2016 Annual Security Report Revision

Revised: September 20, 2017

Correction: The Crime and Arrests Statistics were revised due to the incorrect inclusion of non-UCSB Clery geography in 2015 statistics.
Annual Clery Act Campus Security Report

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.

The report includes the following:
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**Nondiscrimination Policy Statement**

UC Santa Barbara, in accordance with applicable Federal and State law and University policy, does not discriminate on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy, physical or mental disability, medical condition, genetic information, ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services. The University also prohibits sexual harassment. This nondiscrimination policy covers admission, access, treatment in UC Santa Barbara programs and activities, and employment. UC Santa Barbara policy also prohibits retaliation for bringing a complaint of discrimination or participating in a complaint process or investigation pursuant to this policy.

Moreover, the University of California prohibits retaliation against a person who reports a Clery violation. This protection also extends to anyone who assists someone with a report and anyone involved in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes, but is not limited to, threats, intimidation, coercion, reprisals, and/or harmful (adverse) actions related to employment or education. Any member of the University community who participates in retaliation may be subject to disciplinary action, including dismissal, according to the University disciplinary procedures. More information can be found at: [http://policy.ucop.edu/doc/1100171/Whistleblower](http://policy.ucop.edu/doc/1100171/Whistleblower)

Inquiries regarding the University’s nondiscrimination policies may be directed to The Equal Opportunity & Discrimination Prevention Office (EODP), can be directed to the Title IX Office at 805-893-2701, ricardo.alcaino@ucsb.edu

Inquiries regarding the UC Santa Barbara Policy on Sexual Assault, Dating Violence, Domestic Violence and Stalking, the UC Policy on Sexual Harassment, and Title IX may be directed to the Title IX Office at 805-893-2701, ariana.alvarez@ucsb.edu

Disability Services assistance for academic, staff and student employees with temporary or long-term disabilities may be addressed to the services manager, Elizabeth Delo, Disability Services Manager, Human Resources Bldg, 805-893-8571, elizabeth.delo@hr.ucsb.edu

Student inquiries regarding disability or disability accommodations may be addressed to the Director, Gary White, Disabled Students Program, 2120 Student Resource Bldg, 805-893-2182, Gary.White@sa.ucsb.edu
Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA’s Title IV student financial assistance programs to disclose campus crime statistics and security information. The Act was amended in 1992, 1998, and 2000. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the Clery Act.

In 2008, the Higher Education Opportunity Act or HEOA (Public Law 110-315) reauthorized and expanded the Higher Education Act of 1965, as amended. HEOA amended the Clery Act and created additional safety and security related requirements for institutions. Although HEA, as amended, is the law that governs the administration of all federal higher education programs, as used in this report, HEA refers only to the Clery Act and HEOA safety and security related requirements. In 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amended the Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. More information about the Clery Act can be found at: http://clerycenter.org/
Notice of Availability:

Annual Campus Security Report and Annual Fire Safety Report

On October 1 of each year an e-mail notification is sent to all enrolled students, academic and staff personnel that provides the website to access this report. This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by UC Santa Barbara; and on public property within, or immediately adjacent to and accessible from, the campus. Please visit http://www.police.ucsb.edu/files/docs/annual-clery-act-disclosure-notification-2016.pdf

The report also includes information on fire protection systems, fire prevention policies, as well as institutional policies concerning other safety and security matters. Community members, students, academic and staff personnel, and guests are encouraged to immediately report all crimes and public safety related incidents to the UC Santa Barbara Police Department. A copy of the Annual Security Report may be obtained by contacting the UC Santa Barbara Police Department, UCSB Campus Public Safety Building #574, Santa Barbara, CA 805-893-3446, 805-893-3886 or by accessing the following website: http://www.police.ucsb.edu/files/docs/annual-clery-act-campus-security-report-2016.pdf or http://www.police.ucsb.edu/clery-act/

The UC Santa Barbara Police Department submits the annual crime and fire statistics published in this report to the U.S. Department of Education (DOE). The statistical information gathered by the DOE is available to the public through its website: http://www.ed.gov/

For Information about the Clery Act, Campus Security Authority (CSA) training, CSA Crime & Incident and Report Form, and other safety information please visit http://www.police.ucsb.edu/clery-act or the police department website at http://www.police.ucsb.edu/.
**Geography**

The UC Santa Barbara Police Department has primary jurisdictional responsibility of the UC Santa Barbara main campus and off campus properties. Agreements have been entered into with the Santa Barbara County Sheriff Department for the unincorporated area of Isla Vista, Ca. The jurisdictional authority of the UC Santa Barbara Police Department at off campus locations is cited in the California Education Code, §92600 subsection (b) as provided in California Penal Code §830.2. UC Santa Barbara has locations throughout Santa Barbara County as well as numerous others counties within the state of California.

The University of California, Santa Barbara (commonly referred to as UC Santa Barbara or UCSB) sits atop cliffs overlooking the Pacific Ocean. UCSB is a public research university and one of the 10 campuses of the University of California system. The main campus is located on about a 1,000 acre site near Goleta, California, United States, 8 miles from Santa Barbara and about 100 miles northwest of Los Angeles. For more information on campus maps visit: [http://www.aw.id.ucsb.edu/maps/](http://www.aw.id.ucsb.edu/maps/)

**Geography Classification**

For the purposes of collecting statistics for submission to the Department of Education and inclusion in an institution’s annual security report, Clery geography includes building and property that are part of the institution’s campus (including a subset of on-campus student housing facilities), the institution’s non-campus buildings or property, and public property within or immediately adjacent to and accessible from the campus. For the purposes of maintaining an institution’s crime log, Clery geography also includes area within the patrol jurisdiction of the campus police.

**On-Campus**

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence hall; and

- Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-Campus Student Housing Facility**

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous area that makes up the campus
**Public Property**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Non-campus Buildings or Property**

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Non-Campus Buildings or Properties**

The following locations are used in direct support of or in relation to UC Santa Barbara’s educational purposes, are frequently used by faculty and students but are not within the same reasonably contiguous geographic area of the main campus:

**Carpinteria Salt Marsh:** Located 20 miles east of Santa Barbara, the Carpinteria Salt Marsh lies between CA-101 and the Pacific Ocean, an oasis surrounded by roads, greenhouses, warehouses and homes. A critically important Southern California estuary which supports many sensitive plant and animal species, the Salt Marsh extends to 230 acres. Including the 120 protected acres that comprise the Reserve. The remainder of the Marsh is owned by The Land Trust of Santa Barbara County, the City of Carpinteria and homeowners living along the shore. The landowners, together with stakeholders in the community join with UC Santa Barbara in protecting this salt marsh ecosystem, now one of the most studied coastal wetland ecosystems in the world. More information can be found at: [http://nrs.ucsb.edu/our-reserves/carpinteria-salt-marsh](http://nrs.ucsb.edu/our-reserves/carpinteria-salt-marsh)

**Sedgwick Reserve:** Located in the San Rafael Mountains, 35 miles north of Santa Barbara near the town of Santa Ynez in Santa Barbara County, California. Sedgwick Reserve is a 5,896-acre nature reserve in California. Sedgwick Reserve is a world-class research, conservation and education facility located in Santa Barbara County in the Santa Ynez Valley. One of seven reserves managed by the University of California Santa Barbara Natural Reserve System, Sedgwick is among the largest and most diverse reserves of its kind in the country. More information can be found at: [http://sedgwick.nrs.ucsb.edu/](http://sedgwick.nrs.ucsb.edu/)

**Coal Oil Point Reserve:** Located adjacent to the UC Santa Barbara campus, the reserve provides a unique and accessible research and teaching resource. It is used by many university courses for field studies. The reserve is also used and enjoyed by school children for field trips, birders, and the general public. More information can be found at: [http://coaloilpoint.ucnrs.org/](http://coaloilpoint.ucnrs.org/)
**Valentine Eastern Sierra Reserve:** Located 15 miles apart near Mammoth Lakes in the eastern Sierra Nevada. The mission of the Natural Reserve System is to contribute to the understanding and wise stewardship of the Earth and its natural systems by supporting university-level teaching, research, and public service at protected natural areas throughout California. Valentine Eastern Sierra Reserve (VESR) is a field research station, two of 39 sites in the University of California’s Natural Reserve System (NRS). The Reserve is administered by UC Santa Barbara and consists of two sites, Valentine Camp and the Sierra Nevada Aquatic Research Laboratory (SNARL). More information can be found at: [http://vesr.nrs.ucsb.edu/](http://vesr.nrs.ucsb.edu/)

**Santa Cruz Island Reserve:** Santa Cruz Island Reserve is located on the largest of roughly 25 miles from Santa Barbara, California’s eight Channel Islands off the Southern California coast. The island has two major mountain systems flanking a central valley that formed along an active fault zone. The mountains are rugged and cut by steep-sided canyons, some with perennial streams and freshwater springs. The coastline is mostly steep and rocky, with some protected coves and sandy beaches. More information can be found at: [http://www.ucnrs.org/reserves/santa-cruz-island-reserve.html](http://www.ucnrs.org/reserves/santa-cruz-island-reserve.html)

**Rancho Marino Reserve:** This Reserve is located in San Luis Obispo County, bordering the south end of the town of Cambria. Kenneth S. Norris Rancho Marino Reserve, named for one of the founders of the NRS, includes some of the most spectacular stretches of coast in central California. Its area extends from the sea up to a 700 foot elevation ridge. More information can be found at: [http://www.ucnrs.org/reserves/kenneth-s-norris-rancho-marino-reserve.html](http://www.ucnrs.org/reserves/kenneth-s-norris-rancho-marino-reserve.html)

**Overnight, School-Sponsored Trips**

UC Santa Barbara sponsors activities away from the main campus, which may require overnight stays, and rents motel rooms and other facilities for these purposes. When relevant, UC Santa Barbara only discloses statistical information for the crimes that occur at these facilities during the time period these locations were occupied, as prescribed by the Clery Act.

See Appendix A for campus map or go to: [http://www.police.ucsb.edu/files/docs/Clery-Police_Boundaries.pdf](http://www.police.ucsb.edu/files/docs/Clery-Police_Boundaries.pdf)
Campus and Community Crime Statistics

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, gender, sexual orientation, ethnicity, national origin, gender identity 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

Disclosure of Statistical Information

Many crimes are not reported to the police. As such, by collecting data through guidelines from other sources, UC Santa Barbara is able to obtain a more accurate count of crimes on campus and affiliated locations. A crime is reported when a witness, victim, a third party, or the offender, regardless of affiliation, brings the crime to the attention of law enforcement or a campus security authority. In turn, UC Santa Barbara discloses crimes in the statistical proportion of this report regardless of whether the crimes have been investigated by the police, and regardless of whether a finding of guilt or responsibility has been assigned.

UC Santa Barbara makes a good faith effort to obtain the statistics by requesting them, in writing, from non-campus security authorities and law enforcement agencies. UC Santa Barbara relies on the information obtained but is not responsible if the information is inaccurate or not provided.

UC Santa Barbara also gathers statistical information about fires for on-campus student housing facilities. The Campus Fire Marshall collects this information from a variety of sources including campus security authorities, Santa Barbara County Fire personnel, and other reporting parties.

The 2016 UC Santa Barbara Annual Campus Security Report is a resource for the campus community to make informed decisions about their safety. Clery Act Statistics for the University of California, Santa Barbara campus for the previous three years are available at the end of this report. The cumulative documentation for the Annual Security report is kept within the UC Santa Barbara Police Records Division. For questions regarding the preparation of the Annual Security Report, please call Lt. David Millard at 805-893-2845 or 805-893-3886 and ask for the UCPD Records Supervisor, Lisa Murphy.
Compilation of Annual Crime Statistics

The current Annual Campus Security Report has been compiled for the previous calendar year (2015) for crime reports received by the UC Santa Barbara Police Department; from crime statistics received from other police agencies having jurisdiction non-campus UC Santa Barbara owned, affiliated, or controlled property; from reports received in response to written requests sent to non-campus security authorities; and from reports received through established reporting guidelines. The report also includes disciplinary referrals to Student Conduct for drug, alcohol, weapons, and other Clery Act crimes not otherwise reported as an arrest or a crime.

The types of crimes or incidents collected include the following:

- Criminal Homicide
  - Murder and Nonnegligent Manslaughter
  - Negligent Manslaughter
- Sex Offenses
  - Rape
  - Fondling
  - Incest
  - Statutory rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft (stolen vehicles)
- Arson
- Arrests and Referrals for Disciplinary Actions
  - Weapons Violations (possession and brandishing)
  - Alcohol Violation (minor in possession)
  - Drug Violations
- Hate Crimes
  - Larceny-Theft
  - Simple Assault
  - Intimidation
  - Destruction/Damage/Vandalism of property
- Dating Violence
- Domestic Violence
- Stalking

Designated Reporters

Campus Security Authorities

Even at institutions with a police department on campus, a student who is a victim of a crime may be more inclined to report it to someone other than the police. For this reason the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that the Clery Act refers to as Campus Security Authorities (CSA).

A CSA is an official of the university who has significant responsibility for student and campus activities. They are usually found in departments responsible for, but not limited to, student and campus activities, safety/security, discipline, housing, athletics, or human resources. A CSA is defined in the Clery Handbook as, “any person who has the authority and duty to take action or respond to particular issues on behalf of the institution.” This designation also includes any individual who has been specified by UC Santa Barbara to receive and report offenses.
CSAs are responsible for immediately reporting crimes and incidents that occur on the UC Santa Barbara campus or affiliated property to the UC Santa Barbara Police Department. More information about CSA responsibility can be found at http://www.ucop.edu/ethics-compliance-audit-services/compliance/clery-act/ or http://www.police.ucsb.edu/files/docs/ucsb-clery-act-csa-reporting-procedure.pdf

CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA. This means that CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

In addition, a CSA crime report form has been developed to assist in reporting crimes or incidents associated with the Clery Act and this form is located at http://www.police.ucsb.edu/files/docs/ucsb-clery-act-report-form.pdf

CSAs include individuals from the following departments and units:

- UC Santa Barbara Police Department
- Campus Housing and Education Services
- College Administrative Officers/Assistant College Administrative Officers
- Coordinators of Residential Education
- Community Service Officers (CSOs)
- Residential Advisors and Assistants
- A Director of Athletics, all athletic coaches (including part-time employees and graduate assistants)
- A Dean of Students who oversees housing student housing, a student center or student extracurricular activities
- Office of Physical Education, Recreation and Sports
- The Director of a Campus Health or Counseling Center
- Title IX Coordinator
- Student Organization Advising and Resources
- Divisional Deans and Department Chairs
- College Provosts

**Responsible Employees**

Under Title IX of the education amendments act of 1972 (20 U.S.C. §1681 et seq.), all responsible employees must report to the Title IX officer all relevant details about any alleged sexual violence or sexual harassment. In accordance with the UC Policy on Sexual Violence and Sexual Harassment, the university will respond promptly and effectively to any such reports, and will take appropriate action to stop the misconduct, prevent its recurrence, provide interim measures and remedies, and
when necessary, to discipline behavior that violates this policy. The UC policy has designated all employees (including student employees), except those who are confidential resources, as responsible employees. Reports must include all relevant information, including the names of the alleged perpetrator (if known) and the complainant who experienced the alleged prohibited conduct, other persons involved in the alleged prohibited conduct, as well as relevant facts, including the date, time, and location.

