2013-clery-stats.pdf>

Clery Report 2011-2012-2013 Statistics

PDF Address: <http://www.sa.ucsb.edu/docs/default-source/clery-act/2011-2012-2013-clery-stats.pdf>

Crime Statistics Note: The crimes are defined by the FBI Uniform Crime Reporting standards. Hate crime statistics are any of the crimes listed in the main report plus larceny theft, simple assault, intimidation and destruction, damage or vandalism of property when the crime was motivated by hostility to the victim's real or perceived race, religion, sexual orientation, ethnicity, or disability. For information on how Clery Act crimes are defined, please access the U.S. Department of Education Campus Security Web site at:

<http://www.ed.gov/admins/lead/safety/campus.html#handbook>.

Additional data on reported crimes in Isla Vista not reflected in this report are maintained and available from the Isla Vista Foot Patrol.

For information on the provided crime statistics or general questions on Isla Vista and the surrounding community, please contact:

California Highway Patrol

(traffic-related matters)

967-1234

www.chp.ca.gov

UCSB Police Department

893-3446

<http://www.police.ucsb.edu/>

Isla Vista Foot Patrol

(IV FAQs, survival guide and relevant laws)

681-4179

<http://www.sbsheriff.org/ivfaqs.html>

<http://www.sbsheriff.org/ivsurguide.html>

<http://www.sbsheriff.org/lawsays.html>

Santa Barbara City Police 897-2300
<http://www.santabarbaraca.gov/gov/depts/police/default.asp>

Santa Barbara County Sheriff 681-4100
(issues pertaining to the Goleta community)
www.sbsheriff.org

Office of Judicial Affairs 893-4467
(student conduct & hate crimes/hate incidents)
judicialaffairs.sa.ucsb.edu

Policies for Reporting Crimes and Emergencies

The University encourages the reporting of any incident or crime occurring on campus property through one of two mechanisms: filing a report with the UCSB Police Department or reporting anonymously to one of the appointed crime reporting officials listed under Campus Security Authorities in this report. For emergencies, call 911 from phones with prefixes other than 893, or 9-911 from campus phones with the 893 prefix. Emergency telephones are in red boxes (bird houses) or in elevators marked "For Emergency Use." In those cases where there exists a threat to the community, the Police shall determine all matters regarding potential danger and issue timely news releases to the community and to the media. See *Emergency Notification and Timely Warning Policy* section.

Collection and Distribution of Crime Statistics

"Dedicated to the Safety of Our Community" serves as the campus security report for the UC Santa Barbara campus. In 1998, the federal government passed The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, formerly The Student Right-to-Know Act of 1990. This law requires colleges and universities receiving federal funding to disclose reported instances of criminal activity on their campuses. The Clery Act requires the compilation and disclosure of campus crime statistics, campus safety policies, and crime log information, as well as provision of information on timely warning requirements. The Act protects whistleblowers by prohibiting retaliatory action against any individual with respect to the implementation of any provision of the Clery Act.

The UC Santa Barbara Police Department has responsibility for gathering statistics, identifying reportable crimes, and reporting statistics to the [Department of Education](#),

the Federal Bureau of Investigation (FBI), and the public (refer to the UC Annual Report at: <http://police-statistics.universityofcalifornia.edu/>) Statistics are reported by UCSB in different formats and categories depending upon legal requirements. The FBI requires campuses to report different crimes than are required by the Clery Act, while the Clery Act requires statistics to be reported from a wider geographic area than the FBI (e.g., adjacent public property and student organization properties). The Clery Act also requires reports of student disciplinary referrals in addition to arrests for drug, alcohol, and weapons offenses. Further, the Clery Act mandates the collection of information on incidents reported to non-law enforcement Campus Security Authorities having "significant responsibility for students or campus activities."

The FBI requires reporting only of crimes reported to the police. In compliance with the Clery Act, the UCSB Police Department and Office of Student Life have produced this report, "Dedicated to the Safety of Our Community," which contains the aforementioned information. The campus security report is compiled using previous calendar year statistics gathered from the following sources: crime reports received by the UCSB Police Department; crime statistics compiled by outside police agencies; and incident reports received by other Campus Security Authorities. In addition to incident reports, information and comments are solicited from the Campus Security Authorities. All crime statistic submissions are analyzed for duplicate reporting then compiled into tables. Annually in early fall, registered students and all faculty and staff receive notification of the availability of updated crime statistics on the "Dedicated to the Safety of Our Community" web site. Prospective employees and students are also provided with notification of the UCSB web site. A hardcopy of the report is available upon request by contacting the Office of Student Life at (805) 893-7884.

UCSB makes continual efforts to reduce crime on campus and supports a reporting philosophy that encourages victims or witnesses to report all incidents immediately to either the UCSB Police or anonymously to a Campus Security Authority. However, in cases of sexual assault, the University recognizes that reporting to law enforcement is a personal decision and respects the right of the survivor to make that decision. Incidents that may or may not be crimes may be reported to Campus Security Authorities which include, in addition to the Police Department, those with responsibility for controlling access to buildings or facilities and officials having significant responsibility for student or campus activities. Licensed counselors (including certified Sexual Assault Victim Counselors) and campus clergy (pastoral counselors) are exempt from reporting requirements. UCSB encourages counselors and clergy, if and when they deem it appropriate, to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis for inclusion in the campus security report.

Non-police Campus Security Authorities receiving reports of incidents that may be reportable crimes under the Clery Act report the incident to the Campus Security Authority Coordinator located in UCSB's Women, Gender, & Sexual Equity Department. These reports are confidential unless the victim gives permission to

document identifying information or for police to investigate. This information is "cross-referenced with reports received by the police in order to reduce the risk of duplicate reporting. The UCSB Police Department also reviews the information to ensure the incidents listed are congruent with FBI Uniform Crime Reporting classifications. Federal regulations specify that crime statistics must be compiled "using the definitions of crimes provided in the FBI's Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection." An incident need not be included as a crime statistic unless "the appropriate law enforcement officials conclude that the crime did occur with the same degree of certainty that they would require for purposes of reporting under the FBI's Uniform Crime Reporting System." Because incidents not reported to the police usually cannot be verified as crimes in the same way that law enforcement agency reports can be verified, the campus security report may not list them as "crimes."

[Campus Security Authorities and Reporting/Contact Resources](#)

CAMPUS SECURITY AUTHORITIES

Kim Equinoa	Women’s Center	893-3778
Farfalla Borah	Human Resources- Labor/Employee Relations	893-4482
Kristen Burnett	Housing and Residential Services	893-4824
Kelly Barsky	Intercollegiate Athletics	893-2247
Katya Armistead	Office of Student Life	893-8912
Diane O’Brien	Office of the Chancellor	893-8182
Simran Singh	Office of International Students and Scholars	893-8377
Zaveeni Khan-Marcus	MultiCultural Center	893-8411
Stephan Franklin	Office of Judicial Affairs	893-4467

Kristen Gibson	Office of Equal Opportunity and Sexual Harassment/Title IX Compliance	893-5410
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Klint Jaramillo	Resource Center for Sexual & Gender Diversity	893-5846
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Cindy Doherty	Academic Personnel	893-8332
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Gary White	Disabled Students Program	893-2182
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Other Campus Safety Contacts (Deans, Department Heads and Directors)

Dean, College of Creative Studies	Bruce Tiffney
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Dean, College of Engineering	Rod C. Alferness
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Deans of College of Letters & Science:

Humanities & Fine Arts	John Majewski (Interim)
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Life & Physical Sciences	Pierre Wiltzius
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Social Sciences	Melvin Oliver
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Undergraduate Studies	Carl Gutierrez-Jones (Acting)
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Dean, Gevirtz Graduate School of Education	Merith Cosden (Acting)
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Dean, Graduate Division	Carol Genetti
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Dean, Bren School of Environmental Science & Management	Steven Gaines
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Dean, University Extension/Off-Campus Studies	Michael Brown
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Director, Summer Sessions	Cindy Bumgarner
Associate Dean, Student Life & Activities	Katya Armistead
Associate Dean, Student Academic Support Services	Lupe Navarro Garcia
Director, Marine Science Institute	Mark Brzezinski
Director, Intercollegiate Athletics	Gary Cunningham (Acting)
Director, Recreation/Department of Exercise & Sport Studies	Jon Spaventa
Executive Director, Associated Students	Marisela Marquez
Director, Residential & Community Living	Jill Hurd
Senior Associate Dean, Enrollment & Student Academic Support Services	Mary Jacob
Director, Transportation & Parking Services	Tom Kenna
Director, University Center	Gary Lawrence (Interim)
Sexual Harassment Officer	Ariana Alvarez
Director, Human Resources	Cynthia Seneriz (Acting)
Police Chief, Police Department	Dustin Olson

University Librarian

Denise Stephens

Senior Associate Dean, Student Life

Debbie Fleming

Assistant Vice Chancellor, Student Academic Programs

Claudine Michel

In addition to the above-designated individuals, members of the campus community may make a confidential report of crime to any UCSB staff member who has significant responsibility for campus and student activities.

ALCOHOL AND OTHER DRUGS

Alcohol & Drug Program (for students)	Student Health Bldg 588	893-5013 (Appointments) 893-3371 (Information)
Academic & Staff Assistance Program	Human Resources 3101 SAASB	893-3318
Emergencies Only		911 or 9-911
Police Department	Public Safety Building	893-3466 (non-emergency)
CSO Escort Service	Public Safety Building	893-2000
CSO Office	Public Safety Building	893-5293
Campus Advocacy, Resources & Education (CARE)	Women's Center	893-3778

[Access to Campus Facilities](#)

Most campus buildings and facilities are accessible during normal business hours, Monday-Friday 8 a.m. - 5 p.m., and for limited hours during weekends.

Residential Facilities

The University Residence Halls and Westgate Apartments are locked at 11 p.m. each night. Only residents with assigned keys are allowed unlimited access to these buildings, and the same is true for the individual units in Single Student Apartments and Family Student Housing. The Community Service Organization assists in checking that all exterior doors are locked between midnight and 6 a.m. daily. All facilities are staffed by trained professionals and paraprofessionals who may be reached 24 hours a day.

Policies Concerning Law Enforcement

The UCSB Police Department is responsible for the safety and security of the UCSB campus as well as properties owned, controlled, or occupied by the University. It is open 24 hours a day and is located in the Public Safety Building. The UCSB Police Department works in cooperation with all area agencies. University Police officers, Santa Barbara County deputies, and California Highway Patrol officers work together to staff the Isla Vista Foot Patrol, located at 6504 Trigo Road in Isla Vista. A Memorandum of Understanding (MOU) governing the joint operation of the Isla Vista Foot Patrol exists between the Regents of the University of California on behalf of the University of California, Santa Barbara Police Department, and the County of Santa Barbara, on behalf of the Santa Barbara Sheriff's Office.

Units in the UCSB Police Department include:

- **Police Officers**
UCSB officers have statewide jurisdiction, are duly sworn under section 830.2 of the California Penal Code, and are trained under state guidelines and mandates. Officers maintain patrol coverage on foot, bicycle, and in motor vehicles.
- **Community Service Organization (CSO)**
The CSO functions as a liaison between students, community members, and the police. CSO members patrol the campus on bicycles, report emergencies, provide security for campus events, offer personal safety escorts, and conduct a program of bicycle safety education, licensing, and enforcement.

Programs About Security Practices and Programs to Inform About Crime Prevention

The University is committed to providing and maintaining an environment in which all members of the UCSB community are able to work without fear of uncivil behavior or violence. In the aftermath of recent national and county shootings, questions naturally arise regarding the safety of our own community and procedures in place to address the prevention and/or response to acts of violence on campus.

While there are no failsafe solutions to preventing violence, we do have measures in place to enhance our community's safety. These measures include:

Threat Management Team (TMT)

This multi-discipline approach to evaluating and mitigating potential workplace violence was first established on campus in 1998 (formally known as CARE). This group has expanded and undergone improved training to address the needs of today's environment. Direct contact for assistance can be made via campus extension 5465 or visit their website at: <http://www.tmt.ucsb.edu/overview/>.

One or more of these warning signs may be displayed before a person becomes violent and should trigger concerns that can be reported to TMT:

- Verbal, nonverbal, or written threats or intimidation, explicit or subtle
- Fascination with weaponry and/or acts of violence; carrying a concealed weapon
- Expression of persecution, expressed distrust, especially with management
- Fear reaction to employee among coworkers/clients
- Expression of extreme desperation over family, financial or personal problems
- Frequent interpersonal conflicts, displays of unwarranted anger
- Unable to take criticism of job performance
- Violence towards inanimate objects
- Sabotaging projects, computer programs or equipment
- Holding a grudge against a specific person; verbalizing a hope that something will happen to him/her
- Romantic obsession, stalking, and/or domestic violence

Campus Police

The UCSB Police Department maintains a staff of approximately 103 members, consisting of 38 sworn police officers and 70 student CSO's dedicated to crime suppression and prevention. Police officers receive extensive scenario training that includes active shooter situations. Because of our involvement in the Isla Vista Foot Patrol, our officers also train with the Santa Barbara sheriff's deputies in all areas of mutual concern. We recommend that you program the police department phone number into your cell phone, 805-893-3446. Contact can be made at any time, emergency or not. Call 9-911 from campus phones.

In keeping with effective emergency planning, all campus employees should be familiar with their department emergency plans and evacuation routes. In response to a report of a shooting from a building or other area of campus, we recommend the following additional safety tips.

- Get everyone to lie down, away from windows, lock doors and secure in place.
- Do not evacuate rooms or buildings if you are safely secured unless told to do so by police or unless it is absolutely clear that it is safe to do so.
- If you must flee the immediate area of gunfire, run in a zigzag pattern and try to utilize any obstructions between you and the gunfire. Try not to run down a long hallway.
- Call 911 (or 9-911 from campus phone). Remain calm and provide as much information as requested to provide a proper emergency response.
- If you are in an open area, move swiftly away from the sound of gunfire and find safe cover positions. Try to get inside or behind a building.
- Wait and listen for directions from police.

IMPORTANT NOTE: Police personnel are trained to respond to an active shooter incident by entering the building or facility as soon as possible, and proceeding toward the threat or shooter(s). They will move quickly and directly toward the threat. Early on in an incident, the police may not be able to rescue individuals because their main goal is to stop or neutralize the threat. Individuals need to follow the responding officers' orders exactly as told. Rescue teams will be formed as resources become available, normally, this will be shortly after the first responders.

If you have any questions or suggestions, or would like to schedule emergency preparedness training for your building or department, please contact Community Relations Sergeant Rob Romero at 893-4063.

For further information about crime prevention, or to schedule a presentation regarding crime prevention, stalking, identity fraud, active shooter safety, please contact Sergeant Robert Romero, rob.romero@police.ucsb.edu or (805) 893-4063. The UCSB Police Department offers training and lectures customized for your group or department.

Campus Advocacy, Resources & Education (CARE)

The Campus Advocacy, Resources & Education Program provides ongoing education programs about sexual assault, dating and domestic violence, and stalking. Programs explain laws and definitions, suggest strategies to increase safety, and dispel common myths about interpersonal violence. CARE also provides assistance for survivors of sexual violence and their families and friends. Assistance includes crisis intervention, information about reporting to law enforcement and the Office of Judicial Affairs, help with legal and medical questions, assistance with academic and housing accommodations, and referrals to other campus and community resources.

[Policy on Off-Campus Criminal Activity](#)

The University of California, Santa Barbara has asked law enforcement agencies in Isla Vista, Goleta and Santa Barbara jurisdictions to inform its student judicial affairs officer whenever a student is charged with a serious criminal offense, in particular physical abuse and threats of violence, including sexual assault, sexual harassment, stalking, and hazing. The campus will determine whether there is sufficient information to warrant a separate campus disciplinary investigation. In soliciting such notification and information, UC Santa Barbara does not distinguish where in the police or sheriff jurisdiction the offense took place.

[Policies on Alcoholic Beverages, Illegal Drugs, and Drug and Alcohol Abuse Programs](#)

UCSB Substance Abuse Policy:

The text that follows is an excerpt from the policy. The full text of the UCSB Substance Abuse Policy can be found at <http://www.policy.ucsb.edu/policies/policy-docs/substance-abuse.pdf>.

POLICY

- Employees and students are prohibited from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or alcohol in the workplace, on University premises, at University activities, or while conducting University business.
- Employees and students shall not use illegal substances and shall not abuse legal substances in a manner that impairs job performance, scholarly activities, or student life.

- Employees directly or indirectly involved in work on or for a federal grant or contract are required, as a condition of employment on the grant or contract, to notify the University within five (5) calendar days if they are convicted of any criminal drug statute violation for activity occurring at the workplace, at the location of any grant/contract activity, or while on University business.

SUBSTANCES DEFINITION

The term "substances" includes both illegal and legal substances:

1. Illegal substances are those controlled substances (narcotics, barbiturates, amphetamines, cocaine, cannabis, hallucinogens, and synthetic drugs) listed in the Federal Controlled Substances Act.
2. Legal substances are:
 - a. Alcoholic beverages,
 - b. Tobacco products,
 - c. Controlled substances as listed in the Federal Controlled Substances Act that are prescribed or administered by a licensed physician or health-care professional or are purchased and used for approved scientific research,
 - d. Over-the-counter drugs and products.

HEALTH RISKS

Substance abuse may result in serious health problems, or even sudden death, which in the case of some drugs (e.g., cocaine) can occur after first-time use. The following is a partial list of other potential health risks:

Acute problems

Heart attack
Stroke
Long-lasting effects
Disruption of normal heart rhythm
High blood pressure
Destruction of brain cells
Permanent memory loss
Infertility and impotency
Immune system impairment
Kidney failure
Cirrhosis of the liver
Pulmonary damage

Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties. For more information on health risks, students may contact the

UCSB Alcohol and Other Drugs Program and employees may contact the Academic and Staff Assistance Program.

COUNSELING SERVICES

Employees and students are encouraged to voluntarily seek assistance for substance abuse and dependency problems. Supervisors may also refer individuals with substance abuse problems to campus counseling services. UCSB offers the following programs:

- Employees-Academic and Staff Assistance Program (ASAP) counselors help identify community treatment programs.
- Students-Counselors from Student Health Alcohol and Other Drugs Program and from Counseling and Career Services offer short-term counseling and referral.

Information obtained during these counseling sessions is confidential and will not be released without the written consent of the employee or student except as authorized or required by federal or state law.

EMPLOYEES

Employees may use approved vacation or sick leave, or may request leaves of absence, to seek assistance for drug- and alcohol-related problems. When an employee's job performance appears impaired from the use of an illegal substance or abuse of a legal substance, including alcohol, the supervisor must take appropriate action, which may include referral to ASAP, corrective action, or UCSB Police Department intervention. Supervisors are encouraged to seek assistance from their department head, Human Resources (Labor and Employee Relations or ASAP) or Academic Personnel. Employees found to be in violation of the UCSB substance abuse policy may be subject to corrective action, up to and including dismissal, and/or referral for prosecution. An employee may also be required to participate in an approved counseling or treatment program.