**Daily Police Logs**

The Daily Crime Log lists crimes reported to and/or responded to by the UC Santa Barbara Police Department for the previous 60-days. The log is updated within two business days of the report to campus police, unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim. The information listed in the log includes the nature of the crime, general location, date/time occurred, disposition, and the date reported. The Daily Crime Log is kept in the Police Department Dispatch Center and upon request is immediately available to the public during the daytime business hours. Any information pertaining to the Daily Crime Log that is older than the previous 60-days can be made available within two business days.

Information may be withheld from the Daily Crime Log if there is clear and convincing evidence that the release of the information would jeopardize an ongoing investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. Nonetheless, the information must be disclosed once any of the adverse effects described above are no longer likely to occur.

Additionally, UC Santa Barbara Police is supplied with a daily crime log for all crimes reported or responded to for the previous 60-days that occurred in the Santa Barbara County Sheriff’s jurisdiction of Isla Vista. The information listed in the log includes the nature of the crime, general location, date/time occurred, disposition, and the date reported. The Isla Vista Daily Crime Log is kept in the UC Santa Barbara Police Department Dispatch Center and upon request is immediately available to the public during the daytime business hours. Any information pertaining to the Daily Crime Log that is older than the previous 60-days can be made available within two business days.

Individuals may view hard copies of both Daily Crime Logs during business hours at the UC Santa Barbara Police Department, Public Safety Building #574, Santa Barbara, CA. 93106. The UC Santa Barbara Police Department’s Daily Log can also be viewed online at [http://www.police.ucsb.edu/daily-crime-logs](http://www.police.ucsb.edu/daily-crime-logs)
Overview of the UC Santa Barbara Police Department and Campus Emergency Response

The UC Santa Barbara Police Department has the law enforcement primary jurisdiction over the University of California, Santa Barbara, and other properties (owned, leased or controlled) affiliated with the Regents of the University of California. Crime prevention and apprehension of those who commit crimes within the Department’s jurisdiction is part of the mission of the UC Santa Barbara Police Department.

UC Santa Barbara police officers are duly sworn peace officers under Penal Code 830.2. The officers are armed and have the same authority to make arrests under the law as municipal officers or sheriff deputies. Officers patrol the UC Santa Barbara campus and off-campus locations 24-hours a day, 365 days a year. They enforce applicable local, state, and federal laws and provide a full range of police-related services, including immediate response to criminal, fire, and medical emergencies.

The UC Santa Barbara Police Department operates a 911 Dispatch Center 24-hours a day, 365 days a year, and can receive calls from a cell phone, landline phone, blue light emergency phone, emergency call box, elevator phone or TDD machine.

Working with other Law Enforcement Agencies

The UC Santa Barbara Police Department has written agreements with the surrounding law enforcement agencies to share information and resources, monitor and record criminal activity by students at non-campus locations, and works closely with these agencies to respond to crime or other emergency situations. This collaboration leads to functional assessment for the needs of either Emergency Notifications or Timely Warnings. In addition, when necessary, the department collaborates with state and federal agencies.

By mutual agreements with state and federal agencies, the UC Santa Barbara Police Department maintains access to the National Law Enforcement Telecommunications Network (NLETS) and the California Law Enforcement Telecommunications Network (CLETs). These computer databases are used for accessing criminal history data, nationwide police records, Department of Motor Vehicle information, as well as local, state, and federal law enforcement information.

Through coordination with local law enforcement agencies, any information about criminal activity by students and employees on campus or at non-campus locations may be provided to the UC Santa Barbara Police Department. That information may also be provided to the Dean of Students, Academic Personnel Office, Staff Human Resources, or other University officials for any required follow up actions.
Emergency Notification and Timely Warning Procedures

Quarterly, the UCSB Alert System is tested. Activations to real time incidents are not considered part of the testing process. Members of the UC Santa Barbara Community are encouraged to take responsibility for regularly checking and updating their notification information in the UCSB Alert System at https://alert.ucsb.edu/#/login. Records that include the date, time, and unannounced nature for each quarterly test of the UCSB Alert System are kept with the UCSB Campus Emergency Manager. For more information of test results contact Jim Caesar at 805-451-1437 or james.caesar@ehs.ucsb.edu.

All campus email addresses (students, academic and staff personnel) and self provided phone numbers are loaded into the alert notification system. There are options for those registered to opt out of messages as well as the ability to provide additional phone numbers and email addresses for notification. 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-UCSB, for recorded informational updates. Members of the larger community who are interested in receiving information about emergencies on campus should use the UCSB website and Emergency Information Line for obtaining updates in the event of an emergency on campus.

The UCSB Alert System is utilized to send two types of timely communications to the campus community: Emergency Notifications and Timely warnings.

For determining content of a warning and when appropriate, University Officials, the Chief of Police, Assistant Chief of Police, the patrol and administrative lieutenants, watch commander, police dispatch, or if circumstances dictate, any other sworn police officer, without delay, via information received, and taking into account the safety of the community, will determine the method and content of the notification necessary to be provided in an Emergency Notification or Timely Warning, exceptions may include if issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The University Police Department issues a notification to the University community unless the incident was discussed with a pastoral/professional counselor in confidence or doing so would compromise efforts to assist a victim or address the emergency.

Emergency Notification

The campus maintains an emergency notification system to send Emergency Notifications via email and text messaging. An Emergency Notification involves a significant emergency or dangerous situation that is confirmed and may involve an
immediate or ongoing threat to the health and safety of those on campus (i.e. earthquake, active shooter, fire, hazardous materials incident, health outbreak, etc.)

The institution and UC Santa Barbara Police Department will immediately notify the campus community upon confirmation of an emergency or dangerous situation. Confirmation means that an institution official (or officials) has verified that a legitimate emergency or dangerous situation exists. Confirmation doesn’t necessarily mean that all of the pertinent details are known or even available. When an Emergency Notification is drafted, the following information may be included in the emergency message, if available: (a) the message will begin with the word, “Emergency Notification” (b) the type of emergency or dangerous situation that poses an immediate threat to the campus community will be listed, (c) the time and location of the incident, (d) action to take given the situation, and (e) suspect description information, if relevant and necessary. In accordance with federal law, no victim name or personally identifying information for or about the victim is allowed.

The UC Santa Barbara Police Department and Santa Barbara County Fire Department have the responsibility of 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, they have a responsibility to respond to such incidents, to determine if the situation does, in fact, pose a threat to the community. While doing an on scene assessment if a threat to the community is confirmed by UC Santa Barbara Police or Santa Barbara County Fire, federal law requires that the institution immediately notify the community or the appropriate segments of the community that may be affected by the situation.

During a confirmed threat and emergency situation, the entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. During an emergency situation there will be a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action.

When an Emergency Notification is issued, additional notification messages will be issued if and when new information becomes available, until such time that a closure message is issued. Once the UC Santa Barbara Police Department has determined that there is no longer an emergency or dangerous situation that poses an immediate threat to the UCSB campus communities, an Emergency Notification closure message will be sent out. This includes situations when there is no longer an immediate threat, the situation is under control, and/or the guidance provided in the original Emergency Notification is no longer required.

In addition, if an emergency situation only affects facilities geographically separate from the main campus and does not also affect the main campus, notification to those buildings may be made in consultation with the appropriate public safety agency having jurisdiction of that area. In this case, the official responsible for that
facility will coordinate with the local public safety agency and the UC Santa Barbara Police Department to ensure that Emergency Notification requirements are met.

All members of the UCSB Community are notified on an annual basis that they are required to notify the UCSB Police Department (UCSB PD) 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.

**Limited Exception to Issuing an Emergency Notification**

As allowed by federal law, the only exceptions to issuing an Emergency Notification message are whether a notification will, in the judgment of the UC Santa Barbara Police Department first responders and/or UC Santa Barbara Police Department management team (i.e. Chain of Command), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. This exception to issuing an Emergency Notification messages will not be construed broadly and is a very narrow exception that may apply in limited circumstances.

**Timely Warnings**

A Timely Warning provides information about criminal activity that poses a potential threat to the campus community, and will aid in the prevention of similar crimes. Timely Warnings are generally in the forms of email and brief text messages or posted on the police website. Timely Warnings differ from Emergency Notifications and include tips and resources for the community to aid in personal safety and crime prevention. Printed copies of Timely Warnings may also be posted in affected areas.

In order to help safeguard the UCSB Campus community, to increase crime awareness and to meet the Clery Act Timely Warning (Crime Alert) requirements, a Timely Warning may be issued following the reporting of a Clery Act crime to the UCSB Police Department that meets the standard for issuance set forth below. Issuance of a Timely Warning is not required based on the same circumstances and factors as an Emergency Notification.

**Reporting Clery Act Crimes to UCSB Police Department**

All crimes should be reported immediately to the UC Santa Barbara Police Department on the UCSB campus by dialing 9-1-1 (emergencies) or calling the UCSB Police Department Dispatch Center 24/7 at (805) 893-3446 (non-emergencies) located at the Public Safety Building #574, Santa Barbara, CA. 93106. All crime reports should be made directly to the UC Santa Barbara Police Department. Clery Act crimes includes homicide/non-negligent manslaughter, negligent manslaughter, sex offenses (including rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, hate crimes, dating violence, domestic violence, and stalking.
Responsibility for Issuing Timely Warning (Crime Alerts)

The UC Santa Barbara Police Department has the responsibility for issuing Timely Warnings (Crime Alerts) for the UCSB campus. UC Santa Barbara Police Department will alert the community to certain crimes in a manner that aids in the prevention of similar crimes. Although the Clery Act does not define the word “timely,” because the intent of a warning regarding a criminal incident(s) is to allow people to take precautions for their personal safety, a Timely Warning should be issued as soon as pertinent information about the crime is available. Therefore, even if not all of the facts surrounding a criminal incident(s) are available, UCSB police may issue a Timely Warning for any Clery Act crime that meets the criteria set forth below.

A Timely Warning is a notification to the UCSB Campus communities of the report of a Clery Act crime where such crime is reported to the UC Santa Barbara Police Department or to a Campus Security Authority (“CSA”), who in turn reports such crime in a timely manner to the UC Santa Barbara Police Department, and the crime is considered by the institution to represent a serious or continuing threat to students and employees at the time of the report. The determination to issue a Timely Warning is made on a case-by-case basis in light of all of the facts surrounding a reported crime including, but not limited to such factors as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

The UC Santa Barbara Police Department may elect to not issue a Timely Warning in very limited circumstances. First, if the UC Santa Barbara Police Department or other law enforcement agency apprehends the suspect(s) of a Clery Act crime and the serious or on-going threat to students and employees of the UCSB community has been mitigated by the apprehension or arrest of such suspect(s), or if it is otherwise determined by the Chief of Police or his designee that a serious or on-going threat does not exist, a Timely Warning may not be issued. Second, if a report of a Clery Act crime was not reported to the UC Santa Barbara Police Department or if the UC Santa Barbara Police Department was not notified of a Clery Act crime report in a manner that would allow the UC Santa Barbara Police Department to issue a Timely Warning, a Timely Warning may not be issued.

Confidentiality of Victim Identifying Information

All Timely Warnings (Crime Alerts) will withhold as confidential the names and other identifying information of victims, as defined in section 40002(a) (20) of the Violence Against Women Act of 1994.

Exemption for Pastoral and Professional Counselor Reporting

Under the Clery Act, UCSB is not required to provide a Timely Warning with respect to crimes reported to a pastoral counselor or professional counselor.
Emergency Notifications and Timely Warning Issuance Procedures

The campus has developed procedures and delegated message initiation authority to ensure that an Emergency Notification or Timely Warning can be sent without delay.

The following individuals have the authority to initiate the Emergency Notification and Timely Warning process based on the emergency situation and operational requirements:

- Campus Officials
- Chief of Police
- Assistant Chief of Police
- Administrative Lieutenant
- Patrol Lieutenant
- Police Watch Commander
- Sworn Police Officer
- Police Dispatch
- Clery Coordinator

Additional communications to the larger UC Santa Barbara Community may also be provided by the UCSB Public Information/Communications Office, which maintains contacts with the local print, radio and television media outlets. In addition to an Emergency Notification or Timely Warning, the campus may also disseminate emergency information to campus affiliates via the following methods:

- UC Santa Barbara Homepage
- UC Santa Barbara Police Department Homepage
- UC Santa Barbara Emergency Management Homepage
- KCSB (91.9 FM) campus radio station

Emergency Notification and Timely Warnings: Sorting Out the Differences

Emergency Notifications

Scope: Wide focus on any significant emergency or dangerous situation (may include Clery Act crimes).

Why: Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Initiate emergency notification procedures for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.
**Where:** Applies to situations that occur on your campus. When: Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.

**Timely Warning**

**Scope:** Narrow focus on Clery Act crimes.

**Why:** Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. Issue a timely warning for any Clery Act crime committed on your Clery Act geography that is reported to your campus security authorities or a local law enforcement agency, and that is considered by the institution to represent a serious or continuing threat to students and employees. Where: Applies to crimes that occur anywhere on your Clery Act geography.

**When:** Issue a warning as soon as the pertinent information is available.

**Emergency Response and Evacuation procedures**

**Emergency Operations Plan**
Under the guidance of the Director of Emergency Management and Continuity Programs, UC Santa Barbara has a comprehensive emergency management program, which utilizes a formal Emergency Operations Plan for preparing for, responding to and recovering from emergencies. When necessary, an Emergency Operations Center is activated and staffed with trained employees to coordinate the response to major emergencies.

Annually, UC Santa Barbara routinely conducts training sessions, emergency exercises and tests of the emergency systems in compliance with the Clery Act and other state and federal requirements. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. More information is available at: http://www.emergency.ucsb.edu/

**Emergency Procedures**
The UC Santa Barbara Office of Emergency Services website, http://www.emergency.ucsb.edu/emergency-response-procedures, includes information about campus level emergency procedures; incident priorities and performance expectations; evacuation guidelines; and local contingency and continuity planning requirements. University departments are responsible for developing more specific plans and procedures covering their areas of responsibility, including building evacuation procedures, unit business continuity plans and other contingency protocols.

UC Santa Barbara Police Officers, Santa Barbara County Firefighters, and academic and staff personnel with emergency response duties have received training in the Incident Command System (ICS), which is utilized when responding to incidents in the community. General information about the emergency response and evacuation
procedures for UC Santa Barbara are publicized each year as part of UC Santa Barbara’s Clery Act compliance efforts, and is available on the Office of Emergency Services Management website at http://www.emergency.ucsb.edu/

**Evacuation Drills and Testing Procedures**

Evacuation (fire) drills are conducted annually by UC Santa Barbara Office of Environmental Health and Safety for all on-campus student-housing facilities. Additional evacuation drills are also conducted on request.

Participants are trained on the locations of emergency exits and general evacuation paths for their building for a short-term evacuation during these exercises. Designated locations for long-term evacuation may vary based on the time of day, location of the building being evacuated, the availability of various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. UC Santa Barbara Office of Emergency Services staff and building staff on scene will communicate information regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in the case of a fire or other emergency. In addition to educating the occupants of each building about the evacuation procedures during the drill, the process also provides UC Santa Barbara the opportunity to test the operation of fire alarm systems.