EMPLOYEES INVOLVED WITH A FEDERAL GRANT/CONTRACT

If an employee is directly or indirectly involved in work on a federal grant or contract and is convicted of violating any criminal drug statute for activity occurring in the workplace or while on University business, the following provisions apply:

1. The employee must notify his or her supervisor within five (5) calendar days of the conviction. Failure to do so may result in corrective action, up to and including dismissal.
2. A supervisor who is aware that an employee has been convicted must immediately report the conviction to the UCSB Office of Research.
3. The Office of Research will in turn report the conviction to the federal agency administering the contract or grant within ten (10) calendar days of receiving notice of a conviction.
4. The employing department is required by law to do one of the following within thirty (30) days of notification of the conviction:
 - a. Take appropriate personnel action, up to and including termination, or
 - b. Require the employee to participate satisfactorily in a substance abuse program.

STUDENTS

All students are accountable to the University discipline provisions of the Campus Regulations Applying to Campus Activities, Organizations, and Students.

Students found guilty of violating the UCSB policy on substance abuse are subject to disciplinary sanctions, up to and including suspension or dismissal, and/or referral for prosecution. A student may also be required to participate in an approved counseling or treatment program.

LEGAL SANCTIONS

The list below does not include all applicable laws; moreover, laws may change over time. Individuals are expected to be aware of current federal, state, and local laws. For more information on the state and federal laws governing controlled substances, see the UCSB Police Department Web Page at <http://police.ucsb.edu>, or call 893-3446.

LAWS AND ORDINANCES GOVERNING CONTROLLED SUBSTANCES

- Manufacture, possession, possession for sale, sale, or distribution is illegal (Health and Safety Code sections 11350, 11351, 11352, 11377, 11378, 11379, 11379.6). Possession of drug paraphernalia is illegal (Health and Safety Code section 11364). All are felony-classified crimes with a possible \$10,000 fine per violation and/or a state prison sentence.
- The convicted party can be precluded from all federal and/or state monetary benefits.
- The convicted party, if not a U.S. citizen, can be deported and excluded from re-entry to the United States.
- The convicted party's personal property traceable to the crime is subject to forfeiture.

LAWS AND ORDINANCES GOVERNING MARIJUANA

- Cultivation, possession for sale, or sale is a felony and may result in a prison sentence and fine (Health and Safety Code sections 11358, 11359, 11360).
- Possession of less than one ounce is a misdemeanor punishable with up to one year in county jail and/or up to \$1000 in fines (Health and Safety Code section 11357(b)).
- If found possessing in a vehicle, an additional one year driver's license suspension can be sentenced (Vehicle Code section 23222(b)).
- Possession of marijuana paraphernalia is a misdemeanor violation, which may result in a fine of \$108 for the first conviction (Santa Barbara County Ordinance section 13A-3).

LAWS AND ORDINANCES GOVERNING ALCOHOL

- Driving under the influence with a blood alcohol content (BAC) level of .08 or higher or driving under the influence of a drug or combination of both is a misdemeanor with possible fines of upwards of \$7,000, county prison sentence, and driver's license suspension (California Vehicle Code sections 23152 (a) & (b)).
- Drivers under 21 with a BAC of .01 or higher can have their vehicles towed and driver's license suspended, and be sentenced to not less than 96 hours in jail nor more than six months, and completion of an alcohol program and three years probation (California Vehicle Code sections 23136 and 23140).
- Bicycling under the influence (.08 BAC or higher) can result in jail sentencing and a \$250 fine. Riders under 21 may also lose their driver's license for one year (California Vehicle Code section 21200.5).
- Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises (e.g., bar or licensed club or restaurant) is guilty of a misdemeanor (California Business and Professions Code section 25658(a)).
- Selling alcohol without a license is a misdemeanor (California Business and Professions Code section 23301).
- Possession of alcohol by anyone under 21 on a street, highway, or place open to public view can result in a citation, mandatory court appearance, driver's license suspension, fines up to \$650, and proof of completion of a Youth Offender Program (California Business and Professions Code section 25662).
- Attempting to purchase alcohol using false identification can result in jail time and a minimum fine of \$200 (California Business and Professions Code section 25661).
- Public intoxication is a misdemeanor offense and can result in jail time and a fine (California Penal Code section 647(f)).

- Selling or furnishing alcohol to a person under 21 or to an obviously intoxicated person is a misdemeanor (California Business and Professions Code section 25658).

Possession of an open container of alcohol on public streets, sidewalks, highways, parking lots or alleys can result in a \$108 fine, plus a \$125 to the Victim's Relief Fund for a first conviction (Santa Barbara County Ordinance section 36-3 SBCO).

University and Campus Sexual Violence Policies and Procedures

Academic Officer:	Vice Provost – Academic Personnel
Academic Office:	AP – Academic Personnel
Student Officer:	VP – Student Affairs
Student Office:	SA – Student Affairs
Staff Officer:	VP – Human Resources
Staff Office:	HR – Human Resources
Issuance Date:	02/25/2014
Effective Date:	02/25/2014
Scope:	This policy applies to all University employees and students

	Academic	Student	Staff
Contact:	Janet Lockwood	Eric Heng	Jeannene Whalen
Email:	janet.lockwood@ucop.edu	eric.heng@ucop.edu	jeannene.whalen@ucop.edu
Phone #:	(510) 987-9499	(510) 987-0239	(510) 987-0853

I. POLICY SUMMARY

The University of California is committed to creating and maintaining a community 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 University prohibits sexual harassment and sexual violence, and that such behavior violates

both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence (hereafter referred to as *Policy*). This *Policy* applies to all University of California employees and students at its campuses, the Lawrence Berkeley National Laboratory, the Medical Centers, the Office of the President, Agriculture and Natural Resources, and its University programs and activities. This *Policy* furthers the University's commitment to compliance with the law and to the highest standards of ethical conduct as outlined in the University's Statement of Ethical Values and Standards of Ethical Conduct.

II. DEFINITIONS

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive. Sexual harassment includes sexual violence (see definition below). The University will respond to reports of any such conduct in accordance with the *Policy*.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Consistent with the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09, harassment of one student by another student is defined as unwelcome conduct of a sexual nature that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities.

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

Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom

the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

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

Consent is *informed*. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

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

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

For purposes of this *Policy*, the age of consent is consistent with California Penal Code Section 261.5.

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or

whether a reasonable person should have known, that the complainant was incapacitated.

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

Executive Officer: The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agricultural and Natural Resources.

III. POLICY TEXT

A. General

The University prohibits sexual harassment and sexual violence. Such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this *Policy*.

B. Prohibited Acts

This *Policy* prohibits sexual harassment and sexual violence as defined in Section II. Conduct by an employee that is sexual harassment or sexual violence in violation of this *Policy* is considered to be outside the course and scope of employment.

C. Consensual Relationships

This *Policy* covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies. For example, policies governing faculty-student relationships are detailed in The Faculty Code of Conduct.¹ Locations may have local policies pertaining to consensual relationships. While romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence.

D. Gender Identity, Gender Expression, or Sexual Orientation Discrimination

Harassment that is not sexual in nature but is based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation also is prohibited by the University's nondiscrimination policies² if it denies or limits a person's ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be

¹ The Faculty Code of Conduct may be found in the [Academic Personnel Manual \(APM\) Section 015](#).

² [University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment](#); [Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices](#); [Academic Personnel Manual \(APM\) Section 035, Affirmative Action and Nondiscrimination in Employment](#); [Personnel Policies for Staff Members 12, Nondiscrimination in Employment](#); [University of California Policies Applying to Campus Activities, Organizations, and Students](#); and [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#).

distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.

E. Retaliation

This *Policy* prohibits retaliation against a person who reports sexual harassment or sexual violence, assists someone with a report of sexual harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

F. Dissemination of the Policy, Educational Programs, and Employee Training

As part of the University's commitment to providing a working and learning environment free from sexual harassment and sexual violence, this *Policy* shall be disseminated widely to the University community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. The locations shall make preventive educational materials available to all members of the University community to promote compliance with this *Policy* and familiarity with local procedures. The locations shall designate University employees responsible for reporting sexual harassment and sexual violence and make available prevention training to designated employees. In addition, the University will provide annual training to investigators and hearing officers. Each location shall post a copy of this *Policy* in a prominent place on its website(See Section V. Procedures).

G. Reporting Sexual Harassment or Sexual Violence

Any member of the University community may report conduct that may constitute sexual harassment or sexual violence to any supervisor, manager, or Title IX Officer (Sexual Harassment Officer). Supervisors, managers, and other designated employees are responsible for promptly forwarding such reports to the Title IX Officer (Sexual Harassment Officer) or other local official designated to review and investigate sexual harassment and sexual violence complaints. Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment or sexual violence who knew about the incident and took no action to stop it or failed to report the prohibited act may be subject to disciplinary action.

Each location shall identify confidential resources with whom members of the University community can consult for advice and information regarding making a report of sexual harassment or sexual violence. Requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. See Section V.E and F for more information regarding confidentiality and privacy. Also, an

individual may file a complaint or grievance alleging sexual harassment or sexual violence under the applicable University complaint resolution or grievance procedure (*Section V. Procedures; Appendix I: University Complaint Resolution and Grievance Procedures*).

H. Response to Reports of Sexual Harassment or Sexual Violence

The locations shall provide prompt and effective response to reports of sexual harassment or sexual violence, which may include Early Resolution, Formal Investigation, and/or targeted prevention training or educational programs. See Section V, Procedures for more information.

If an individual reports to the University that the individual has been a victim of domestic violence, dating violence, sexual assault, or stalking, s/he shall be provided with a written explanation of the individual's rights and options whether the offense occurred on- or off-campus or on any University location.

Upon a finding of sexual harassment or sexual violence, the University may offer remedies to the individual or individuals harmed by the harassment and/or violence consistent with applicable complaint resolution and grievance procedures (*Appendix I: University Complaint Resolution and Grievance Procedures*). Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions, such as changes in academic, living, transportation, or working situations.

Any member of the University community who is found to have engaged in sexual harassment or sexual violence is subject to disciplinary action including dismissal in accordance with the applicable University disciplinary procedure (*Appendix II: University Disciplinary Procedures*) or other University policy. Generally, disciplinary action will be recommended when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs.