Emergency response and evacuation procedures can be found on the campus emergency resources website at http://emergency.ucsb.edu/response.html

**Access to Campus Facilities**

**Academic and Administrative Buildings**

UC Santa Barbara is a public institution and, as such, academic and administrative buildings are open to the public, at a minimum, during normal business hours. Most facilities have individual hours. The hours for access to any academic building may vary at different times of the year. Access to buildings is controlled by key or card access, and all buildings have varied levels of access control.

In order to ensure that only authorized individuals have access to UCSB buildings and facilities, it is essential that students, staff and faculty work together to keep doors of all buildings and other facilities closed after hours. Do not leave doors propped open or unlocked after hours. Do not open the door for individuals you do not know. If your campus keys or other access cards are lost or stolen, report this information immediately to the issuing party/department or contact the UC Santa Barbara Police Department at (805) 893-3446.
Emergency situations may require changes or alterations to posted building and other facility schedules. Buildings, facilities and other areas at UCSB that are reported or determined to be problematic in certain ways may have security surveys and assessments conducted, including lighting, landscaping, access control, alarm monitoring, and other assessments. Members of the UC Santa Barbara Police Department, UCSB Facilities Management, and others may conduct security assessments for new construction, remodeling projects, and other areas conducted on an on-going basis or when requested.

UC Santa Barbara police officers patrol the academic and administrative buildings on a regular basis. Access control for a specific building is managed by a building manager, a department head or based on University need.

Extended Breaks and Emergencies

Extended breaks or emergencies may necessitate changes or alterations to any access control schedules.

On-Campus Student Housing Facilities

For purposes of the Clery Act regulations, any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Access control to these facilities is restricted to residents, their approved guests and other approved members of the University community. Residents gain entry by use of a key or card access.

Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their approved access method. UC Santa Barbara police officers patrol these facilities on a regular basis.

Resident Directors (RD), Resident Assistants (RA), and Community Service Officers (CSOs) along with other housing officials also enforce security measures in the facilities and work with residents to achieve a community respectful of individual and group rights and responsibilities.

Safety Plan (AB 1433, Gatto)

- Every student must take responsibility for keeping the halls securely locked, protecting keys from loss, and reporting strangers in the halls to an RD, ARD, or RA immediately.
- Keep the door and windows of your room secure at night and when you’re not there.
- Screens must remain on windows at all times.
- Building doors:
• must not be propped open
• are checked by the designated facility members
• are locked by 11pm (each resident has an exterior door key or electronic access)

• Report any safety-related problems and maintenance concerns immediately to a hall staff member. A message can be left for the staff at the Front Desk during desk operation hours, or after hours by calling your Front Desk.
• Students are responsible for ordering a change of the lock in order to maintain security for yourself, for your room’s possessions, and for your community’s security.
• We encourage all residents to take safety precautions when traveling across campus at night.
• Whether out jogging, walking to and from the library, or going to Isla Vista for a late night snack, students should travel in groups of two or more. (Call the CSO escort line at 805-893-2000 or see the CSO website for escort program information at: http://www.police.ucsb.edu/cso/safety-escorts

Pursuant to California Education Code §67380, UC Santa Barbara is required to provide information about special safeguards that have been established for particular facilities or activities during the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the future 24 months. More information can located at http://www.housing.ucsb.edu/residence-halls/safety and http://ucop.edu/residency/

**Maintenance of Campus Facilities**

The UC Santa Barbara Police Department utilizes a multidisciplinary approach to deter criminal behavior and to create community building efforts for a safer campus community. Crime Prevention through Environmental Design (CPTED) is a key strategy relied upon to reduce behaviors that precede criminal activities. In accordance with this strategy, facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Additionally, the UC Santa Barbara Police Department officers and CSOs regularly patrol the main campus and off-site facilities, and reports malfunctioning lights, security deficiencies, and other unsafe physical conditions to the Facilities management for correction.

Annually, the UC Santa Barbara Police Department sponsors and conducts a UCSB Campus Lighting and Safety Walk. This annual event includes campus directors and members from various campus organizations. The design of the walk is to identify hazards or needs around campus such as more lighting or if there are repairs needed with existing lighting. The walk has designed to identify any and all hazards that could affect campus safety.

Other members of the University community are encouraged to report equipment problems or unsafe conditions to the UC Santa Barbara Police Department or Facilities Maintenance. For assistance with any non-urgent maintenance concerns relating to a residential area or building, please file a customer service request at
customer.service@pf.ucsb.edu  If you have an urgent housing situation: water leak, broken door, broken window glass, etc., you can call Facilities Maintenance directly at: 805-893-2661 xt1112 or at customer.service@pf.ucsb.edu

**Reporting Crimes and Emergencies**

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.

The University strongly encourages the immediate reporting of crimes, emergencies, and/or suspicious, disturbing, or threatening behaviors to the UCSB Police Department. Prompt reporting ensures an appropriate response, the consideration of a Timely Warning or an Emergency Notification, and assists in properly gathering statistics. Crimes or incidents occurring outside of the UC Santa Barbara Police Department jurisdiction should be reported immediately to the agency having jurisdiction where the incident occurred. (See local phone numbers below)

Under circumstances prescribed in Government code 6254(f), information from police reports may be released. Whenever possible and pursuant to penal Code 293, the UC Santa Barbara Police Department withholds information that may identify victims of crime or other activity.

For all emergencies on campus, student, staff, and faculty can contact the UCSB Police Department. For in person reporting, the UCSB Police Department is located at Public Safety building #574, at the corner of Stadium and Mesa Roads on the UCSB campus, Santa Barbara, Ca. 93106.

For Emergencies and All Crimes

<table>
<thead>
<tr>
<th>PHONE NUMBER</th>
<th>WHERE TO CALL</th>
</tr>
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<tbody>
<tr>
<td><strong>UCSB Police</strong> for any kind of emergency situation with serious threat to life or property.</td>
<td>9-1-1 or from phones with and 893 prefix dial 9-911</td>
</tr>
<tr>
<td><strong>UCSB Police</strong> for any kind of emergency situation with serious threat to life or property, if unable to dial 9-1-1 from phone being used.</td>
<td>805-893-3446</td>
</tr>
<tr>
<td>Non-emergency police related calls</td>
<td>805-893-3446</td>
</tr>
<tr>
<td>TTY, telecommunications Device for the deaf, 24-hours</td>
<td>805-893-3446 or 9-1-1 and you will be connected</td>
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</table>

Anonymous crime tips can be made at police.ucsb.edu/contact-us/report-crime

Blue light phones, emergency elevator phones and emergency call boxes may be used to contact the dispatch center in emergency situations. These phones are located throughout campus.

If there is a fire and no phone is available, activate one of the fire alarm manual pull stations located throughout campus buildings.
<table>
<thead>
<tr>
<th>Service</th>
<th>Contact Information</th>
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</thead>
<tbody>
<tr>
<td>CSO Escort program</td>
<td>805-893-2000</td>
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<tr>
<td>CARE Advocate office</td>
<td>805-893-4613</td>
</tr>
<tr>
<td>Title IX Office</td>
<td>805-893-2701</td>
</tr>
<tr>
<td>Office of Judicial Affairs</td>
<td>805-893-5016</td>
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<tr>
<td>(student conduct &amp; hate crimes/hate incidents)</td>
<td>judicialaffairs.sa.ucsb.edu</td>
</tr>
<tr>
<td>Isla Vista Foot Patrol</td>
<td>805-681-4179</td>
</tr>
<tr>
<td>6504 Trigo Road, Isla Vista, Ca. 93117</td>
<td></td>
</tr>
<tr>
<td>(IV FAQs, survival guide and relevant laws)</td>
<td></td>
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<tr>
<td><a href="http://www.sbsheriff.org/ivfaqs.html">http://www.sbsheriff.org/ivfaqs.html</a></td>
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<tr>
<td><a href="http://www.sbsheriff.org/ivsurvivalguide.html">http://www.sbsheriff.org/ivsurvivalguide.html</a></td>
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<td><a href="http://www.sbsheriff.org/lawsays.html">http://www.sbsheriff.org/lawsays.html</a></td>
<td></td>
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<tr>
<td>Santa Barbara City Police</td>
<td>805-897-2300</td>
</tr>
<tr>
<td><a href="http://www.santabarbaraca.gov/Depts/Police">www.santabarbaraca.gov/Depts/Police</a></td>
<td></td>
</tr>
<tr>
<td>California Highway Patrol @ <a href="http://WWW.CHP@CA.GOV">WWW.CHP@CA.GOV</a></td>
<td>805-967-1234</td>
</tr>
<tr>
<td>Santa Barbara County Sheriff, 4434 Calle Real, Goleta, Ca.</td>
<td>805-681-4100</td>
</tr>
<tr>
<td>(issues pertaining to the Goleta community)</td>
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<tr>
<td><a href="http://www.sbsheriff.org">www.sbsheriff.org</a></td>
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</table>

**California Mandatory Reporting Laws**

As outlined by the Penal Code 368 and Welfare and Institutions Code 15600 et al., the California Legislature enacted recent laws to require elderly and dependent adult care custodians, health practitioners, Adult protective Services staff, law enforcement, and other designated agencies to report and to investigate incidents of abuse/neglect. The categories of abuse and neglect that must be reported by mandated parties now include: physical, sexual, financial, isolation, abandonment, abduction, neglect, mental suffering and self-neglect. California Penal code 11160 requires prompt, mandatory reporting to local law enforcement agency by healthcare practitioners such as those at the UCSB Student health Center) when they provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a firearm or as a result of assaultive or abusive conduct.

Child Abuse neglect and Reporting Act (CANRA), codified in California penal code 11164-11174.3, requires that employers of mandated reporters (as defined in the ACT) promote identification and reporting of child abuse or neglect. It is the policy of the University of California to comply with its obligations under the ACT; to require that all University employees and administrators who are mandated reporters make required reports to child protection or law enforcement agencies; and, more broadly, to encourage all members of the University community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a University facility or perpetuated by University personnel to promptly report the concern to appropriate law enforcement, external officials and University officials. More information about the University of California CANRA Policy can be found at: http://policy.ucop.edu/doc/4000603/CANRA

**California Assembly Bill 1433 (Gatto)-Student Safety Bill**

Pursuant to California Education Code 67380(a)(6)(A), 67381 and 67383(a), the UC Santa Barbara Police Department must report immediately or as soon as practically possible to the appropriate local law enforcement agency, all reports received by a CSA of any Part 1 violent crime, sexual assault, or hate crime, committed on or off
campus. This includes reports victims make directly to CSAs as well as reports victims make to other University employees that are then conveyed to the UC Santa Barbara Police Department or other CSAs.

Such reports will include, when the victim has consented to being identified:

- The name and characteristics of the victim;
- The name and characteristics of the perpetrator;
- Description of incident, including location and date and time; and
- Any report number assigned to the police incident report documenting the investigation being conducted by the jurisdictional agency.

If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency.

**Confidential Clery Reporting process**

If victims do not wish or are unable to file a police report, they, or others acting on their behalf, can report crimes informally and confidentially (no names or criminal investigation to any non-police CSA. In general, reports from non-police CSAs are confidential, unless the victim gives permission to document identifying information or for police to investigate. This information is used to compile statistics, to avoid duplication or inaccurate statistical reporting, and to assign reports to appropriate Clery Act and FBI crime classifications. Only statistical information obtained from these confidential reports will be included as part of the Annual Security Report.

UC Santa Barbara encourages professional counselors (including confidential victim advocates) and pastoral (religious) counselors to inform victims they counsel, if and when they deem it appropriate, of these procedures for reporting crimes on a voluntary, confidential basis for inclusion in crime statistics.

**Monitoring and Recording of Criminal Activity at Non-Campus locations**

When students or employees are identified as the victims or suspects of any Part 1 violent crime, sexual assault, or a hate crime that occurs within a local law enforcement agency’s jurisdiction, and/or when a local law enforcement agency as first responder to an incident on the University Campus or at a non-campus University location the UC Santa Barbara Police Department may be notified.

The sharing of this information allows the UC Santa Barbara Police Department to determine whether the issuance of an Emergency Notification or Timely Warning is necessary. In addition, it allows for the compilation of statistical information.
**Program Participation Agreement**

UC Santa Barbara will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. UC Santa Barbara will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

**Loss of Financial Aid**

Student eligibility for financial aid may be suspended if a student is convicted of a drug offense while receiving federal student aid (Title IV, HEA grant, loan, or work study assistance (HEA Sec. 484(r) (1)); (20 U.S.C. 1091(r) (1))). When completing the FAFSA, students will be asked whether they had a drug conviction for an offense that occurred while receiving federal student aid. If the answer is yes, students will be provided a worksheet to help determine whether their conviction affects their eligibility for federal student aid.

If eligibility for federal student aid has been suspended due to a drug conviction, students can regain eligibility early by successfully completing an approved drug rehabilitation program or by passing two unannounced drugs tests administered by an approved drug rehabilitation program. If students are convicted of a drug-related offense after submitting the FAFSA, they may lose eligibility for federal student aid, and may be held liable for returning any financial aid received during the period of eligibility.

If students are convicted of a forcible or non-forcible sexual offense, and are the subject to an involuntary civil commitment upon completion of a period of incarceration for that offense, they cannot receive a Federal Pell Grant. More information about financial aid can be found at: [https://studentaid.ed.gov/sa/eligibility/criminal-convictions](https://studentaid.ed.gov/sa/eligibility/criminal-convictions)

**Hate Crimes**

A hate crime is any criminal act or attempted criminal act directed against person(s), public agency or private institution based on the victim’s actual or perceived race, gender, ethnicity, national origin, religion, sexual orientation, disability, or gender identity or because the agency or institution is identified or associated with a person or group of an identifiable race, gender, ethnicity, national origin, religion, sexual orientation, disability, or gender identity. A hate crime includes an act that results in injury, however slight, a verbal threat of violence that apparently can be carried out, an act that results in property damage; and property damage or other criminal act(s) directed against a private or public property. Crimes routinely classified as misdemeanors can be felonies if committed because of bigotry.
The crime is considered a hate crime if sufficient objective facts are present to conclude that the offenders actions in whole or part were motivated by bias. Each case is assessed separately and investigators are alert to misleading or feigned facts, meant to give false impression of bias. Investigators do not count an incident as a hate crimes based on the victim’s perception alone.

A conviction cannot be based on speech alone, unless the speech itself threatens violence against a specific individual or group, and the defendant has the ability to carry out the threat. If you are the victim of or witness a hate crime, report it as soon as possible to the UC Santa Barbara Police Department. Hate/Bias Policy and procedures can be found at: http://www.housing.ucsb.edu/judicial-affairs/bias-response

UC Santa Barbara is also required to report statistics for hate (bias) related crimes by the type of bias as defined below or the following classification: murder/non-negligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny, vandalism, intimidation, and simple assault (see definitions section).

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense, which was motivated by the offender’s bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim’s race, sexual orientation, etc., the assault is then also classified as a hate crime.

**Responsibilities of the University Community**

A safe and secure environment is essential to carrying out the mission of the University. Preventing harm depends on community members identifying and communicating hazardous conditions and behaviors of concern. Early identification allows for effective planning, mitigation, response and recovery of any situation.

Members of the University community must assume responsibility for their own safety and the security of their personal property.

The following precautions provide guidance:

- Report all crimes and suspicious activities to the UC Santa Barbara Police Department immediately.
• If you see or smell any evidence of fire, smoke, gas or other hazardous conditions call 911 immediately. Even fires which have been extinguished should be reported.

• Be aware of your surroundings. If possible, don’t walk alone during late-night hours. Walk in groups whenever you can — there is always safety in numbers. Stay in well-lit areas as much as possible.

• Never take personal safety for granted. Trust your instincts. If something or someone makes you uneasy, avoid the person or leave.

• Let a family member or friend know your destination and your estimated time of arrival or return. That way, the police can be notified as quickly as possible if there is a problem.

• Carry only small amounts of cash. Never leave valuables (wallets, purses, books, phones, etc.) unattended or in plain sight.

• Carry your keys at all times and do not lend them to anyone.

• Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.

• Many doors on campus are protected by access readers. They should not be held open for strangers. Don’t let people into residence halls or other protected locations, unless you know them, they are your guest, or they are authorized to enter.

• Inventory your personal property and insure it appropriately with personal insurance coverage. Engrave serial numbers or owner’s recognized numbers, such as a driver’s license number, on items of value.

• Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.

• In the event of a fire alarm sounding, follow all building evacuation procedures.

• Save any evidence. Do not remove any evidence until officers are able to respond and investigate. Don’t hesitate to approach our police officers with suggestions, questions or concerns. Get to know them! If we build a collective sense of stewardship for each other and the University, together we can make a difference.
Crime Prevention Programs

Crime prevention is the anticipation, recognition, and the appraisal of a crime risk and the initiation of action to remove or reduce it. The UC Santa Barbara Police Department provides support and services to campus community members to make UC Santa Barbara a safer place to work, learn and live.

Members of the UC Santa Barbara Police Department conduct crime prevention presentations when requested by various community groups, including students and employees of the University. During these presentations the following information is typically provided: crime prevention tips; statistics on crime at UC Santa Barbara; Emergency Notification and Timely Warning policies and procedures; and information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security and for the security for others on campus.

The UC Santa Barbara Police Department has developed safety videos and brochures for students, faculty and staff personnel on topics such as self-defense and personal safety, residential security, active shooter situations, burglary and theft prevention.

The Department provides consultation and crime prevention assessments. Upon request, the department may assist in developing department specific emergency plans for evacuations, bomb threats, and criminal incidents. In addition, the department may give crime-prevention and physical security systems recommendations for the planning process of new buildings, and landscaping design.

Campus security procedures are discussed during new student orientation. Students learn about crime on-campus and in surrounding neighborhoods. UC Santa Barbara Police Department officials offer the following samples (not a complete list) of crime prevention programs to students, staff and faculty:

- **Incoming freshman orientation talk** This program is designed for all incoming freshman as an overview of campus life as it relates to crime in the local area. There are also elements of risk reduction strategies incorporated into this talk. This talk is a collaboration with housing and student services.

- **Citizen Police Academy** This program is offered biannually for our student, staff, and faculty at UCSB. The goal of this program is to give the participants a general overview of law enforcement and the duties that come with being a police officer. Coupled with this overview are general crime prevention methodologies and best practices.

- **Coffee with the Cops Forum** This program is for all UCSB student, staff and faculty to participate in. The forum is held in an informal setting designed to elicit conversation of a variety of topics presented by the attendees. These topics can range from questions regarding crime to personal safety.
• **Pizza with the Police** This program is for all UCSB students, staff and faculty to participate in. The forum is held in an informal setting designed to elicit conversation of a variety of topics presented by the attendees. These topics can range from questions regarding crime to personal safety.

• **Hostile Intruder Training for Students, Staff and Faculty** UCSB Police department offers hostile intruder training (formerly active shooter training) for students, staff and faculty. This includes viewing a video demonstrating best practices followed by lecture with questions and answers. The participants return to their individual work space where they are visited by an officer who assesses it from a security perspective including evacuation routes and sheltering in place location suggestions. By the end they have a personalized plan of action on how to react to a variety of threatening situations.

**IMPORTANT NOTE:** Police personnel are trained to respond to a hostile intruder (formerly 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 Matt Bowman at 893-2303.

For further information about crime prevention, or to schedule a presentation regarding crime prevention, stalking, hostile intruder, active shooter safety, please contact Sergeant Matt Bowman, matt.bowman@police.ucsb.edu or (805) 893-2303. The UCSB Police Department offers training and lectures customized for your group or department.


**Weapons, Drugs and Alcohol**

**Policy on Weapons on Campus**

UC Santa Barbara is committed to maintaining a safe and secure environment that supports the academic mission of the University. According to California Penal Code §626.9 and §626.10, as well as California Code of Regulations §100015, individuals are prohibited from possessing various weapons, including firearms, explosives, instruments that expel metal projectiles, such as a bb or pellet, specified knives and/or any item that may be construed as such, on the premises of the University or in any building under its control.
California state law and UCSB policy prohibit the possession or control of any firearms, deadly weapons, explosive devices, fireworks, nunchakus, metal knuckles, shurikens, billy clubs, saps, or any other deadly weapons or prohibited knives, while on any UCSB property or building facility, except as required in the lawful course of business or as authorized by the UCSB Chief of Police. Anyone found in violation of the university’s policies will be subject to the disciplinary policies and procedures applicable to students, staff and faculty, and/or criminal prosecution by the appropriate jurisdiction.

A weapon is basically anything somebody could use to hurt somebody else. Weapons could include a gun, knife, pepper spray, hands, fists, feet, and any available object that could be used to hurt another person. Specifically, California Penal Code section 626.9 prohibits any person from bringing or possessing a firearm upon the grounds of a University of California campus, or any property owned or operated by the University of California, without written permission. Similarly, California Penal Code section 626.10 prohibits any person who brings or possesses any dirk, dagger, ice pick, or knife having a fixed blade longer than 2.5 inches upon the grounds of the University of California. Moreover, pursuant to California Penal Code section 16590, the possession of an undetectable firearm, cane gun, wallet gun, zip gun, belt buckle knife, blackjack, etc. is prohibited by law. Under California Penal Code section 417, it is illegal for any person to exhibit a firearm or any deadly weapon in a rude, angry, or threatening manner, or unlawfully using the same in any fight or quarrel. Any person found to be in violation of any weapons law is subject to arrest, prosecution and imprisonment.

Some exceptions include law enforcement personnel, honorably retired peace officers or a member of the military forces of this state or the United States who is engaged in the performance of their duties.

Individuals are encouraged to report weapons violations to the UC Santa Barbara Police Department immediately by dialing 911, 805-893-3446 or 9-911 from a campus from with an 893-prefix. It is important to provide a description and location of the individual carrying a weapon. UC Santa Barbara has and will continue to investigate any threat to the safety of the University in order to protect all members of the University community and their guests.

UC Santa Barbara policy also prohibits individuals from possession, use, manufacturing, distributing sales, etc. of any firearms, weapons or explosives. Additionally, anyone found in violation of the University’s policies shall be subject to the disciplinary policies and procedures applicable to students, academic and staff personnel, and/or criminal prosecution by the appropriate jurisdiction.

Substance Abuse: Policy, Sanctions and Laws

In accordance with the Drug Free Schools and Communities Act of 1989, the following information is provided regarding University and campus policies prohibiting unlawful possession, use or distribution of drugs or alcohol; University and campus
sanctions regarding drug and alcohol violations by students or employees; federal, state, and local laws and penalties for drug and alcohol offenses; health effects of drug and alcohol abuse; and local resources providing assistance for drug and alcohol abuse (counseling, rehabilitation, or reentry programs): 

University Policy and Sanctions

UC Santa Barbara strives to maintain communities and workplaces free from the illegal use, possession, or distribution of alcohol and other drugs. Manufacture, sale, distribution, dispensation, possession, or use of alcohol and controlled substances by students, academic or staff personnel on University property, at official University functions, or on University business is prohibited except as permitted by law, University policy, and campus regulations. Students violating these policies are subject to disciplinary action, including suspension or dismissal from the University, and may be referred for criminal prosecution and/or required to participate in appropriate treatment programs.

UC Santa Barbara has been designated Drug Free. The possession, sale, manufacture and distribution of any controlled substance is illegal under both state and federal laws. These laws are strictly enforced by the UC Santa Barbara Police Department. Violators of these laws are subject to UCSB disciplinary action (for affiliated members of the institution), criminal prosecution, fine and imprisonment.

Academic and staff personnel violating these policies may be subject to corrective action, including dismissal, under applicable University policies and labor contracts, and may be referred for criminal prosecution and/or required to participate in an Employee Assistance Program or appropriate treatment program.

California Alcohol and Drug Laws and Sanctions

California law prohibits furnishing and selling alcoholic beverages to underage (younger than 21) or obviously intoxicated individuals. Underage persons may not buy alcoholic beverages or possess them on campus, in public, or in places open to public view; the penalties for violations of these laws may include substantial fines and jail. Alcohol may not be sold without a license or permit. State law also prohibits driving a motor vehicle under the influence (a blood alcohol level of .08 percent or higher creates a presumption of intoxication, but can be charged with lower blood alcohol levels); drinking or possessing an open container of alcohol while driving; and operating a bicycle while intoxicated. Drunken driving penalties include jail or prison, fines of $1,000 or more, driver’s license suspension or revocation, and required drug/alcohol treatment programs. Refusing to submit to a test for blood alcohol can result in suspension of driver’s license for up to 3 years. Sale or possession for sale of controlled substances such as cocaine, methamphetamines, heroin, Ecstasy, GHB, Ketamine, LSD, PCP, marijuana, and “designer drugs” is a felony. Sentences are enhanced for previously convicted felons, for distribution within 1,000 feet of a school or University or within 100 feet of a recreational facility, and for distribution to
a pregnant woman or to someone under 18 by one over 18. Property used in drug transactions can be seized.

**Health Risks Associated with Substance Abuse**

Substance abuse can cause very serious health and behavioral problems, including short- and long-term physiological and psychological effects, as well as impairment of learning ability, memory, and performance. Chronic health problems may arise from long-term abuse, and acute, traumatic reactions may arise even from one-time or moderate use. In addition to the toxicity of specific drugs, mixing drugs can compound toxic effects. Illegal, “counterfeit” or “designer” drugs may be toxic, contaminated, or have impurities causing poisoning, and can be lethal. Acute health problems may include heart attack, stroke, and sudden death (even first-time use of certain drugs). Long-term effects include heart and/or lung damage, high blood pressure, blood vessel leaks in brain, brain cell destruction, permanent memory loss, infertility, impotency, immune system impairment, kidney failure, and cirrhosis of the liver. Other health risks, injury, accidents, and violence can result from substance abuse. Using alcohol or other drugs while pregnant can cause fetal damage, birth defects, miscarriage and infant death. For additional information on health risks of substance abuse, see: www.drugabuse.gov/consequences

**Immunity for Seeking Assistance (AB 472, Ammiano)**

Pursuant to California Health and Safety Code § 11376.5 individuals who, in good faith, seek medical attention for themselves or another person experiencing a drug-related overdose that is related to the possession of a controlled substance, controlled substance analog, or drug paraphernalia may not be criminally prosecuted, regardless if the individual is under the influence of, or possesses for personal use, a controlled substance, controlled substance analog, or drug paraphernalia. No other immunities or protections from arrest or prosecution for violations of the law are intended or may be inferred.

**Alcohol and Drug Program**

The UCSB Alcohol & Drug Program strives to create a safe, healthy, and learning-conducive environment through the promotion of healthy choices concerning the use of alcohol, tobacco, and other drugs. The program emphasizes the elimination of harmful use, high-risk behavior and related violence.

UCSB’s Alcohol & Drug Program uses a comprehensive research-based approach to prevention on campus and in the surrounding community. UCSB’s efforts to reduce high-risk drinking and drug use among students include strategies such as education, early intervention and referral, changes to the environment on campus and in Isla Vista, and strict policies and enforcement. The Alcohol & Drug Program works in partnership with many campus departments, students, and the community to promote a healthy and safe campus environment. Using science and evaluation-based prevention models, the Alcohol and Other Drug Work Group and Taskforce
make recommendations for all program, policy, and enforcement issues related to alcohol and other drugs. This comprehensive effort works to reduce high-risk drinking by:

- Educating students about responsible alcohol use.
- Providing early intervention and confidential counseling for those who need help.
- Altering the environment to limit access to alcohol by underage students and providing alcohol-free social options.
- Ensuring compliance with substance abuse policies and laws, and consequences for policy violation.

Free, confidential counseling is available on all topics involving addictive behaviors including alcohol, tobacco, marijuana, gambling, study drugs and internet use. Support, information, education, and referrals are provided in a non-judgmental environment. Appointments can be made by calling (805) 893-3371 and additional information on the Alcohol & Drug Program can be received by calling the Program’s office, (805) 893-5013. The Alcohol & Drug Program facilitates a 5 week psycho-educational group series in collaboration with Housing and Residential Services and Office of Student Life for students who violate substance use policies on campus. More Information can be found at: https://alcohol.sa.ucsb.edu/GenerallInformation/AboutUs.aspx

Smoke/Tobacco Free Policy

Each member of the UCSB community, including academics, staff, students, student organizations and volunteers, are responsible for observing and adhering to the Smoke & Tobacco Free Environment Policy. Smoke/Tobacco Free means that smoking, the use of smokeless tobacco products, and the use of unregulated nicotine products and the use of e-cigarettes is strictly prohibited on all University Controlled Properties (including parking spaces) and all vehicles. This also includes all residential space with the exception of employee owned housing. More information can be found at: http://tobaccofree.ucsb.edu/policy/

Mental Health Support

Counseling Services

Counseling and Psychological Services (CAPS) is committed to providing timely, culturally appropriate, and effective mental health services to our diverse UCSB student body, as well as professional consultation to faculty, staff, and families. We are dedicated to delivering services congruent with a brief therapy model and evidence based practice in psychology.

All registered students are eligible for services at CAPS. When help is needed in sorting out a personal concern, CAPS is a resource for learning new skills in building self-confidence, relating to others, reducing stress, solving problems, and identifying
options. Counseling can be particularly useful when academic difficulty is related to the personal distress. CAPS offers a variety of mental health services including crisis intervention, psychological assessment, individual therapy, group counseling, and referrals to campus and community resources. After the initial Intake with a CAPS clinician, recommendations and assistance will be provided to help students meet their identified goals. More information can be found at: http://caps.sa.ucsb.edu/

Academic and staff personnel may receive services through the Academic and Staff Assistance Program (ASAP). Balancing your personal and professional life is important. There are resources on campus and in the community that can assist you to improve your well-being by balancing all the important parts of your life — home, social and family relationships, work, finances, fitness, community and more. From time to time domestic, financial, or other personal problems may adversely affect your work, perhaps decreasing your productivity, jeopardizing your health, or hindering your relations with others. Leaving work at work is not always easy either. Work problems, whether conflicts with co-workers or supervisors or pressures and deadlines, if left unaddressed can affect your home life and personal relationships. The Academic and Staff Assistance Program provides an opportunity for you to resolve personal or professional problems through confidential counseling. More information can be found at: http://www.hr.ucsb.edu/employee-services/counseling-consultation/academic-staff-assistance-program

**Workplace Violence Prevention**

When individuals work together, they may have different goals and work styles. Because of this, conflict can sometimes result. However, if the conflict is handled effectively, a potentially disruptive event can be turned into an opportunity for improved communication and greater productivity. Examples of situations that can lead to conflict include:

- Misunderstandings or lack of information
- Increased stress
- Changes in the workplace
- Adjusting to a different style of supervision
- Evaluation of work performance
- Personal situations that affect work performance

We offer a wide range of services and support to help you address concerns and conflicts in your workplace. We encourage you to try direct communication whenever possible to promptly resolve your workplace concerns. Employee & Labor Relations can assist you in evaluating a difficult situation involving co-workers/supervisor/manager and provide options for resolution. While the University has formal complaint or grievance procedures, please consider using informal conflict management as a first step to resolving differences.