I. Free Speech and Academic Freedom

As participants in a public university, the faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This *Policy* is intended to protect members of the University community from discrimination, not to regulate protected speech. This *Policy* shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this *Policy* shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless

and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

J. Additional Enforcement Information

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate complaints of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC, DFEH or OCR.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

Responsible Officers have the authority to develop procedures or other supplementary information to support the implementation of this *Policy*. Responsible Officers may apply appropriate and consistent interpretations to clarify the *Policy* provided that the interpretations do not result in substantive changes to the *Policy*.

The Executive Officer at each location is authorized to establish and is responsible for local procedures to implement the *Policy*. Local procedures must be consistent with the *Policy*. Exceptions to procedures required by the *Policy* must be approved by the Executive Officer.

Executive Officers and Responsible Officers are authorized to determine responsibilities and authorities at secondary administrative levels to establish local procedures necessary to implement the *Policy*.

B. Revisions to the Policy

The President approves the *Policy* and has the authority to approve revisions upon recommendation by the Responsible Officers.

The Responsible Officers have the authority to initiate revisions to the *Policy* consistent with approval authorities and applicable Bylaws, Standing Orders, and Policies of The Regents.

The UC Provost and Executive Vice President, and the Executive Vice President – Business Operations have the authority to ensure that the *Policy* is reviewed regularly and updated in a manner that is consistent with other University policies.

C. Approval of Actions

Actions within the *Policy* must be approved in accordance with local procedures.

D. Compliance with the Policy

The Executive Officer at each location will designate the local management office responsible for monitoring, enforcing, and reporting *Policy* compliance.

The Senior Vice President – Chief Compliance and Audit Officer will periodically audit and monitor compliance with the *Policy*.

E. Noncompliance with the Policy

Noncompliance with the *Policy* is managed in accordance with the [Policy on Student Conduct and Discipline](#), Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters, and in accordance with other University policies, including but not limited to, [The Faculty Code of Conduct \(APM - 015\)](#) and [University Policy on Faculty Conduct and the Administration of Discipline \(APM - 016\)](#), [Non-Senate Academic Appointees/Corrective Action and Dismissal \(APM - 150\)](#) or, as applicable, collective bargaining agreements. Reference Section VI and Appendices I and II.

V. PROCEDURES

A. Location Responsibilities

In accordance with state and federal law, the locations shall:

- Offer sexual harassment prevention training and education to the University community, and consistent with California Government Code 12950.1, provide sexual harassment prevention training and education to each supervisory employee;
- Offer prevention education programs to all incoming students and new employees, and ongoing prevention and awareness campaigns to the University community, to promote awareness of rape and acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, including the definition of consent, options for bystander intervention, and risk reduction awareness information;
- Offer annual training on issues related to sexual violence, as defined in this *Policy*, for individuals conducting formal investigations of reports or conducting hearings;
- Provide all members of the University community with a process for reporting sexual harassment or sexual violence in accordance with the *Policy*;
- Identify on- and off-campus resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services;

- Provide prompt and effective response to reports of sexual harassment, sexual violence, or reports of retaliation related to reports of sexual harassment or sexual violence in accordance with the *Policy*;
- Provide written notification as outlined in Section V.B.1 of the *Policy*; and
- Designate trained individuals, including, or other than, the Title IX Officer (Sexual Harassment Officer) to serve as resources for members of the University community who have questions or concerns regarding behavior that may be sexual harassment or sexual violence.

1. *Title IX Officer (Sexual Harassment Officer)*

Each location shall designate a single Title IX Officer (Sexual Harassment Officer). The names and contact information for the Title IX Officer (Sexual Harassment Officer) and any designated trained sexual harassment or sexual violence advisors shall be posted with the *Policy* and local procedures on the location's website and be readily accessible to the University community. The responsibilities of the Title IX Officer (Sexual Harassment Officer) include, but may not be limited to, the duties listed below:

- (a) Coordinate with other responsible units to ensure that local sexual harassment and sexual violence prevention education and training programs are offered and provided as required by the *Policy*;
- (b) Disseminate the *Policy* widely to the University community;
- (c) Provide educational materials to promote compliance with the *Policy* and familiarity with local reporting procedures;
- (d) Train University employees responsible for reporting or responding to reports of sexual harassment;
- (e) Provide prompt and effective response to reports of sexual harassment or sexual violence in accordance with the *Policy*;
- (f) Maintain records of reports of sexual harassment and sexual violence at the location and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate; and
- (g) Identify and address any patterns or systemic problems that arise during the review of sexual harassment and sexual violence complaints.

B. Procedures for Reporting and Responding to Reports of Sexual Harassment or Sexual Violence

All members of the University community are encouraged to contact the Title IX Officer (Sexual Harassment Officer) if they observe or encounter conduct that may be

subject to the *Policy*. This includes conduct by employees, students, or third parties. Reports of sexual harassment or sexual violence may be brought to the Title IX Officer (Sexual Harassment Officer), or to any manager, supervisor, or other designated employee responsible for responding to reports of sexual harassment or sexual violence. If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to another manager, supervisor, or designated employee. Managers, supervisors, and designated employees are required to notify the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints when a report is received.

Reports of sexual harassment or sexual violence should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting, prompt reporting will better enable the University to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report may impede the University's ability to conduct an investigation and/or to take appropriate remedial actions.

1. Required Notifications For Reports of Sexual Violence

The University will provide a written explanation of available rights and options, including procedures to follow, when the University receives a report that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on- or off-campus or in connection with any University program. The written information shall include:

- (a) to whom the alleged offense should be reported;
- (b) options for reporting to law enforcement and campus authorities, including the option to notify local or on-campus law enforcement authorities; the right to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses and the right to decline to notify such authorities;
- (c) the rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts and the University's responsibilities regarding such orders;
- (d) the importance of preserving evidence as may be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protection order;
- (e) existing campus and community services available for victims including counseling, health, mental health, victim advocacy, legal assistance, and other services;

- (f) options for, and available assistance to, change academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- (g) Any applicable procedures for institutional disciplinary action.

2. *Options for Resolution*

Individuals reporting sexual harassment or sexual violence shall be informed about options for resolving potential violations of the *Policy*. These options shall include procedures for Early Resolution, procedures for Formal Investigation, and filing complaints or grievances under applicable University complaint resolution or grievance procedures. Individuals making reports also shall be informed about policies applying to confidentiality of reports under this *Policy* (see Section V.G below). Locations shall respond to the greatest extent possible to reports of sexual harassment and sexual violence brought anonymously or brought by third parties not directly involved in the asserted offenses. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Individuals reporting sexual harassment and sexual violence shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the incident, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of sexual harassment or sexual violence in good faith, who assisted someone with a report of sexual harassment or sexual violence, or who participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence, may make a report of retaliation under these procedures. The report of retaliation shall be subject to the procedures in Section V.B.3 and Section V.B.4 below.

3. *Procedures for Early Resolution*

The goal of Early Resolution is to resolve concerns at the earliest stage possible with the cooperation of all parties involved. Locations are encouraged to utilize Early Resolution options when the parties desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Participation in the Early Resolution process is voluntary. Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution shall be flexible and encompass a full range of possible appropriate outcomes. Early Resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting

targeted preventive educational and training programs, or providing remedies for the individual harmed by the offense. Early Resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively. Early Resolution may be appropriate for responding to anonymous reports and/or third party reports. Steps taken to encourage Early Resolution and agreements reached through Early Resolution efforts should be documented.

While the University encourages Early Resolution of a complaint, the University does not require that parties participate in Early Resolution prior to the University's decision to initiate a Formal Investigation. Some reports of sexual harassment or sexual violence may not be appropriate for mediation but may require a Formal Investigation at the discretion of the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints. The University will not compel a complainant to engage in mediation. Mediation, even if voluntary, may not be used in cases involving sexual violence.

4. Procedures for Formal Investigation

In cases where Early Resolution is inappropriate or in cases where Early Resolution is unsuccessful, the location may conduct a Formal Investigation. In such cases, the individual making the report may be encouraged to file a written request for Formal Investigation. The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a Formal Investigation of a report of sexual harassment or sexual violence. In cases where there is no written request, the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints, potentially in consultation with the administration, may initiate a Formal Investigation after making a preliminary inquiry into the facts.

In cases where a complainant states he or she does not want to pursue a Formal Investigation, the Title IX Officer (Sexual Harassment Officer) should inform the complainant that the ability to investigate may be limited. When determining whether to go forward with a Formal Investigation, the Title IX Officer (Sexual Harassment Officer) may consider: 1) the seriousness of the allegation, 2) in the case of a student complainant, the age of the student, 3) whether there have been other complaints or reports against the accused, and 4) the rights of the accused individual to receive information about the complainant and the allegations if formal proceedings with sanctions may result from the investigation. Even if a complainant does not want to pursue an investigation, under some circumstances, the Title IX Officer (Sexual Harassment Officer) may have an obligation to investigate a complaint, such as when there is a risk to the campus community if the accused remains on campus. The complainant should be made aware of this independent obligation to investigate the complaint.

- (a) In order to provide a prompt, fair, and impartial investigation and resolution, any Formal Investigation of reports of sexual harassment and/or sexual violence shall incorporate the following standards:
- i. The individual(s) accused of conduct violating the *Policy* shall be provided
a copy of the written request for Formal Investigation or otherwise given a
full and complete written statement of the allegations, and a copy of the
Policy; and
 - ii. The individual(s) conducting the investigation shall be familiar with the *Policy*, have training or experience in conducting investigations, and as relevant to the investigation, be familiar with policies and procedures specific to students, staff, faculty, academic appointees, and visitors. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to sexual violence. Such training includes how to conduct an investigation that protects the safety of the complainants and promotes accountability.
- (b) If the alleged conduct is also the subject of a criminal investigation, the campus may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this *Policy*. However, a campus may need to coordinate its fact-finding efforts with the police investigation. Once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the campus must promptly resume and complete its fact-finding for the sexual harassment or sexual violence investigation.
- (c) The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.
- (d) The investigator shall apply a preponderance of evidence standard to determine whether there has been a violation of this *Policy*.
- (e) Upon request, the complainant and the accused may each have a representative present when he or she is interviewed, and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy or collective bargaining agreement.