You may also want to review the online Lynda.com course - Conflict Resolution Fundamentals - to get a more general understanding of conflict and options for
informal resolution. (Note: UCSB Staff have free access to Lynda.com courses. Go to the Lynda.com link for more information.) [http://www.hr.ucsb.edu/current-employees/managing-conflicts](http://www.hr.ucsb.edu/current-employees/managing-conflicts)

**The Threat Management Team** is a resource designed to assist in trying to prevent a difficult situation from escalating into violence. The Team meets as needed and addresses concerns related to students, academic and staff personnel. The Team serves as a resource for the supervisor or department manager in assessing warning signs and potential threats and suggests possible strategies in response to acts of intimidation or threats of violence.

Managers and supervisors are urged to respond EVERY time to threats, intimidation, and/or actual violence, but to use common sense when assessing potentially violent behavior. No single tool or profile accurately predicts a person's potential for future violent behavior. On the one hand, individuals may exhibit one or more of the behaviors listed below and never respond with violence. On the other hand, someone may act violently without ever displaying any of these behaviors. Nevertheless, experience suggests the following behaviors may serve as warning signs of a potential for violence. If the behavior scares you or if you are experiencing or are a witness to these behaviors, contact a TMT member for consultation.

Do not ignore or downplay direct or indirect threats from any person, as they could escalate into serious incidents. To prevent the escalation of such incidents, every member of the campus community should learn to recognize behavior that is disruptive, intimidating, or could potentially lead to violence.

All managers and supervisors should ensure that employees in your department are familiar with the Sustaining Community and Preventing Violence policy, including its protocol for responding to intimidation, threats of violence, and acts of violence. As a supervisor, you should take immediate steps to address problem behavior and ensure the safety of your employees. The TMT is available as a resource to assist you in taking appropriate action to respond to the situation. More information can be found at: and [http://www.tmt.ucsb.edu/warning-signs/](http://www.tmt.ucsb.edu/warning-signs/)

**Sex Offender Registry**

The Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by the State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, of each institution of higher education in that State at which a person is employed, carries on a vocation, volunteer services or is a student. The State of California requires sex offenders to register with the police department in the jurisdiction in which they reside. The state makes this information available to law enforcement agencies. This information is available to the public at the local police/sheriff’s department. For the UC Santa Barbara campus, information on registered sex offenders is available at the Santa Barbara County Sheriff’s Department, 4434 Calle Real, Santa Barbara, CA 93110, 805-681-4100.
In addition, the California Penal Code §290.01 requires sex offenders who are enrolled as a student, or is, with or without compensation, a full-time or part-time employee, or is carrying on a vocation for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year to register with the UC Santa Barbara Police Department within five working days of commencing enrollment or employment. The terms “employed or carries on a vocation” include employment whether or not financially compensated, volunteered, or performed for government or educational benefit. The registrant shall also notify the Department within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation. Information on these registered sex offenders is available to the public at the UC Santa Barbara Police Department. Access to the data is by appointment only. Information on registered sex offenders is also available on the Megan’s Law website at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov).

**Overview of Policies and Procedures Concerning Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking**

*University of California, Santa Barbara Implementing and Response Procedures for Reported Student Violations of the UC Policy on Sexual Violence and Sexual Harassment Issued January 4, 2016*

The University of California is committed to creating and maintaining a community dedicated to the advancement, application and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. Every member of the community should be aware that the University prohibits sexual violence and sexual harassment, retaliation, and other prohibited behavior (“Prohibited Conduct”) that violates law and/or University policy. The University will respond promptly and effectively to reports of Prohibited Conduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates the UC Policy on Sexual Violence and Sexual Harassment (full policy text available at [http://policy.ucop.edu/doc/4000385/SHSV](http://policy.ucop.edu/doc/4000385/SHSV)).

Students who violate the UC Policy on Sexual Violence and Sexual Harassment are subject to University discipline as described in the UC Policy, these UCSB Implementing and Response Procedures for Reported Student Violations of the UC Policy, and PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework.

**Definitions**

A. **Consent** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence, do not alone
constitute consent. Affirmative consent must be ongoing and can be revoked at any time. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

The Respondent’s belief that the Complainant consented shall not provide a valid excuse where:

1. The Respondent’s belief arose from the Respondent’s own intoxication or recklessness;

2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or

3. The Respondent knew or reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:

   A. asleep or unconscious;
   B. due to the influence of drugs, alcohol, or medication, unable to understand the fact, nature, or extent of the sexual activity; or
   C. unable to communicate due to a mental or physical condition.

B. Prohibited Conduct

1. Sexual Violence:
   a. Sexual Assault - Penetration: Without the consent of the Complainant, penetration, no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.

   b. Sexual Assault - Contact: Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed. Note: this definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. The Title IX Officer will determine whether the allegation should be treated as sexual violence or sexual harassment.

   Note: Sexual Assault - Penetration and Sexual Assault - Contact are aggravated when it includes the following:

   - Overcoming the will of the Complainant by:
     - force (the use of physical force or inducing reasonable fear of immediate bodily injury);
     - violence (the use of physical force to cause harm or injury);
     - menace (a threat, statement, or act showing intent to injure);
     - duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and
relationship, to do or submit to something that he or she would not otherwise do).

- deliberately causing a person to be incapacitated (through drugs or alcohol);
- Intentionally taking advantage of the other person’s incapacitation (including voluntary intoxication)
- Recording, photographing, transmitting, viewing or distributing intimate or sexual images without the knowledge and consent of all parties involved.

c. Relationship Violence:
   i. Dating Violence: Conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the complainant in reasonable fear of serious bodily injury. The nature of the relationship between the Complainant and Respondent is determined by the length, type, and frequency of interaction between them.
   ii. Domestic Violence: Conduct by a current or former spouse or intimate partner of the Complainant; or a person with whom the Complainant shares a child in common, that intentionally, or recklessly, causes bodily injury to the complainant or another, or places the Complainant or another in reasonable fear of serious bodily injury.

d. Stalking: Repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress. Stalking of a non-sexual nature is addressed by other University policies including but not limited to the Policy on Student Conduct and Discipline Section 102.10

2. Sexual Harassment:
   a. Sexual Harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:
      i. Quid Pro Quo: a person’s submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program; or
      ii. Hostile Environment: such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from the education, employment or other programs and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.

   b. Consideration is given to the totality of the circumstances in which the conduct occurred. Sexual harassment may include incidents:
iii. between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or nonemployee participants in University programs (e.g., vendors, contractors, visitors, and patients);
iv. in hierarchical relationships and between peers; and
v. between individuals of any gender or gender identity.

B. This Policy shall be implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and shall not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles discussed in University policy.

3. Other Prohibited Behavior
   a. Invasions of Sexual Privacy
      i. Without a person’s consent, watching or enabling others to watch that person’s nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
      ii. Without a person’s consent, making photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material depicting that person’s nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or
      iii. Using depictions of nudity or sexual activity to extort something of value from a person.
   b. Sexual intercourse with a person under the age of 18.
   c. Exposing one’s genitals in a public place for the purpose of sexual gratification.
   d. Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under the UC Policy or these Implementing Procedures.

Retaliation: Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of Prohibited Conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in the UC Policy.

CARE (Campus Advocacy Resources and Education) Advocates: assist students who have experienced or who have questions about sexual assault, dating or domestic violence, or stalking.

CARE advocates provide confidential assistance to anyone who desires help with any of the procedures outlined here. CARE advocates will maintain confidentiality; advise on campus or local resources including legal, medical, judicial, emotional or academic, and schedule any necessary appointments; accompany victims to meetings or appointments, including forensic examinations; speak with friends or family, if requested; outline and explore reporting options and next steps; and respect an impacted party’s wishes about moving forward including whether or not to report to the University or law enforcement.
For an expanded list of campus and community resources for those impacted by interpersonal violence, including locations and contact information, see Appendix A.

**Complainant** is defined as any individual who files a report of sexual violence or sexual harassment or other prohibited behavior or retaliation or any person who has been the alleged subject of such Prohibited Conduct or retaliation. A complainant may also be identified during the process as either a “victim” or “survivor.”

**Respondent** is defined as an individual who is accused of sexual/interpersonal violence or alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behavior, or retaliation is made.

**Days**, for the purposes of this procedure, mean business days. They do not include Saturdays, Sundays, or days on which the campus is closed.

**Office of Equal Opportunity & Sexual Harassment/Title IX Compliance (OEOSH/TC) and Title IX Officer.** OEOSH/TC is the office of record which reviews and coordinates response to all official complaints of sexual violence, sexual harassment, dating or domestic violence, and stalking; determines whether or not a formal University investigation will commence; conducts an investigation, if appropriate; and produces an investigative report with recommendations for resolution. The Title IX Officer within OEOSH/TC supervises the investigators and has final decision-making authority over all investigative matters and investigative reports.

**Office of Judicial Affairs** is the student conduct office at UCSB responsible for receiving the findings of an investigative report after completion of a Title IX investigation, and assigning sanctions, if appropriate. The Office of Judicial Affairs also coordinates and offers administrative support to the Interpersonal Violence Appeal Review Committee.

**Responsible Employee** Any University employee who is not a Confidential Resource and who receives, in the course of employment, information that a student (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment or other prohibited behavior shall promptly notify the Title IX Officer or designee. This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees. In addition, the following who, in the course of employment, receive a report of Prohibited Conduct from any other person affiliated with the University shall notify the Title IX Officer or designee:

- Campus Police
- Human Resource Administrators, Academic Personnel, and Title IX Professionals
- Managers and Supervisors including Deans, Department Chairs, and Directors of Organized Research Units (ORU)
- Faculty members
UC Santa Barbara seeks to create and maintain a safe environment in which all members of the university community—students, academic and staff personnel, and visitors—can learn and work free from the fear of sexual harassment, sexual assault and other forms of violence. UC Santa Barbara prohibits all forms of sexual assault, sexual harassment, dating violence, domestic violence, stalking and other associated crimes.

More information can be found at: http://sexualviolence.ucsb.edu/policies/.

**Options for Reporting Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking**

Confidential campus and community resources are available to anyone impacted by interpersonal or sexual violence. See Appendix A for a complete list of local confidential and non-confidential resources. Confidential resources provide a private space for an impacted party to discuss the incident, reporting options, and/or campus and legal processes without instigating an investigation or action by the University or law enforcement.

Any member of the University community may officially report conduct by a UCSB student that may constitute sexual harassment or sexual violence to any supervisor; manager; Office of Equal Opportunity & Sexual Harassment/Title IX Compliance (OEOSH/TC); or UCSB’s Title IX Officer (Sexual Harassment Officer). Supervisors, managers, and other designated “responsible employees” must promptly forward such reports to the Title IX Officer (Sexual Harassment Officer) or other staff member in the OEOSH/TC charged with reviewing and investigating sexual harassment and sexual violence complaints.

Reporting one’s own personal experience with sexual harassment or sexual violence to a “responsible employee,” OEOSH/TC, the Title IX Officer, or law enforcement is the decision of the impacted party. Understanding that reporting is an intensely personal process, the University of California, Santa Barbara respects the right of the impacted party to decide whether or not to report. However, if an act of interpersonal violence is reported to a non-confidential party at the University who is designated as a “responsible employee,” that employee must notify OEOSH/TC, who will make a determination as to whether or not a formal University investigation may be necessary to address the concerns reported.

Even if a clear decision has not been made by the impacted party as to whom to report or whether to report at all, it is still important for the impacted party to preserve evidence for indications of domestic violence, dating violence, sexual violence, or stalking, or for obtaining a protection order. This includes writing down details about the incident(s), not eating, drinking, washing, showering, using the bathroom, brushing teeth, or cleaning up the scene of an incident, and saving any communications (electronic, voice, text, or otherwise) from involved parties. Even if text messages are deleted, they may sometimes be able to be retrieved within the
same billing period depending on the cellular carrier. Clothing or other evidence should be stored in a paper bag to preserve physical evidence.

Impacted parties may pursue one, multiple, or none of the following reporting options, any of which may be coordinated, if desired, with the assistance of a CARE advocate. Interim measures and support are available regardless of whether or not the incident is formally reported. Impacted parties who make a report are referred to as “complainants” for the duration of the process. Below are the official reporting options.

1. **Report to law enforcement and request prosecution.** Impacted parties have the right to report incidents of sexual/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 (for Isla Vista or Santa Barbara) or the corresponding local law enforcement agency (if out of the area).

If the impacted party 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, and will also offer the services of a campus CARE advocate or a community resource card (if in the local area).

In order to protect privacy, 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 or Campus Alerts that go out to the campus community, nor in information released to the media.

2. **File a criminal report with law enforcement without requesting prosecution.** In some cases, reports to law enforcement may be made for documentation purposes only. Ultimately the decision to prosecute is made by the District Attorney, although the cooperation of the complainant is considered necessary.

3. **File a complaint with the UCSB Office of Equal Opportunity & Sexual Harassment/Title IX Compliance (OEOSH/TC).** Any report of sexual violence or sexual harassment made to a “responsible employee” and/or OEOSH/TC places the University “on notice” to take action to remedy the situation and mitigate its effects. Reporting to OEOSH/TC or any “responsible employee” will initiate a University review with possible investigation by OEOSH/TC and adjudication by the Office of Judicial Affairs once the investigation is complete. Upon reporting to OEOSH/TC, the complainant will be provided with a written explanation of their rights and options. If a complaint is investigated by OEOSH/TC, the respondent will also be provided with a written explanation of their rights and options.
4. **Report to both law enforcement and OEOSH/TC.** Because of privacy laws and jurisdictional issues, law enforcement is not always able to share reports of sexual violence with the University. Therefore, if the complainant has reported to law enforcement and also desires University review of the case for investigation and possible adjudication, the complainant should also report their complaint to OEOSH/TC.

5. **Seek to obtain an emergency protective order** (short-term restraining order) from the UC Police Department, Isla Vista Foot Patrol, or a local law enforcement agency when they respond to the incident if the threat is immediate, and/or obtain a temporary restraining order through the court system. There is normally a fee associated with a temporary restraining order. A CARE advocate can assist with this process.

6. **Seek to obtain a “no contact” order if the accused is a UCSB student.** This may be coordinated through a CARE advocate with the Office of Judicial Affairs. The Office of Judicial Affairs will meet with the involved parties separately when issuing a no contact order. Because employees of the Office of Judicial Affairs are “responsible employees” and not a confidential resource, information shared by either party about sexual harassment or sexual violence will be reported to OEOSH/TC.