- (f) At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of this *Policy*.
- (g) The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the request for formal investigation was filed. This deadline may be extended on approval by a designated University official.
- (h) Generally, an investigation results in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator whether this *Policy* has been violated. The report also may contain a recommendation for actions to resolve the complaint, including preventive educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The report is submitted to a designated University official with authority to implement the actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.
- (i) The complainant shall be informed if there were findings made that the *Policy* was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with University policies protecting individuals' privacy, the complainant may generally be notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the accused, consistent with Section V.E.
- (j) The complainant and the accused may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information.³ However, in accordance with University policy, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report.
- (k) At the conclusion of any disciplinary proceeding arising from an allegation of domestic violence, dating violence, sexual assault or stalking, the complainant and the accused will be simultaneously informed in writing of:

³ [UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information.](#)

- i. The outcome of any University disciplinary proceeding;
- ii. The University's procedures for appealing the results of the proceeding;
- iii. Any change to the results that occur prior to the time that such results become final; and
- iv. When results become final.

C. Complaints or Grievances Involving Allegations of Sexual Harassment or Sexual Violence

An individual who believes he or she has been subjected to sexual harassment or sexual violence may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure listed in *Appendix I: University Complaint Resolution and Grievance Procedures*. Such complaint or grievance may be filed either instead of or in addition to making a report of sexual harassment to the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints under this *Policy*. A complaint or grievance alleging sexual harassment or sexual violence must meet all the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing.

If a complaint or grievance alleging sexual harassment or sexual violence is filed in addition to a report made to the Title IX Officer (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints under this *Policy*, the complaint or grievance shall be held in abeyance subject to the requirements of any applicable complaint resolution or grievance procedure, pending the outcome of the Early Resolution or Formal Investigation procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution or Formal Investigation shall constitute the first step or steps of the applicable complaint resolution or grievance procedure.

An individual who has made a report of sexual harassment or sexual violence also may file a complaint or grievance alleging that the actions taken in response to the report of sexual harassment or sexual violence did not follow *Policy*. Such a complaint or grievance may not be filed to address a disciplinary sanction imposed upon the accused. Any complaint or grievance regarding the resolution of a report of sexual harassment or sexual violence must be filed in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment or sexual violence investigation or other resolution process pursuant to this *Policy*, and/or of the actions taken by the administration in response to the report of sexual harassment or sexual violence, whichever is later.

D. Remedies and Referral to Disciplinary Procedures

Findings of *Policy* violations may be considered to determine remedies for individuals harmed by the sexual harassment or sexual violence and shall be referred to

applicable local disciplinary procedures (*Appendix II*). Procedures under this *Policy* shall be coordinated with applicable local complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible. Violations of the *Policy* may include engaging in sexual harassment or sexual violence, retaliating against a complainant reporting sexual harassment or sexual violence, or violating interim protections. Investigative reports made pursuant to this *Policy* may be used as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

E. Privacy

The University shall protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent permitted by law and University *Policy*. A report of sexual harassment or sexual violence may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment or sexual violence. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of sexual harassment or sexual violence may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). In addition, when the offense involves a crime of violence or a non-forcible sex offense, the Family Educational Rights and Privacy Act permits disclosure to the complainant the final results of a disciplinary proceeding against the alleged accused, regardless of whether the University concluded that a violation was committed. Information regarding disciplinary action taken against the accused shall not be disclosed without the accused's consent, unless permitted by law as noted above, or unless it is necessary to ensure compliance with the action or the safety of individuals.

F. Confidentiality of Reports of Sexual Harassment and Sexual Violence

Each location shall identify confidential resources with whom members of the University community can consult for advice and information regarding making a report of sexual harassment or sexual violence. These resources provide individuals who may be interested in bringing a report of sexual harassment or sexual violence with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. These resources shall be posted on the location's website. Confidential resources include campus ombudspersons and/or licensed counselors in employee assistance programs or student counseling centers. Individuals who consult with confidential resources shall be advised that their discussions in these settings are not considered reports of sexual harassment or sexual violence and that without additional action by the individual, the discussions will not result in any action by the University to resolve their concerns.

The locations shall notify the University community that certain University employees, such as the Title IX Officer (Sexual Harassment Officer), managers, supervisors, and

other designated employees have an obligation to respond to reports of sexual harassment or sexual violence, even if the individual making the report requests that no action be taken. An individual's requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible.

G. Retention of Records Regarding Reports of Sexual Harassment and Sexual Violence

The office of the Title IX Officer (Sexual Harassment Officer) is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with University records policies. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.

VI. RELATED INFORMATION

- [Violence Against Women Reauthorization Act \(VAWA\) of 2013](#)
- [University of California Statement of Ethical Values](#)
- [Standards of Ethical Conduct](#)
- [Academic Personnel Manual \(APM\) Section 015](#), The Faculty Code of Conduct (referenced in Section III.D, footnote 1)
- [Academic Personnel Manual \(APM\) Section 016, University Policy on Faculty Conduct and the Administration of Discipline](#) (referenced in Section III.D, footnote 1)
- [Academic Personnel Manual \(APM\) Section 035, Affirmative Action and Nondiscrimination in Employment](#) (referenced in Section III.D, footnote 2)
- Academic Personnel Manual (APM) Section 150, Non-Senate Academic Appointees/Corrective Action and Dismissal
- [Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices](#) (referenced in Section III.D, footnote 2)
- [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#) (referenced in Section III.D, footnote 2)
- [Personnel Policies for Staff Members 12 \(Nondiscrimination in Employment\)](#) (referenced in Section III.D, footnote 2)
- [Policy on Student Conduct and Discipline](#)
- [Student-Related Policy Applying to Nondiscrimination on the Basis of Sex](#)

- [University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment](#) (referenced in Section III.D, footnote 2)
- [UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information](#)
- [University of California Policies Applying to Campus Activities, Organizations, and Students](#) (referenced in Section III.D, footnote 2)
- [Business and Finance Bulletin RMP-2: Records Retention and Disposition: Principles, Processes, and Guidelines](#)

VII. FREQUENTLY ASKED QUESTIONS

[to be developed]

VIII. REVISION HISTORY

This policy was reformatted into the standard University of California policy template effective 02/25/2014.

Future revisions to this policy will be circulated under standard procedures for Presidential Policies; in the case of this policy, the review will include circulation under the standard Academic Personnel Manual (APM) process, with final authority resting with the President.

As a result of the issuance of this policy, the following documents are rescinded as of the effective date of this policy and are no longer applicable:

- University of California Policy on Sexual Harassment, dated February 10, 2006
- University of California Procedures for Responding to Reports of Sexual Harassment, dated December 14, 2004
- University of California Policy on Sexual Harassment and Complaint Resolution Procedures, dated April 23, 1992
- University of California Policy on Sexual Harassment and complaint Resolution Procedures, dated March 10, 1986

APPENDIX I: University Complaint Resolution and Grievance Procedures

Applicable complaint resolution and grievance procedures for members of the University community:

Academic Personnel:

Members of the Academic Senate

[Senate Bylaw 335](#)

Non-Senate Academic Appointees

[APM - 140](#)

Exclusively Represented Academic Appointees

Applicable collective bargaining agreement

Students:

[Policies Applying to Campus Activities, Organizations and Students, Section 110.00](#)

Staff Personnel:

Senior Managers

[PPSM II-70](#)

Managers and Senior Professionals,
Salary Grades VIII and IX

[PPSM 71](#)

Managers and Senior Professionals,
Salary Grades I – VII; and
Professional and Support Staff

[PPSM 70](#)

Exclusively Represented Staff Personnel

Applicable collective bargaining agreement

Lawrence Berkeley National Laboratory Employees

[Applicable Laboratory policy](#)

All:

The [University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities \(Whistleblower Policy\)](#) and the [University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints \(Whistleblower Protection Policy\)](#), which govern the reporting and investigation of violations of state or federal laws or regulations and University policy, including sexual harassment.

APPENDIX II: University Disciplinary Procedures

Applicable disciplinary action procedures if a report of sexual harassment or sexual violence results in a recommendation for disciplinary action:

- A. [The Faculty Code of Conduct \(APM - 015\)](#) as approved by the Assembly of the Academic Senate and by The Regents outlines ethical and professional standards which University faculty are expected to observe. It also identifies various forms of unacceptable behavior which are applicable in cases of sexual harassment or sexual violence. Because the forms of unacceptable behavior listed in *The Faculty Code of Conduct* are interpreted to apply to

- sexual harassment or sexual violence, a violation of the University's *Policy on Sexual Harassment and Sexual Violence* constitutes a violation of the *Faculty Code of Conduct*. The [University Policy on Faculty Conduct and the Administration of Discipline \(APM - 016\)](#), as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.
- B. Provisions of the policy on [Non-Senate Academic Appointees/Corrective Action and Dismissal \(APM - 150\)](#) (applicable to non-exclusively represented academic appointees) and collective bargaining agreements (applicable to exclusively represented academic appointees) provide for corrective action or dismissal for conduct which violates University policy.
 - C. The [Policies Applying to Campus Activities, Organizations, and Students](#) sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that may be imposed for violation of University policies or campus procedures.
 - D. Provisions of the [Personnel Policies for Staff Members](#), and the Lawrence Berkeley National Laboratory personnel policies (applicable to non-exclusively represented staff employees), and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct which violates University policy with respect to sexual harassment or sexual violence and provide for disciplinary action for violation of University policy.

UCSB Office of Judicial Affairs Sexual/Interpersonal Violence Response Procedures for Sexual Assault, Dating or Domestic Violence, and Stalking

These procedures are intended to supplement section 102.08, 102.09, and 102.10 of the Campus Regulations Applying to Students and Campus Organizations published in September 2009, and the University of California Policy on Sexual Harassment and Sexual Violence, last revised February 25, 2014.

General Policies

The University of California is committed to creating and maintaining a community 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 University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates the policy on Sexual Harassment and Sexual Violence (full policy text available at <http://policy.ucop.edu/doc/4000385/SHSV>).

The Campus Regulations Applying to Students and Campus Organizations prohibit sexual assault, dating and domestic violence, stalking, and other behaviors as described in sections 102.08, 102.09, and 102.10. The *Campus Regulations*, as well as the laws on sexual abuse and physical assault, apply whether the alleged perpetrator is a stranger, acquaintance, family member or friend.

Section 102.08 of the *Campus Regulations* prohibits:

“Physical abuse, sexual assault, threats of violence, or conduct that threatens the health or safety of any persons. Such abuse, threats, or conduct may include arson (and other penal or health code violations such as setting public fires).”

Section 102.09 of the *Campus Regulations* prohibits:

“Harassment, defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person’s access to University programs or activities that the person is effectively denied equal access to the University’s resources and opportunities. Harassment includes, but is not limited to, conduct that is motivated on the basis of a person’s race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications. Pursuant to section 104.90, sanctions may be enhanced for conduct motivated on the basis of the above classifications.

Sexual harassment as defined in University policy (see SW Section 160.00), reads in part: “Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affect a person’s employment or education, unreasonably interferes with a person’s work or educational performance, or creates an intimidating, hostile or offensive working or learning environment.” In the interest of preventing sexual harassment, the University will respond to reports of any such conduct. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.”

Section 102.10 of the *Campus Regulations* prohibits:

“Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose.”

Definitions

1. **Sexual Violence** is defined as physical sexual acts engaged without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

2. **Domestic Violence** is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.
3. **Dating Violence** is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
4. **Sexual Assault** occurs when physical sexual activity is engaged without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication).
5. **Consent** is *informed*. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

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

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

For purposes of this *Policy*, the age of consent is consistent with California Penal Code Section 261.5.

6. **Incapacitation** is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or

other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated.

7. **Stalking** is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.
8. **Campus Advocacy Resources and Education (CARE) Program** (located in the Women's Center). CARE Advocates assist students who have experienced or who have questions about sexual assault, dating or domestic violence, or stalking. CARE provides confidential assistance to anyone who desires help with any of the procedures outlined here.

CARE staff will maintain confidentiality; advise on campus or local resources including legal, medical, judicial, emotional or academic, and schedule any necessary appointments; accompany survivors to meetings or appointments, including forensic examinations; speak with friends or family, if requested; outline and explore reporting options and next steps; and respect a survivor's wishes about moving forward.

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

Reporting is the decision of the survivor. Understanding that reporting is an intensely personal process, the University respects the rights of the survivor to decide whether or not to report.

Even if a clear decision has not been made as to whom the survivor would like to report, it is still important for the survivor to preserve evidence for possible proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order. This includes writing down details about the assault, not eating, drinking, washing, showering, using the bathroom, or cleaning up the scene of the assault.

Survivors may pursue one or more of the following options, any of which may be coordinated, if desired, with the assistance of a CARE advocate.

1. **Report to law enforcement.** Survivors have the right to report incidents of sexual and interpersonal violence to law enforcement. If the incident happened on University property, a report may be made to the UC Police Department. If the

incident happened off campus, a report may be made to the Isla Vista Foot Patrol or Santa Barbara Sheriff's Office.

If the survivor was under the influence of alcohol or drugs, this may be relevant to the case and should be disclosed to the police.

The officer will provide a business card with the case number on it.

In order to provide protection for the privacy of survivors of sexual assault, California law allows complainants to request that the police not release personal information - name, address, phone numbers and date of birth. This will ensure a degree of confidentiality but does not guarantee complete anonymity. The UC Police will not release identifying information in Timely Warnings that go out to the campus community, nor in information released to the media.

2. **File a criminal report with the police without requesting prosecution.** Ultimately the decision to prosecute is made by the District Attorney, although the cooperation of the survivor is considered necessary. The District Attorney chooses to pursue cases based upon availability of evidence and cooperation of witnesses.
3. **File a complaint with the Office of Judicial Affairs,** if the alleged perpetrator is a UCSB student.
4. **Report to both law enforcement and the Office of Judicial Affairs.**
5. **Seek to obtain an emergency protective order** (short-term restraining order), if the threat is immediate, from the UC Police Department or Isla Vista Foot Patrol when they respond and/or obtain a temporary restraining order through the court system. There is a fee associated with a temporary restraining order.
6. **Request academic assistance** for missed classes or exams, or help with rearranging course schedules. This may be coordinated through a CARE advocate.
7. **Ask about housing relocation options** if both the survivor and the accused live in University housing.
8. **File a Title IX complaint with the Office of Equal Opportunity & Title IX Compliance.**

Procedure and Process When Reporting to the University

Survivors of sexual assault, dating or domestic violence, and/or stalking may file a complaint with the Office of Judicial Affairs if the alleged perpetrator is a UCSB student. Proceedings will provide a prompt, fair, and impartial investigation and resolution. Investigations will be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of survivors and promotes accountability.

- A. Jurisdiction.** Any person who experiences sexual assault, dating or domestic violence, or stalking by a UCSB student on University property or at an official University function may file a complaint with the Office of Judicial Affairs. This will launch an investigation by the Office of Judicial Affairs. Sexual assaults occurring off University property may also be considered for investigation if the alleged perpetrator is a UCSB student. Any request to extend jurisdiction will be reviewed by the Office of Judicial Affairs and the Vice Chancellor for Student Affairs.
- B. Preliminary investigation.** A preliminary investigation by the Office of Judicial Affairs will determine whether “interim suspension” should be invoked (see section 105.08, Campus Regulation). If an interim suspension is warranted, any person deemed an imminent threat or danger to any member of the campus community is removed from campus. “Imminent threat” is a high standard to meet, and a survivor should not be discouraged if the accused is not immediately removed.
- C. Determining if the case will move forward with a charge.** Following a preliminary investigation, the Office of Judicial Affairs will determine if there is enough evidence to move forward with a charge and if the case should go to a conduct hearing.
- D. University hearing or University early/administrative resolution.** If a hearing is held, in most cases, the complainant (survivor) will be required to testify, although the complainant has the right to testify without facing the respondent (accused). The complainant and the respondent will each, separately, work with the Office of Judicial Affairs throughout the adjudication of a complaint. CARE provides an advocate for the complainant for the duration of the process. Throughout the judicial process, the complainant will be apprised of the status of the case by the Office of Judicial Affairs. S/he will be asked to describe what happened, first by the Office of Judicial Affairs, and then later by the Sexual/Interpersonal Violence Conduct Committee, should there be a hearing. The Committee or conduct officer will hear all testimony and then render a decision about the case based on the preponderance of evidence standard. If the accused student is found responsible, the conduct committee or conduct officer will recommend disciplinary action against the accused.

Any interpersonal violence violation of Campus Regulations that would usually warrant suspension or dismissal from the University will be heard by the Sexual/Interpersonal Violence Conduct Committee.

Rights of the Complainant

- i. To anticipate a timely hearing after filing charges. (Cases reported just prior to the end of a quarter may be delayed by the quarter break period.)
- ii. To receive written notification of existing counseling, health, mental health, victim advocacy, legal assistance, and other services available to survivors both on-campus and in the community.
- iii. To receive written notification of available assistance with changing academic, living, transportation, and working situations, if requested and if reasonable, regardless of whether or not campus police or local law enforcement are notified.
- iv. To be accompanied to the hearing and any preliminary meetings by a CARE advocate and a person (or persons) of support, of their choice.
- v. To be present for the duration of the hearing.
- vi. To have the opportunity to make statements regarding the incident and/or personal impact.
- vii. To be informed as soon as possible, and simultaneously with the accused, of the outcome of the hearing, the procedures for appealing the results of the proceeding, any change to the results that occur prior to the time that such results become final, and when such results become final.

All hearings are closed and information pertaining to a conduct case is controlled by federal and state privacy laws.

Rights of the Accused. The accused has the right to due process as outlined in the *Campus Regulations*. Among these rights are:

- i. The right to written notice of the charges,
- ii. To be accompanied at the hearing by an advisor of his/her choice
- iii. To be present for the duration of the hearing,
- iv. To produce witnesses and evidence pertaining to the case,
- v. To question all witnesses, and
- vi. To simultaneously with the accuser, be informed in writing of the outcome of any institutional disciplinary proceeding, the institution's procedures for appealing the results of the proceeding, any change to the results that occur prior to the

time that such results become final, and when such results become final.

For a full description of accused rights and responsibilities, as well as an overview of the disciplinary system, please see Chapter VII of the *UCSB Campus Regulations*.

All hearings are closed and information pertaining to a conduct case is controlled by federal and state privacy laws.

Possible Sanctions. Students found responsible for a sexual assault, incidents of dating or domestic violence, and/or stalking, may be placed on University probation, suspended or dismissed from the University as well as restricted from areas of campus and/or from activities.

Sanctions apply only to UCSB. No other UC campus will be informed of the incident except on a “need-to-know” basis (“duty to warn,” “clear and present danger,” etc.). However, all suspensions will be noted on the student’s transcript for the duration of the suspension. All dismissals will be permanently noted on student’s transcript.