7. **Request academic assistance** for missed classes or exams, or help with rearranging course schedules. This may be coordinated through a CARE advocate regardless of whether or not a formal report is made to the University or law enforcement. CARE advocates will make every attempt to protect the complainant’s privacy to avoid any required “responsible employee” reports from faculty or staff to OEOSH/TC.

8. **Explore housing relocation options** if either the complainant or the respondent live in University-owned housing. This can be coordinated through a CARE advocate with Housing, Dining, & Auxiliary Enterprises regardless of whether or not a formal report is made to the University or law enforcement. CARE advocates will make every attempt to protect the complainant’s privacy to avoid any required “responsible employee” reports from Housing staff to OEOSH/TC. Reasonable requests, space permitting, will be accommodated to the best of Housing, Dining, & Auxiliary Enterprises’ abilities.

Reporting options for victims include: criminal, administrative, and civil reporting, as well as non-reporting to confidential support services. Victims will be provided written information about the reporting options, protective measures and accommodations available to them. The written notification includes the following information about student or employee’s rights and options:

- How and to whom the alleged offense should be reported; including options for reporting to local or campus law enforcement authorities, the Title IX Office, and other campus authorities.
• The right to be assisted by campus authorities in notifying law enforcement, if the complainant so chooses, and the right to decline to notify such authorities.

• The rights of the complainants regarding orders of protection, no contact directives, restraining orders, or similar lawful orders, issued by criminal or civil courts or by the university, and the university’s responsibilities regarding such orders.

• 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.

• Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the institution and the community.

• Options for, and how to request, available assistance to change academic, living, transportation, and working situations, and the Universities responsibility to provide such accommodations, if reasonably available, regardless of whether the victim chooses to report the crime to university police or local law enforcement.

For more information on reporting options go to: http://sexualviolence.universityofcalifornia.edu/filing-report/index.html

**Criminal Reporting**

UC Santa Barbara encourages any person who has experienced a sexual assault, sexual harassment, dating violence, domestic violence, and stalking, or any student, staff, academic personnel who has witnessed a crime, to immediately report the incident to the UC Santa Barbara Police Department, confidentially, by calling 911 or 805-893-3446. The University recognizes it is a victim’s choice to report a crime. If a victim chooses not to report the crime immediately, the report can be made at a later time. More reporting options are at: http://www.police.ucsb.edu/contact-us/report-crime

**The reason for reporting to UC Santa Barbara Police are:**

• To take action which may prevent further victimization, including issuing a Timely Warning or Emergency Notification to the campus community.

• To assist in the apprehension of a suspect.

• To assist in the collection of evidence and proper documentation for criminal prosecution.

• To have the incident recorded for purposes of reporting statistics about incidents that occur on campus.
Once a police report is made, a UC Santa Barbara police officer will take a statement from the victim and any witnesses regarding the incident. The officer will ask the victims and witnesses questions to ascertain a description of the assailants, crime scene, weapons used, and other relevant information for the successful apprehension and prosecution of the case. Be advised that questioning can be difficult and a victim may have a support person of their choice present during the interview. If a crime did not occur within the jurisdiction of UC Santa Barbara, the UC Santa Barbara Police Department may notify the appropriate authorities having jurisdiction on the victim’s behalf or the victim may contact the appropriate law enforcement agency directly.

Evidence Preservation

Victims are encouraged to preserve all physical evidence as well as other evidence such at texts, emails, or other possible evidence. After a sexual assault, if the victim wishes to have a SART exam, whenever possible, a victim should not wash, use the toilet, or change clothing so that forensic evidence may be properly collected. SART stands for Sexual Assault Response Team and is the term used to describe and evidentiary medical exam within the first 72 hours following an assault. This may include the victim’s clothing, sheets, etc.

A victim may arrange to have a SART exam through the following avenues:

- **Police Report**: if the victim has made a police report to the UC Santa Barbara Police Department or other law enforcement agency, the department or agency can authorize a SART exam. The department or law enforcement agency will then transport the victim to the exam location.

- **Non-Investigative Report**: if a victim does not wish to file a report with law enforcement, but still wants to have physical evidence collected in the event that the victim decides at a later date to file a police report, the victim may still receive a free SART exam by contacting the UC Santa Barbara Police Department who will then transport the victim to the exam location; or by going to an alternate qualified location and requesting a SART exam.

- **Contacting the UCSB CARE officer during office hours.** The CARE office is located on the bottom floor of the UCSB Student Resource Building. More information can be found at: [http://wgse.sa.ucsb.edu/care/home](http://wgse.sa.ucsb.edu/care/home)

Regardless of whether a police report has been made, after the evidence has been collected through a SART exam, the evidence kit will be stored by law enforcement for up to two years to allow the victim time to make a decision about participating in a criminal investigation and prosecution.

If a victim chooses not to have evidence collected with a SART exam, it is still important to get medical attention. A medical exam in this case should include treatment of any physical injuries and preventative measures for any sexually
transmitted diseases and pregnancy. This non-emergency treatment can be arranged with a family doctor or with the UCSB Student Health Center. They can be contacted at 805-893-5361 or 24-hours @ (800) 539-1387, or go to the following link http://studenthealth.sa.ucsb.edu/

Criminal Restraining/Protective Orders

A victim may choose to obtain a civil restraining order, also known as a protective order. Restraining orders are civil court orders to protect victims who have experienced or are reasonably in fear of physical violence, sexual assault, or stalking by another individual. In California one may request a Domestic Violence Restraining Order, Civil Harassment Restraining Order, Workplace Violence Restraining Order, or an Elder or Dependent Adult Abuse Restraining Order. Workplace Violence orders (WV-100) may be filed on behalf of the victim by UC Santa Barbara. More information about obtaining a restraining order can be found at: http://www.courts.ca.gov/1260.htm. The University encourages victims to contact a Confidential Victim Advocate for information and assistance with this process. In addition, advocates at UCSB CARE and Santa Barbara Rape Crisis Center can assist with preparing and filing Domestic Violence or Civil Harassment Restraining Orders.

Criminal Protective Orders

An Emergency Protective order (EPO) may be issued by a judge after a defendant is arrested, charged or found guilty of certain crimes against the victim. The District Attorney can request EPOs on behalf of victims. Additionally, victims can contact the Office of the District Attorney Victim/Witness Program at 805-568-2400 or toll free: 855-840-3232, or https://www.countyofsb.org/da/victim_witness.html to discuss their option and safety needs.

UC Santa Barbara Administrative Reporting Procedure and Process

Once OEOSH/TC receives a report of alleged student-perpetrated sexual violence, they will determine if the issues presented rise to a potential policy violation, and if so, determine the most appropriate process to address the issues presented. If a matter is to be investigated, OSOESH/TC will provide a prompt, fair, and impartial investigation. Investigations and adjudication will be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual violence, and stalking, and how to conduct an investigation and hearing that promotes fairness, protects the safety of complainants and promotes accountability.

A. Jurisdiction

1. Any person who experiences sexual violence, sexual harassment, 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 OEOSH/TC for review, possible investigation, and possible adjudication by the Office of Judicial Affairs. Every case is considered individually and a determination of whether to investigate is
done on a case by case basis. Sexual harassment, sexual violence, dating or domestic violence, or stalking occurring off University property may also be considered for University investigation and adjudication if the alleged perpetrator is a UCSB student and may also be reported to OEOSH/TC.

2. The University may, at its sole discretion, exercise jurisdiction over student behavior that occurs off campus that would violate student conduct policies or regulations when the alleged misconduct indicates the student poses a threat to the safety or security of any member(s) of the University community. In determining whether to exercise jurisdiction for adjudication purposes, the Office of Judicial Affairs and the Vice Chancellor for Student Affairs may consider the seriousness of the alleged misconduct; the risk of future harm involved; whether a crime has been reported to the criminal authorities; the ability of the University to gather information, including the statements of witnesses; and/or whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

B. Initial assessment

An initial assessment by the OEOSH/TC and the Office of Judicial Affairs will determine whether “interim suspension” is recommended to the Vice Chancellor for Student Affairs (see section 105.08, Campus Regulations). If an interim suspension is warranted, a student respondent shall be restricted to the minimum extent necessary when there is reasonable cause to believe that the student’s participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. The OEOSH/TC, in conjunction with CARE, will also determine if any other interim measures are warranted or required to protect individuals involved.

Upon receipt, the OEOSH/TC will review the report to determine the most appropriate response and any necessary interim protections. The University will strive to honor the stated wishes of the complainant concerning whether to move forward with an investigation. There may be circumstances, however, in which the University may need to move forward against the complainant’s wishes, or in which the University may determine that an investigation will not occur despite the complainant’s wish to pursue an investigation. In such cases, the Title IX Officer, or his/her designee, will make this determination after completing an initial inquiry into the facts. The OEOSH/TC will advise the complainant in writing of the final response decision with rationale for that determination and proceed accordingly thereafter.

Formal Investigations

All investigations of sexual violence, dating or domestic violence, stalking, or sexual harassment are conducted by the OEOSH/TC, unless otherwise designated by the OEOSH/TC.
Upon initiation of the investigation, the OEOSH/TC and the Office of Judicial Affairs will jointly send written notice of the investigation and charges to the complainant and student respondent which will include the following:

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

Throughout the investigation and resolution process, the University will offer and provide support services for complainants through the CARE office (located in the Student Resource Building), and for respondents through the Respondent Services Coordinator (located in the Dean of Students Office in the Student Resource Building). The University will also consider and take interim measures as appropriate to ensure the safety, well-being, and equal access to University programs and activities of its students. Interim measures include, but are not limited to, the following: no contact orders; housing accommodations; academic support and accommodations; and counseling. Furthermore, at all stages of the process, the complainant and respondent have the right to an advisor and a support person of their choosing.

Neither the complainant nor the respondent is required to participate in the resolution process. The University will not draw any adverse inferences from a complainant or respondent’s decision not to participate or to remain silent during the process. An investigator, decision maker, or appeal body will reach findings and conclusions based on the information available. An investigator, decision-maker, or appeal body may draw adverse inferences when a student selectively participates in the process, such as choosing to answer some but not all questions posed.

The investigation shall be completed within sixty (60) University business days from the date on which the report was received by the OEOSH/TC. If the investigation takes longer than 60 business days, the complainant and respondent shall be notified in writing along with an explanation of the good cause for the delay.

When a law enforcement agency is conducting its own investigation, the Title IX investigator will coordinate his or her fact-finding efforts with the law enforcement investigation, and upon request of the law enforcement agency, the investigation may be delayed to meet the needs of a criminal investigation. Any such delays shall be communicated to the parties in writing and documented.

The Title IX Officer within the OEOSH/TC will oversee the University investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation.
The investigator will:

**a.** Develop an investigative plan for completion of the investigation within 60 working days (pending delays for good cause).

**b.** Outreach to the complainant. During the investigatory interview and throughout the investigation the investigator shall:

i. Provide “Required Notifications for Reports of Sexual Violence” (as outlined in the UC SVSH Policy).

ii. Provide reference to health and wellness resources.

iii. Highlight services of confidential CARE advocates.

iv. Consider potential interim measures and coordinate with the appropriate campus offices able to provide or assist with such interim measures. Provide a copy of the UC SVSH Policy and these Implementing Procedures.

v. Explain confidentiality (limitations and expectations).

vi. Refer to the Office of Judicial Affairs to explain no contact orders (if applicable).

vii. Explain prohibition against retaliation.

viii. Explain investigatory process and timelines.

ix. Discuss and set expectations for frequency and method of status notifications.

x. Inform complainant of ability to bring an advisor or support person of choice.


xii. Make a determination as to what other witnesses should be contacted.

xiii. Follow up with the complainant after respondent and witness interviews, if necessary, to clarify any inconsistencies.

xvii. Provide periodic updates to the complainant on the status of investigation.

**c.** Outreach to the respondent. During the investigatory interview and throughout the investigation the investigator shall:

i. Review the allegations.

ii. Provide reference to health and wellness resources.

iii. Provide a copy of the UC SVSH Policy and these Implementing Procedures.

iv. Explain confidentiality (limitations and expectations).

v. Refer to the Office of Judicial Affairs to explain no contact orders (if applicable).

vi. Explain prohibition against retaliation.

vii. Highlight availability of Respondent Services Coordinator.

viii. Explain investigatory process and timelines.

ix. Discuss and set expectations for frequency and method of status notifications.

x. Inform respondent of ability to bring an advisor or support person of choice.

xi. Gather facts of the case.

xii. Make a determination as to what other witnesses should be contacted.

xiii. Follow up with respondent after other witness interviews, if necessary, to clarify any inconsistencies.
xiv. Provide periodic updates to respondent on status of investigation.

d. Gather relevant evidence, for example:
   i. Police reports.
   ii. Conduct, housing, or other administrative reports.
   iii. Photographs.
   iv. Video surveillance.
   v. Text messages, emails, letters, social media, voicemails.
   vi. Entry/exit logs to residential halls or other buildings (when available).
   vii. Personnel files.
   viii. Prior investigations involving the same party or parties.
   ix. Visual inspection of incident location (if available).

e. Outreach to any witnesses. During the investigatory interview and throughout the investigation, the investigator shall:
   i. Discuss health and wellness resources, as appropriate.
   ii. Discuss confidentiality (limitations and expectations).
   iii. Discuss prohibition against retaliation.
   iv. Discuss investigatory process.
   v. Gather facts of the case.

f. Follow consistent practices for documenting investigations.

g. Make the following analyses:
   i. Credibility assessment based on inherent plausibility, the demeanor of the involved parties, bias and motive to falsify and any historical reports of similar behavior or issues.
   ii. Analysis of facts: disputed, undisputed and other evidence
   iii. Make a recommendation about whether the UC SVSH Policy was violated.

h. Prepare a written report.
   i. The written report will issue a recommendation for alleged violations of the UC SVSH Policy. The investigator will apply the preponderance of the evidence standard in recommending whether or not there has been a violation.
   ii. The Title IX Officer along with the investigator will submit the report to the Office of Judicial Affairs and/or other campus authority for review and application of the ultimate finding, sanctioning model and/or recommended remedies.
   iii. The report shall include: a statement of the allegations and issues; the positions of the parties; a summary of the evidence; findings of fact; and a recommendation by the investigator as to whether or not the UC SVSH Policy has been violated.
   iv. If the complainant or respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation regarding why such information was not considered.
The written report will also document any investigative delays that required an extension to the 60-working-days deadline.

i. Notify both parties. The complainant and respondent will be notified in writing through a joint notice from the OEOSH/TC and the Office of Judicial Affairs as to the findings (See D. below for more information).

Upon completion of the Title IX investigation, the Title IX Officer and Office of Judicial Affairs will jointly send to the complainant and the respondent: (a) written notice of the investigation findings and the investigator’s recommended determinations, and (b) a copy of the investigation report. The investigation report may be redacted if necessary to protect student privacy rights.

j. Both parties will be provided with information about deadlines, adjudication procedures (if applicable), appeal rights, and interim measures that remain in place.

The investigation file will be retained by the OEOSH/TC and must be made available to the parties on request, and may be redacted as necessary to protect student privacy rights.

D. Determining if the case will move forward with sanctioning. Upon completion of the investigation, the following will occur:

1. The Title IX Officer and Office of Judicial Affairs will jointly send to the complainant and the respondent written notice of the investigation findings and the investigator’s recommended determinations and the Office of Judicial Affairs’ finding; and will provide a copy of the investigation report to the parties, redacted if necessary to protect student privacy rights.

2. The written notice will include:
   a. a statement of the factual findings and recommendations regarding whether the charges have been substantiated, including whether policies have been violated;
   b. an admonition against intimidation or retaliation; an explanation of any interim measures that will remain in place;
   c. a statement of the right to appeal that will be explained further in the notice of decision;
   d. a statement that the Office of Judicial Affairs will determine whether the charges have been substantiated and policies have been violated and, if so, will assess the disciplinary sanctions and inform the complainant and respondent of the sanctions within ten (10) business days of the notice of findings; and
   e. a statement that the complainant and/or respondent may schedule a meeting with the Office of Judicial Affairs and/or submit a written statement to be heard on the question of the findings of any policy violation(s) and the discipline prior to the decision and the imposition of sanctions.
3. Upon receipt by the Office of Judicial Affairs of a fact-finding report by the OEOSH/TC, the Office of Judicial Affairs will determine any findings of policy violations, by the conclusion of ten (10) business days, and if there is enough evidence to move forward with sanctioning.

4. During those ten (10) business days, either party may schedule a meeting with the Office of Judicial Affairs and/or submit a written statement concerning the findings and the discipline. The Office of Judicial Affairs will use the information in the investigative report and any statements made from the complainant and respondent during this ten (10) day period to make a determination of policy violation(s) and imposition of sanctions.

5. Upon completion of the ten (10) day period, the Office of Judicial Affairs will send written notice to the complainant and respondent setting forth the decision on whether the charges have been substantiated and any policies have been violated; and any sanctions to be imposed. Sanctions will be assigned based on the facts of the case and using the “University of California Sanctioning Model.” (See Appendix B.)

6. The written notice will include the following:
   a. a description of the determinations on whether the charges have been substantiated and any policies have been violated, and if so, a description of the sanctions;
   b. the rationale for the determinations and the sanctions; and
   c. a statement of the right to appeal, the procedure that will be followed in hearing the appeal, the grounds upon which the appeal may be based, the office to which the appeal may be submitted, and an explanation that both the complainant and respondent will receive a copy of any appeal prior to a hearing.

7. In cases in which a respondent may complete a degree before an investigative report is issued by the OEOSH/TC and a final decision has been made on responsibility and possible sanctions, the Office of Judicial Affairs may place a hold on the respondent student’s registration account and subsequent processing of their degree until the case has reached a resolution.

E. Student Amnesty. Complainants and witnesses, who are students, and who participate in an investigation of sexual violence will not be subject to disciplinary sanction for a violation of the University’s student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

F. Options to Appeal and the Appeal Process.

1. Submitting an Appeal:
a. Once a decision and/or sanction has been determined, the complainant and respondent may contest the decision and/or the sanctions by submitting an appeal. The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the following grounds:
   i. There was a procedural error in the process that materially affected the outcome, such as the investigation was not fair, thorough or impartial;
   ii. The decision was unreasonable based on the evidence;
   iii. There is new, material information that was unknown and/or unavailable at the time the decision was made that should affect the outcome;
   iv. The disciplinary sanctions were disproportionate to the findings.

b. An appeal must be submitted in writing to the Interpersonal Violence Appeal Review Committee (IPVARC) within ten (10) business days following the date of the written notice of the decision and disciplinary sanctions, if imposed. The IPVARC shall serve as the decision-making body on the appeal. The appeal must identify the grounds for appealing and contain a brief statement of the reasons supporting each ground for appeal.

c. If an appeal is submitted, any disciplinary sanctions ordinarily will not be imposed until the appeal process is complete. Interim measures, such as no contact orders, academic accommodations, etc. will remain in effect during the appeal process.

d. The appeal will be decided at a hearing by the Interpersonal Violence Appeal Review Committee (IPVARC), composed of one to three University staff members who are appropriately trained on issues of interpersonal violence and all relevant procedures and policies. The Office of Judicial Affairs shall assist the IPVARC with the administration of the appeal process only; the IPVARC will be the decision-making body. Prior to the hearing, the IPVARC will review the information submitted by the parties and decide whether it contains sufficient information concerning the grounds for appeal and the reasons related to those grounds. The purpose of this review is not to decide the merits of the appeal, but to identify the nature and scope of the issues to be addressed in the hearing. If the written appeal is defective or incomplete, the appealing party will be given an opportunity to correct and resubmit the appeal within five (5) business days or on the final date on which the original appeal was due, whichever is later.

Conducting the Appeal Hearing

a. Not less than ten (10) business days before the appeal hearing, the Office of Judicial Affairs, on behalf of the IPVARC, will send written notice to the complainant and respondent of the hearing date, time, location and procedures. The notice will include a copy of the appeal(s) to be considered at the hearing.

b. At least five (5) days prior to the hearing, the complainant and respondent will submit to the IPVARC, via the Office of Judicial Affairs, the information they intend
to present at the appeal hearing, including all documents to be presented, the
names of all witnesses, and a brief summary of all witnesses’ expected testimony.
In addition, the IPVARC may also request that additional witnesses be present at
the hearing, if necessary.

c. At least two (2) days prior to the appeal hearing, the complainant and
respondent will receive copies of all the information that will be considered at the
appeal hearing, including the names of potential witnesses and a summary of the
information they are expected to provide. Prior to the appeal hearing and/or
during the hearing, the IPVARC may: exclude information and/or witness
testimony that is irrelevant in light of the grounds for appeal, not in dispute, or
unduly repetitive; decide any procedural issues for the appeal hearing; and make
any other determinations necessary to ensure an orderly, productive, and
procedurally proper appeal hearing.

d. The Title IX investigator will be present at the appeal hearing. The IPVARC may
question the investigator, witnesses present, the complainant, and/or the
respondent. The investigation report and any supporting documents or materials
will be entered as evidence at the appeal hearing.

e. The IPVARC may allow the complainant, respondent, and/or witnesses to be
visually or physically separated during the appeal hearing. This may include, but is
not limited to, the use of a physical partition, a separate physical location,
videoconference, and/or any other appropriate technology. The IPVARC must be
able to see the complainant, respondent, and any witnesses when they are
presenting information.

f. The complainant and respondent will have the opportunity to present the
information they previously submitted to the IPVARC via the Office of Judicial
Affairs, unless the IPVARC has excluded such information.

g. The complainant and respondent have the right to hear all individuals who
testify at the hearing and to propose questions to be asked of all individuals who
testify at the hearing. However, all questions must be first submitted to the Chair
of the IPVARC. This can be done prior to or during the hearing assuming it does
not cause undue delays in the hearing.

h. The IPVARC will determine the order of questioning. Whenever possible, the
IPVARC will ask the questions as they are submitted by the complainant and
respondent and will not rephrase or change them. The IPVARC may, however,
exclude questions that are unduly repetitive, clearly not relevant, or unduly time
consuming.

i. The appeal hearing will be audio recorded and summary minutes will be taken.
Other than the official recording, no other recording devices, electronic or
mechanical, will be permitted in the hearing.
j. Formal rules of evidence will not apply. The IPVARC may consider the form in which information is presented, as well as the credibility of any party or witness, in weighing the information and reaching findings.

k. The complainant and respondent may each bring an advisor and/or a person of support, for a total of two (2) people. However, the complainant and respondent will need to speak for themselves. The advisor or person of support may not present a complainant’s or respondent’s case nor may they personally submit questions for either party, witnesses, or the Title IX investigator in advance of or during the hearing. If the complainant or respondent asks for a short recess either to confer with their advisor, or to take a short break, it shall normally be granted, unless a break would unduly interfere or disrupt the hearing process.

Appeal Decision
a. The IPVARC will deliberate in private and reach a decision based on a preponderance of the evidence standard. The IPVARC shall attempt to reach consensus on a decision, but the majority shall make the decision if consensus cannot be reached.

b. The IPVARC shall take into account the record developed by the investigator and the evidence presented at the hearing, and may make its own findings and credibility determinations based on all of the evidence before it.

c. The IPVARC may: a) uphold the findings and disciplinary sanction; b) overturn the findings or sanctions; or c) modify the findings or sanctions.

d. The IPVARC will summarize its decision in a written report that includes the following:
   i. A statement of the grounds for the appeal;
   ii. A summary of the process undertaken by the IPVARC;
   iii. A summary of the information considered by the IPVARC; and
   iv. The decision of the IPVARC and the rationale for the decision including, where the findings or sanctions are overturned or modified, an explanation of why the findings were not reasonable or the sanctions were disproportionate, either at the time they were made or in light of the evidence considered by the IPVARC.

e. The Office of Judicial Affairs will send the IPVARC’s written decision to the complainant and respondent within ten (10) working days of the hearing.

f. If the findings and the sanctions are upheld, the Office of Judicial Affairs will inform the respondent and complainant in writing that the matter is closed with no further right to appeal.

Subsequent Written Appeal to the Vice Chancellor for Student Affairs
a. If the IPVARC overturns or modifies the findings or sanctions, the Office of Judicial Affairs will inform the respondent and complainant in writing of the right to submit a
written appeal to the Vice Chancellor for Student Affairs within five (5) business days of the date on the written notification of the IPVARC’s decision, based on: procedural error that materially affected the outcome, or a sanction that is disproportionate to the findings. If an appeal is submitted, the other party will receive a copy of the written appeal and may submit a written statement as well within five (5) business days. This appeal is documentary only, and no in-person meetings or hearing will be held.

b. The Vice Chancellor for Student Affairs will issue a written decision to the complainant and respondent, normally within ten (10) business days. There is no further right to appeal.

c. The appeal process described above, including the appeal hearing and any appeal to the Vice Chancellor for Student Affairs, will normally be completed within sixty (60) business days of the date of the notice of decision and sanctions (where imposed).

G. Interpersonal Violence Appeal Review Committee

1. The IPVARC shall be composed of staff from the UCSB campus who receive annual and on-going training on issues of sexual and interpersonal violence and trauma informed practices. An appeal hearing may be heard by one (1) to three (3) members of the IPVARC, with three (3) being the preferred number of members.

2. All hearings are closed and information pertaining to a conduct case is controlled by federal and state privacy laws. H. Rights of the Complainant
   a. To anticipate a timely resolution after charges have been filed, (60 business days for investigation and adjudication, 120 business days if appeals are filed), and to be notified if the case will exceed the 60 or 120 business days.
   b. To receive written notification of existing counseling, health, mental health, victim advocacy, legal assistance, and other services available to complainants both on campus and in the community.
   c. 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.
   d. To be accompanied to any investigatory meetings and/or an appeal hearing by a CARE advocate and/or advisor and/or a person (or persons) of support, of their choice, with the limit being two (2) people.
   e. To be present for the duration of and produce questions for any witnesses in advance of an appeal hearing.
   f. To have the opportunity to make statements, produce witnesses or evidence regarding the incident and/or personal impact.
g. To be informed as soon as possible, and simultaneously with the respondent, of the outcome of the investigation, sanctioning, and appeal hearing, the procedures for appealing the results of the investigation, sanctioning, or appeal hearing, any change to the results that occur prior to the time that such results become final, and when such results become final.

h. Right to review the redacted report.

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

a. The right to written notice of the charges and instigation of an investigation, a timely resolution after charges have been filed (60 business days for investigation and adjudication, 120 business days if appeals are filed), and to be notified if the case will exceed the 60 or 120 business days.

b. To receive written notification of existing counseling, health, mental health, respondent support, legal assistance, and other services available to respondents both on-campus and in the community.

c. To be accompanied to any investigatory meetings and/or appeal hearing by an advisor and/or person(s) of support of the respondent’s choice, with the limit being two (2) people.

d. To be present for the duration of and produce questions for any witnesses in advance of an appeal hearing.

e. To have the opportunity to make statements; produce witnesses or evidence pertaining to the case; and respond to and question the evidence presented.

f. To simultaneously with the complainant, be informed in writing of the outcome of any University investigation, sanctioning, appeal hearing, the procedures for appealing the results of the investigation, sanctioning, or appeal hearing, and any change to the results that occur prior to the time that such results become final.

g. Right to review the redacted report NOTE: All hearings are closed and information pertaining to a conduct case is controlled by University policy, federal and state privacy laws.

**NOTE:** All hearings are closed and information pertaining to a conduct case is controlled by University policy, federal and state privacy laws.

**Possible Sanctions.**

1. Students found responsible for a sexual violence, incidents of dating or domestic violence, and/or stalking, will be sanctioned based on the UC sanctioning model (Appendix B), taking into consideration the facts of the individual case and any exceptional circumstances.

2. In accordance with UC policy, all suspensions will be noted on the responsible student’s transcript for the duration of the suspension. All dismissals will be permanently noted on the responsible student’s transcript.

3. Discipline records are normally purged after five years (seven years if the violation was also a reportable Clery Act crime) from the sanctioning imposition 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 violence, dating or domestic violence, or stalking, and must make a note of the rationale for keeping a file active beyond its expiration date.

K. Timely Reporting.

1. The University encourages early reporting of incidents to either law enforcement or the OEOSH/TC. While there is no time limit on the reporting of incidents to the University, the University encourages early reporting as timeliness increases the likelihood of substantiating claims and adjudicating charges.

2. In addition, early reporting also increases the likelihood that the University will be able to exercise jurisdiction over respondents who might have otherwise graduated or since left campus due to the passage of time.

L. Adjudicating Sexual Violence, Dating or Domestic Violence, and Stalking, 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, Dining & Auxiliary Enterprises are under University jurisdiction.

2. Privately-Owned Student Housing

The University has the right to extend jurisdiction over sexual violence, dating and domestic violence, and stalking that occur off University property, including privately-owned student housing. Parties who have experienced interpersonal violence in privately-owned student housing should follow the general procedures listed above, and contact the OEOSH/TC, 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 (fraternity or sorority) houses. Parties who have experienced interpersonal violence in Greek housing should follow the general procedures listed above, and contact the OEOSH/TC, if they believe the perpetrator may have been a University student and if they would like the incident to be investigated and adjudicated by the University.

4. Interpersonal/Sexual Violence Committed by Members of Registered Campus Organizations or Athletic Teams
Allegations involving members of any registered campus organizations or teams may be reported to the OEOSH/TC for an investigation and possible adjudication by the University. The University reserves the right to also sanction registered campus organizations and athletic teams should the investigation of the complaint be substantiated.

5. Other Off-Campus or Non-Campus Locations

Allegations involving UCSB students may be reported to the OEOSH/TC for investigation and possible adjudication by the University regardless of location.

M. Reports to both the University and to law enforcement

If a complainant chooses to report to both the University and to law enforcement, the two fact-finding investigations will be coordinated to the best of the Title IX investigator’s abilities, taking into consideration law enforcement’s ability (or lack thereof) to share information with the Title IX investigator. At the request of law enforcement, the University investigation may be delayed as needed to meet any specific needs of the criminal investigation. Such a delay may be cause for extending the University timelines to complete the process. Delays will be communicated to all parties and documented by the Title IX investigator and/or the Office of Judicial Affairs.

It is possible that the District Attorney may decide not to prosecute a case that the Office of Judicial Affairs has decided to adjudicate. This may be due to the fact that 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 the evidence.” The Office of Judicial Affairs may still move forward in this case.