Discipline records are normally purged after five years from the sanctioning date, however, the Director of the Office of Judicial Affairs may decide to keep a file active for a longer period of time in cases of sexual assault, dating or domestic violence, or stalking.

The University cannot require counseling but can highly recommend it and in certain cases make it mandatory for re-admission of a suspended/dismissed student.

Early/administrative resolution. In cases where a hearing is not requested, there may still be an administrative response by the University, which may include a University sanction for the accused student.

- E. Timely Reporting and Statute of Limitations.** To be adjudicated, incidents of sexual or interpersonal violence must be reported to the University within twelve months of the violation. If the accused recently left the University or graduated, the University may be able to proceed with a formal hearing, if the incident occurred while the accused was a student, and confirmation of graduation has not yet been processed.
- F. Adjudicating Sexual Assault, Dating or Domestic Violence, and Staking, by Location**

1. University-Owned Residence Halls, University-Owned Apartments, and Family Student Housing

All University-Owned residence halls, apartment complexes, and other complexes under lease by Housing & Residential Services are under University jurisdiction.

2. Privately-owned student housing

The University has the right to extend jurisdiction over sexual assaults, dating and domestic violence, and stalking that occur off University property, including privately-owned student housing. Survivors of interpersonal violence in privately-owned student housing should follow the general procedures listed above, and contact the Office of Judicial Affairs, if they believe the perpetrator may have been a University student and if they would like the incident to be investigated by the University.

3. Greek Houses

The University has the right to adjudicate violations of sexual assaults, dating and domestic violence, and stalking that occur in Greek houses. Survivors of interpersonal violence in Greek (fraternity or sorority) housing should follow the general procedures listed above, and contact the Office of Judicial Affairs, if they believe the perpetrator may have been a University student and if they would like the incident to be investigated by the University.

4. Interpersonal/Sexual Violence committed by members of Registered Campus Organizations or Athletic Teams

Allegations involving members of any of the above listed organizations or teams may be reported to the Office of Juridical Affairs for an investigation by the University.

5. Other off-campus or non-campus locations

Allegations involving UCSB students may be reported to the Office of Judicial Affairs for investigation by the University regardless of location.

G. Reports to both the University and to law enforcement

It is possible that the District Attorney may decide not to prosecute a case that the Office of Judicial Affairs has decided to process. This is often because the standard of evidence for a criminal case is “beyond a reasonable doubt” whereas the standard of evidence for a University conduct case is “preponderance of evidence.” It is also possible that both

the criminal justice system and the Office of Judicial Affairs may or may not decide to hear the case.

The District Attorney and the Office of Judicial Affairs may both refuse a case based on the lack of evidence. This does not mean a sexual assault, incident of dating or domestic violence, or stalking did not occur, but only that it would be difficult, if not impossible, to find an alleged perpetrator responsible for the act, even with the University's lower standard for evidence.

When a UCSB student is legally convicted of a sexual offense or is accused of committing a sexual offense off campus and there is a concern about the student perpetrator's continuing presence on campus, the University may exercise jurisdiction. If the survivor does not wish to initiate the campus judicial process, but there is concern about the continuing presence of the perpetrator on campus, the Office of Judicial Affairs, in consultation with the survivor, the police, the District Attorney, the Housing Officials (if applicable), the CARE Program, and any other persons who may have information, will assist in making a judgment as to the action that should be taken against a student solely for the purpose of protecting the UCSB community from possible imminent threats of harm. The primary consideration is the safety of the campus community. In other words, if there is reason to believe that the presence on campus of the accused will lead to further harm to the survivor or harm to others (see Sec. 105.08 of the *Campus Regulations*), then the University will do whatever possible to protect the community.

H. Adjudicating cases in which the perpetrator is a non-student member of the campus community (e.g., faculty, staff, administrator)

Faculty and lecturers fall under the jurisdiction of the Office of Academic Personnel in the Executive Vice Chancellor's Office.

Teaching assistants who are graduate students are under the jurisdiction of the Office of Judicial Affairs.

Staff members are under the jurisdiction of Human Resources.

Administrators who are not staff should be reported directly to the Chancellor.

In addition, any incident of sexual or interpersonal violence committed by a University employee or student may be reported to the Office of Equal Opportunity & Sexual Harassment/Title IX Compliance.

I. When a non-student, non-affiliate assaults or stalks a student on or off campus

The University's role may be limited to a police response and providing counseling and support services to the survivor. CARE may assist survivors with filing a restraining order and all other avenues available through the criminal or civil justice system.

Campus Sexual Violence Prevention Programs and Resources

First Year Initiatives

Students are educated about sexual violence, dating violence, domestic violence and stalking at several points throughout new student orientation which happens prior to the school year. Students are introduced to the idea that acts of interpersonal violence are prohibited by the campus during the "Making the Most" presentation on the first night of Orientation. This messaging is followed up on the second day of orientation during the Student Life Workshops where students are presented with different scenarios for dating violence, domestic violence and stalking and how to appropriately respond if someone they know is impacted by these types of incidents. Parents are provided with information about resources for student survivors in the parent handbook and during a presentation given by the CARE program during orientation.

First year students also receive information about sexual violence, dating/domestic violence and stalking through a mandatory online training module called Haven that is completed prior to coming to campus. In addition to those efforts, first year and transfer students are required to attend a 90-minute, peer facilitated workshop within the first 5 weeks of class titled Gaucho FYI. This in-person training covers a variety of topics, including bystander intervention, and information about dating/domestic violence, sexual assault and stalking as well as campus resources.

Ongoing Awareness and Education Programs

Additionally, ongoing awareness and education programs and training are sponsored by the Campus Advocacy Resources and Education (CARE) Program on campus. These programs focus on a range of topics from online resources for protecting oneself when online and using social media, understanding consent, recognizing signs of unhealthy relationships, and understanding survivors' rights on campus. Additional programs on interpersonal violence are offered by the UCSB Police Department and student groups that sponsor self-defense courses and other programs, which are open to all students across campus and in the residence halls. The CARE program works closely with two student groups in particular, a student chapter of Promoting Awareness, Victim Empowerment (PAVE) and Men Against Rape (MAR) to host events and activities such as the Clothesline Project and film screenings throughout the year. CARE also collaborates closely with the Take Back the Night group, which is a part of Associated Students. The campus also participates in events honoring Sexual Assault Awareness Month, Denim Day, and Take Back the Night activities which happen every school year.

Training

Outside of our regularly scheduled programs, CARE also does training, as requested by student groups, Greek houses, etc. CARE staff members also train faculty and staff with the Office of Equal Opportunity/Sexual Harassment and Title IX on awareness of sexual harassment, sexual assault, dating violence, and stalking. These programs are scheduled by the Title IX Office, but the trainings always include someone from CARE staff.

Isla Vista Outreach Campaign

The CARE program has worked with two local community victim service providers to create a large-scale poster campaign that will be rolled out on campus and in the community, with 6,000 posters containing student models that highlight bystander intervention messages and provide information about campus advocacy services.

Advocacy Response Services

In addition to outreach and education, CARE provides legal, medical and academic advocacy services to victims of sexual assault, dating/domestic violence and stalking. Between January and December of 2013, CARE served more than 156 students impacted by interpersonal violence. The vast majority of those cases involved sexual assaults, but as education and outreach efforts continue to grow, CARE continues to see an increase in domestic/dating violence and stalking cases as well. The CARE program has seen a 278% increase in the number of students served since 2012 with the additional staff provided through the current Department of Justice, Office on Violence Against Women grant. CARE advocates are available to students 24 hours a day, 7 days a week via the CARE crisis line.

Below are the ongoing prevention and education efforts sponsored by CARE:

Violence Intervention and Prevention Internship Program

Interns work for 5-7 hours/week throughout the quarter in the education and project based on-campus internship. Interns gain valuable knowledge about interpersonal violence, and skills to educate others, and actively prevent violence in their community. Interns receive a mini-grant to complete an educational or prevention based program or campaign to create change in their own community.

Green Dot Bystander Intervention Training

Participants learn how to prevent violence and save lives when they walk out of this free, one-day, hands-on training. Research indicates one in four or one in five college women experience attempted or completed rape in college, and 53% of college students report experiencing dating violence by a current or past partner. After this workshop, students are empowered to intervene as a bystander and prevent sexual assault, dating violence and stalking in their community. This is a truly amazing opportunity to gain the abilities to be a change agent in their community and make the campus a safer place for themselves, their friends, and everyone in Isla Vista.

Students who want to make a difference in their community, but don't have a lot of time, can apply to participate in the launch of our brand new training program called CARE Connect. This one time, 2-hour training with staff from campus and community agencies covers how to help if someone discloses that they have been assaulted, how to recognize signs of an abusive relationship, what resources are available on campus and in the community, and what safe (but effective) actions they can take to make campus safer.

On-Campus and Local Resources for Survivors of Sexual Assault, Dating/Domestic Violence, and Stalking

Campus Advocacy Resources and Education (CARE)	(805) 893-4613 (24-hour advocacy line)
Counseling and Psychological Services (CAPS)	(805) 893-4411 (24-hour crisis counseling available)
Student Mental Health Coordination Services	(805) 893-3030
The Office of the Ombuds	(805) 893-3285
Residential & Community Living	(805) 893-3281
Santa Barbara Rape Crisis Center	(805) 564-3696 (24-hour crisis line)/(805) 963-6832
Domestic Violence Solutions for Santa Barbara County	(805) 964-5245 (24-hour crisis line)
Student Health	(805) 893-3371
Santa Barbara Cottage Hospital Emergency Room	(805) 682-7111
University of California Police Department (UCPD)	(805) 894-3446
Office of Judicial Affairs, UCSB	(805) 893-5016
Office of Equal Opportunity & Sexual Harassment/Title IX Compliance	(805) 893-2701
Isla Vista Foot Patrol (IVFP)	(805) 681-4179/(805) 681-4100 (after hours)

***NOTE: Not all resources are completely confidential. CARE, CAPS, and the Office of the Ombuds are confidential as required by FERPA, HIPPA, or other state licensure requirements. All other offices maintain confidentiality to the extent possible, but as offices of record, may be required to reveal information about your case on a "need-to-know" basis.*

The CARE Program offers assistance with contacting all listed resources. Most resources are available at no charge.

Medical Resources Advocacy and Support Services

Campus Advocacy Resources and Education (CARE) - Located in the Women's Center (1220 Student Resource Building). Provides confidential 24-hour advocacy services for survivors, support, accompaniment to evidence examinations or meetings with law enforcement, and support services for friends, family members, or significant others of survivors.

Counseling and Psychological Services - Located in Building 599 (across from Storke Tower). Provides UCSB students with confidential individual counseling, as well as support groups, information, and 24-hour crisis phone counseling at no charge.

Student Mental Health Coordination Services – Located in the Office of Student Life (2nd Floor Student Resource Building). Provides connection to campus resources, assistance with academic or other accommodations, and withdrawals.

Office of the Ombuds – Located at 1205-K Girvetz Hall. A confidential resource for the UCSB community to discuss concerns with a trained mediator.

Residential & Community Living – Located in the trailers between the College of Creative Studies and Santa Rosa Hall. Provides housing accommodations, such as room or building changes, or cancellation of contracts, as available, to student resident survivors of sexual violence or stalking.

Santa Barbara Rape Crisis Center – Located in downtown Santa Barbara, (433 E. Canon Perdido Street). Provides advocacy and support for survivors of sexual violence, including referral and support for medical and legal options.

Domestic Violence Solutions for Santa Barbara County – Provides emergency shelter, support groups, 24-hour crisis line, and transitional housing.

Medical Resources

Student Health - Located between the Events Center and Isla Vista. Provides medical examinations, referrals, and treatment. Visits are covered for students with Gaucho Health Insurance. Does not provide medical examinations for evidence collection (SART exams). SART exams are done exclusively by Santa Barbara Cottage Hospital, by a trained female nurse.

Santa Barbara Cottage Hospital Emergency Room – Located at 350-389 Junipero St. in Santa Barbara. Provides emergency care and referrals for the SART examination. SART examinations take place across the street from the Emergency Room.

Reporting Options

Survivors may report to one or more of the following, or not report at all.

University of California Police Department - Located in the Public Safety Building (near Harder Stadium). For crimes committed on campus property, provides reporting, investigation, and forwarding of reports to the District Attorney for legal action. Also provides information about restraining orders and referrals for forensic exams.

Office of Judicial Affairs - Located in the Office of Student Life (2nd Floor Student Resource Building). Provides survivors an opportunity to press University judicial charges against student perpetrators. Conducts sexual violence and stalking investigations for student-to-student assaults and administers University sanctions.

Office of Equal Opportunity & Sexual Harassment/Title IX Compliance – Located in Phelps Hall, Room 3217. *Investigates Title IX & other discrimination complaints, oversees campus Title IX resolution efforts, and offers referrals to relevant campus resources.*

Isla Vista Foot Patrol – Located in Isla Vista (6504 Trigo Road). For crimes committed in Isla Vista, provides reporting, investigation, forwarding of reports to the District Attorney for legal action, information about restraining orders and referrals for forensic exams.

Registered Sex Offender Information

The State of California requires sex offenders to register with the police in the jurisdiction in which they reside. The State makes this information available to law enforcement agencies. This information is made available to the local public at the Santa Barbara County Sheriff Department, 4434 Calle Real, Santa Barbara, CA 93110, (805)681-4100 or you can access the information on-line at www.meganslaw.ca.gov.

Emergency Notification and Timely Warning Policy

The UCSB Alert system is utilized to send two types of timely communications to the campus community – “timely warnings” and “emergency notifications.” The University issues “timely warnings” regarding serious crimes that the University deems to be a continuous threat to students and employees and may aid in the prevention of a similar crime. “Emergency notifications” have a wider focus than the timely warning and are issued for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

In the event of a serious incident which poses an immediate threat to members of the UC Santa Barbara community, the University has various systems in place for communicating information quickly to those individuals. Some or all of these methods of communication may be activated in the event of an immediate threat to the UCSB campus community. These methods of communication include network emails, emergency text messages that can be sent to a phone or PDA (individuals can sign up for this service at the website, <https://alert.ucsb.edu>), and emergency messages posted on a signboard located at the campus entrance. The University will post updates during a critical incident on the main campus website, <http://www.ucsb.edu/>. Individuals can call UCSB's Emergency Information Line at 888-488-UCSB, for recorded informational updates. Members of the larger community who are interested in receiving information about emergencies on campus should sign up for the emergency text message system and should use the UCSB website and Emergency Information Line for obtaining updates in the event of an emergency on campus.

UCSB takes a proactive approach to emergency preparedness. The University conducts regularly scheduled exercises and drills with follow-through activities, to assess and evaluate the University’s emergency plans and capabilities. Emergency response and evacuation procedures can be found on the campus emergency resources website at <http://emergency.ucsb.edu/response.html>.

All members of the UCSB Community are notified on an annual basis that they are required to notify the UCSB Police Department (UCSBPD) of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or on-going threat to the health and safety of students and/or

employees on campus. UCSBPD is responsible for responding to, and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the UCSB Police Department has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

If the UCSB Police Department confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the UCSB community, UCSBPD will use some or all of the systems described above to communicate the threat to the UCSB community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. UCSBPD will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: UCSB Police Department, the SB County Sheriff's Office, SB County Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

[Missing Student Notification Policy](#)

University of California, Santa Barbara Missing Student Notification:

The Higher Education Act as amended by the Higher Education Opportunity Act (HEOA), effective October 1, 2010, requires Title IV institutions with on-campus student housing facilities to establish a missing student notification policy and procedure. The missing student notification policy and procedure for the University of California, Santa Barbara is as follows:

A. Definitions

1. A student is considered missing (this can be less than 24 hours) after a reasonable investigation by in-residence staff fails to discover the location of the person reported missing from campus, or where a set of extenuating circumstances may suggest immediate concern. Such conditions may consist of but are not limited to:

- Medical or health related problems;
- The student has not regularly attended classes and has not been seen elsewhere;
- A UCSB official has made an inquiry of concern;
- A parent(s), roommate, suitemates or apartment-mates of the missing person has reported such disappearance due to irregular contact with the student.

2. A confidential contact person, if designated, will be notified in the event a student is ever determined to be missing. Each student living in an on-campus student housing facility has the option of registering a confidential contact person. Only authorized campus officials and law enforcement officers, in furtherance of a missing person investigation, may have access to this information.

B. Actions to be Taken

1. The reporting party will notify the Office of Apartment Living (OAL) if the student resides in single undergraduate, single graduate, or family apartments; or the Office of Residential Life (ORL) if the student resides in the residence halls.

2. The supervising Associate or Assistant Director will report this notification to the Executive Director of Housing & Residential Services, the Director of Apartment & Community Living or the Director of Residential Life, the Campus Police Department and the Dean of Students Office.

3. The Campus Police will conduct an investigation to determine the status of the missing student.

4. The Campus Police will keep OAL or ORL, and the Dean of Students Office apprised of the progress of the investigation.

C. Follow-Up

1. When the student is found, the Critical Incident Coordinator (an OAL, ORL or Dean of Students supervisor), will contact the student and inform him or her of support services available on campus. This support should also be offered to any other students (roommates, friends) affected by the incident.

2. If the search is deemed unsuccessful, the Director of Apartment & Community Living or the Director of Residential Life, the Chief of Police and the Dean of Students will decide what further action(s) should be taken.

3. Should the student be missing for more than 24 hours, the emergency contact procedures designated by the student will be initiated as determined by C2 above. Unless otherwise identified by the student or if the student is less than 18 years of age and not emancipated, contact will be made with the parent(s) of the student determined to be missing.

Annual Fire Safety Report

The Higher Education Opportunity Act (Public Law 110-315) became law in August, 2008, requiring all eligible institutions that participate in any Title IV program and maintain on-campus student housing facilities to produce an annual fire safety report

outlining fire safety practices, standards, and all fire-related on-campus statistics. Starting October 2010, the report must be publicly disclosed. Information contained in this annual fire safety report includes: number and cause of fires at all on-campus student housing facilities; number of fire-related deaths; related injuries; value of fire-related property damage; information on evacuation procedures; fire safety education and training programs; fire safety systems in each student housing facility; number of regular mandatory supervised fire drills; and policies on portable electrical appliance, smoking and open flames. The UCSB Annual Fire Safety Report can be viewed at <http://ehs.ucsb.edu/files/docs/fp/2014-HEOA-UCSB.pdf>.

Helpful Links

Department of Education
<http://ope.ed.gov/security>

Security on Campus, Inc.
<http://www.securityoncampus.org>

State of California-Office of the Attorney General - Megan's Law
<http://www.meganslaw.ca.gov>

Women, Gender & Sexual Equity
<http://wgse.sa.ucsb.edu/>

Domestic Violence Solutions
<http://www.dvsolutions.org>

Alcohol & Drug Program (ADP)
<http://alcohol.sa.ucsb.edu>

Hate Crimes/Hate Incidents
<http://judicialaffairs.sa.ucsb.edu/Hate.aspx>

University of California Police Department 2012 Annual Report & Crime Statistics
<http://police-statistics.universityofcalifornia.edu/>

California Child Abuse & Neglect Reporting Act (CANRA)
www.hr.ucsb.edu/employment/background-checks/mandated-reporter

University of California Ethics, Compliance and Audit Services
<http://www.ucop.edu/ethics-compliance-audit-services/compliance/clery-act/index.html>