N. Reporting/investigating/adjudicating cases in which the respondent is a non-student member of the campus community (e.g., faculty, staff, and administrator)

All reports of sexual misconduct by non-student members of the campus community are received, reviewed, and, if applicable, investigated by the OEOSH/TC.

Faculty and lecturers fall under the jurisdiction of the Office of Academic Personnel in the Executive Vice Chancellor’s Office for adjudication/resolution purposes.

Teaching assistants who are graduate students are under the jurisdiction of the Office of Judicial Affairs and Human Resources for adjudication/resolution purposes.

Staff members are under the jurisdiction of Human Resources for adjudication/resolution purposes.
O. 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 victim. CARE advocates may provide confidential support to and assist victims with filing a restraining order and all other avenues available through the criminal or civil justice system.

Reports may still be made to the OEOSH/TC for review and possible investigation or recommended remedies.

Privacy

The University shall protect the privacy of individuals involved in a report of sexual assault, dating violence, domestic violence, and stalking to the extent required by law and policy. A report of a possible violation of the university’s policy 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 relevant to the report. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals.

Any member of the University community who is found in violation either of these policies is subject to disciplinary action up to and including suspension or dismissal in accordance with the applicable University disciplinary procedure.

For more information about these policies and administrative procedures, contact the Title IX Office at 805-893-2701 or visit https://oeosh.ucsb.edu/titleix/policies/ucsb.local.procedures.pdf

Confidential Reporting

If victims do not wish to file a police report, they, or others acting on their behalf, can report crimes informally and confidentially (no names or criminal investigation) to the CARE Advocates in the CARE Office (805-893-4613) at the UCSB Women’s Center in the Student Resource Building on campus. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution, without any personally identifying information, and are not reported to the University’s Title IX Officer except at the request of the victim. When a victim files a confidential report, they are NOT obligated to continue with the legal proceedings or University investigation and disciplinary procedures. The CARE Advocate will provide victims with a handout on their reporting options and explore options in a confidential and supportive manner.

- A Confidential victim’s advocate’s roles and responsibilities include:
  - Explaining all of the victim’s rights and options, confidentially and anonymously.
• Providing support regardless of what reporting option a victim chooses.

• Accompanying a victim during evidentiary examinations, law enforcement interviews, phone calls, lineups, or any other proceedings that involve criminal or administrative reports.

• Assisting with academic, housing, transportation, employment concerns and accommodations.

If a victim is in a situation without the advocate, they have the right to wait until the advocate is present. UC Santa Barbara Campus Advocacy Resources and Education (CARE) Advocates (805-893-4613) are available to assist a victim during business hours.

Students may also utilize UC Santa Barbara Counseling and Psychological Services (CAPS), which is located Career and Counseling Services Building (building 599) on campus. CAPS can be reached at 805-893-4411. Counselors can provide confidential support and inform victims and respondents of common emotional reactions and discuss coping methods that may assist them immediately following an assault and later. Talking about concerns with a counselor in a safe and supportive environment may help to sort through feelings and deciding what to do. Students may be seen on an emergency walk-in basis or by appointment.

Assistance and support for dealing with personal and academic issues is also available from the Dean of Students Office (Student Resource Building second floor 805-893-4569). This support is private, but not considered confidential.

**Male Victims**

While most victims of these crimes are women, men are also victims. All victims at UC Santa Barbara receive the same services. Emotional support, counseling about options, information about resources related to legal issues and medical treatment are available through the CARE and CAPS offices.

**Past Abuse**

Many individuals experience abuse and victimization and never tell anyone about it at the time of the incident. For those who were abused or victimized weeks or years ago, assistance is still available. Talking with someone may help individuals cope with abuse or victimization from the past. Past incidents that occurred at a UC Santa Barbara property, may still be reported to the UC Santa Barbara Police Department for documentation and investigative purposes and to the Title IX office. In addition, resources are available through CARE and CAPS offices.
Definitions

Abuse
Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

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

- Consent 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 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.
- There must be mutual consent, even in the context of a relationship, to engage in sexual activity. 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 under the threat of violence, bodily injury or other forms of coercion.
- It shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew, or reasonably should have known, that the complainant was unable to consent to the sexual activity under any of the following circumstances:
  - The complainant was asleep or unconscious. The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
  - The complainant was unable to communicate due to a mental or physical condition.
For purposes of this Policy, the age of consent is consistent with California Penal Code Section 261.5.

**Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson**

Willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

**Awareness Programs**

Awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Bystander Intervention**

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**Dating Violence**

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Dating violence includes sexual or physical abuse, or the threat of such abuse. Dating violence does not include acts covered under the act of domestic violence.

**Domestic Violence**

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the victim;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Drug Abuse Violations**

Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Forcible Rape (2015)**

The carnal knowledge of a person, forcibly and/or against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent
because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

**Forcible Sodomy (2015)**

Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Hate Crime**

A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their Race, Gender, Gender Identity, Religion, Sexual Orientation, Ethnicity, National Origin, and Disability. Institutions are required to compile crime statistics for any of the following crimes that are determined to be hate crimes:

- Criminal Homicide
- Murder and Nonnegligent Manslaughter
- Negligent Manslaughter
- Sex Offenses
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

**Incapacitation**

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.

**Incest**
Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Intimidation**
To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny**
The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Liquor Law Violations**
The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.

**Missing Person**
Any person who is reported missing to law enforcement when the person’s location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code §277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code §14213).

**Missing Persons Networks**
Those databases or computer networks available to law enforcement and that are suitable for information related to missing person’s investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

**Motor Vehicle Theft**
The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding).
Murder and Non-negligent Manslaughter
The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter
The killing of another person through gross negligence.

Ongoing Prevention and Awareness Campaigns
Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in 34 CFR Part 668.46 paragraph (j)(1)(i)(A) through (F).

Pastoral Counselor
An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Primary Prevention Programs
Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Professional Counselor
An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

Rape
The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Risk Reduction
Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Robbery
The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim fear.
Sex Offenses—Forcible (2015)
Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

Sex Offenses—Non-Forcible (2015)
Unlawful, non-forcible sexual intercourse. This category includes the crimes of incest and Statutory Rape.

Sexual Assault
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).

Sexual Assault with an Object (2015)
The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Harassment
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).

Sexual Violence
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.

Stalking
The term “stalking” means behavior in which a person repeatedly engages in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.
Statutory Rape
Sexual intercourse with a person who is under the statutory age of consent.

Unfounded
A complaint that is determined to be false or baseless—meaning that the offense neither occurred nor was attempted.

Vandalism
To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Weapons Law Violations
The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, transport, purchase, incendiary devices, explosives, cutting instruments or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; all attempts to commit any of the aforementioned.

Prevention Education
To help prevent and address sexual assault, dating violence, domestic violence, sexual harassment and stalking, all members of the UC community—students, staff, faculty and other academic appointees—are required to receive prevention and intervention training and education on an ongoing basis. The UC system-wide curriculum, tailored to each audience, educates our community about sexual violence, how to prevent it, the role of intervention and available local resources. While ongoing trainings may review and expand on initial programming content, programs for new students and employees include the following information:

- Identifies sexual assault, dating violence, domestic violence and stalking as prohibited conduct.

- Examples of behaviors that constitute sexual assault, dating violence, domestic violence and stalking.

- Definition of consent.

- Social norms, including the attitudes and beliefs that normalize violence.

- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, dating violence, domestic violence or stalking against a person other than a bystander.
• Information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.

• How to respond to sexual violence using methods that acknowledge the impact of violence and trauma on survivor’s lives.

• Information about the procedure utilized when a crime is reported and procedures for disciplinary action.

• Local resources, including confidential support for survivors of sexual violence and appropriate services for those accused of sexual violence.

• Rights and options about reporting sexual violence.

**Students:** All incoming students are required to complete education and training programs within the first few weeks of class. The campus will also provide multiple opportunities for education each year to ensure students receive additional information on these topics. In addition, all continuing students are required to take ongoing education and training annually. Recommended education and awareness modules with tailored content will be provided to specific student audiences such as resource center, athletics, Greek organizations, and student employees.

**Faculty, Academic Personnel with Faculty Designation, and Faculty Advisors:** all faculty are required to complete two hours of sexual harassment prevention training every two years and all incoming faculty are required to take the training within the first two months of hire. As of January 2016, a system wide faculty training and education plan has been implemented that revised the content in the current sexual harassment prevention training to meet the UC’s additional system-wide curriculum requirements to additionally address sexual assault, domestic violence, dating violence and stalking, including additional training for those who work directly with students such as faculty student advisors. Additional training has been presented to the specific faculty regarding their obligation to report sexual assault, sexual harassment, dating violence, domestic violence, and stalking.

**Staff:** As of December 2015, a system-wide staff training and education plan was implemented that required new employees to receive training within the first six weeks of hire. All continuing staff will receive training annually. Designated employees, including all supervisors’ and mandated reporters, who are required to report sexual assault, sexual harassment, dating violence, domestic violence, and stalking to the Title IX Officer (sexual harassment officer) will receive baseline and repeat training on their obligations.

**Professional Training**

UC Santa Barbara provides periodic training related to the prevention and handling of sexual assault, sexual harassment, dating violence, domestic violence and stalking for all relevant personnel, including UC Santa Barbara Police Officers and
Dispatchers, Housing Community Safety Officers, Staff Human Resources and Academic Personnel adjudication officials, Student Conduct Officers, counselors, Dean of Students staff, College Housing and Educational Services staff, and Title IX Office staff by experts trained in the field. Education and training programs may also be made available to any interested academic and staff personnel.

The University offered the following ongoing awareness and prevention programs for academic and staff personnel in 2015:

<table>
<thead>
<tr>
<th>Name of Training</th>
<th>Date Held</th>
<th>Office Providing Training</th>
<th>Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Working with Distressed Students</td>
<td>8/7/15</td>
<td>Dean of Students Office</td>
<td>Professional Live-in staff</td>
</tr>
<tr>
<td>Alcohol and Other Drugs, CAPS, and Mental Health Resources</td>
<td>8/7/15</td>
<td>ADP and CAPS</td>
<td>Professional Live-in staff</td>
</tr>
<tr>
<td>Sexual Assault &amp; Harassment Training</td>
<td>8/11/15</td>
<td>Title IX &amp; CARE</td>
<td>Professional Live-in staff</td>
</tr>
<tr>
<td>Mandated Reporting and Navigating Sexual Assault Conversations</td>
<td>8/11/15</td>
<td>Housing</td>
<td>Professional Live-in staff</td>
</tr>
<tr>
<td>Mental Health Discussion and Protocols</td>
<td>8/11/15</td>
<td>Housing</td>
<td>Professional Live-in staff</td>
</tr>
<tr>
<td>SRB Tour (Learning about campus resources)</td>
<td>8/26/15</td>
<td>Housing</td>
<td>RAs</td>
</tr>
<tr>
<td>Helping students in Distress</td>
<td>8/27/15</td>
<td>CAPS</td>
<td>RAs</td>
</tr>
<tr>
<td>Ethics &amp; Professionalism (included because we cover the beginnings of sexual harassment)</td>
<td>8/28/15</td>
<td>Housing</td>
<td>RAs</td>
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<tr>
<td>Sexual Harassment</td>
<td>8/31/15</td>
<td>Title IX</td>
<td>RAs</td>
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<tr>
<td>Sexual Assault</td>
<td>8/31/15</td>
<td>CARE</td>
<td>RAs</td>
</tr>
<tr>
<td>First Responder Training (includes active shooter info)</td>
<td>9/1/15</td>
<td>Housing</td>
<td>RAs</td>
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<tr>
<td>Alcohol &amp; Other Drug Training</td>
<td>9/2/15</td>
<td>ADP</td>
<td>RAs</td>
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<tr>
<td>Name of Training</td>
<td>Date Held</td>
<td>Office Providing Training</td>
<td>Audience</td>
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<tr>
<td>Incoming Student Orientation-Making the Most Presentation</td>
<td>6/25-8/6/2015 (12-sessions)</td>
<td>CARE</td>
<td>Incoming First year and Transfer Students</td>
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</table>

The University offered the following primary prevention and awareness programs for all incoming students in 2015:
<table>
<thead>
<tr>
<th>Name of Training</th>
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<th>Office Providing Training</th>
<th>Audience</th>
</tr>
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<tbody>
<tr>
<td>CARE Connect Training</td>
<td>July 9, 2015</td>
<td>CARE</td>
<td>Undergraduate students</td>
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<tr>
<td>CARE Connect Training</td>
<td>July 9, 2015</td>
<td>CARE</td>
<td>Undergraduate student staff</td>
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<td>CARE Connect Training</td>
<td>July 21, 2015</td>
<td>CARE</td>
<td>Undergraduate students</td>
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<tr>
<td>CARE Connect Training</td>
<td>July 27, 2015</td>
<td>CARE</td>
<td>Undergraduate student staff</td>
</tr>
<tr>
<td>CARE Connect Training</td>
<td>August 1, 2015</td>
<td>CARE</td>
<td>Undergraduate students</td>
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<tr>
<td>CARE Connect Training</td>
<td>August 14, 2015</td>
<td>CARE</td>
<td>Undergraduate student staff</td>
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<td>CARE Connect Training</td>
<td>August 16, 2015</td>
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<td>Undergraduate students</td>
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<td>CARE Connect Training</td>
<td>August 16, 2015</td>
<td>CARE</td>
<td>Fraternity/sorority members</td>
</tr>
<tr>
<td>CARE Connect Training</td>
<td>August 17, 2015</td>
<td>CARE</td>
<td>Undergraduate students</td>
</tr>
<tr>
<td>CARE Workshop: Green Dot</td>
<td>August 17, 2015</td>
<td>CARE</td>
<td>Undergraduate students</td>
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<tr>
<td>CARE Connect Training</td>
<td>August 18, 2015</td>
<td>CARE</td>
<td>Undergraduate students</td>
</tr>
<tr>
<td>FSSP FEUD: Sex and Alcohol Edition</td>
<td>August 19, 2015</td>
<td>CARE, Alcohol and Drug Program</td>
<td>Undergraduate students</td>
</tr>
<tr>
<td>CARE Housing R.A. Training</td>
<td>August 26, 2015</td>
<td>CARE &amp; Title IX</td>
<td>Undergraduate students</td>
</tr>
<tr>
<td>CARE Greek Training</td>
<td>August 29, 2015</td>
<td>CARE</td>
<td>Fraternity/sorority members</td>
</tr>
<tr>
<td>CARE Teaching Assistant Training</td>
<td>September 15, 2015</td>
<td>CARE &amp; Title IX</td>
<td>Undergraduate student staff</td>
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**Disciplinary Actions**

Any member of the University community who, after a Title IX investigation, is found to have engaged in conduct that violates the University policies on sexual violence and sexual harassment is subject to disciplinary action up to and including suspension or dismissal in accordance with the applicable University disciplinary procedure. The Title IX Office makes a final determination based upon a preponderance of evidence standard—that it is more likely than not that the alleged conduct occurred and as such, violated University policy. Student cases will be referred to the Student Conduct Office. Non-academic staff cases will be referred to Human Resources, and academic staff cases will be referred to the Academic Personnel Office.

All adjudication proceedings will include a prompt, fair, and impartial process, conducted by officials who receive annual training on the issues related to sexual assault, sexual harassment, dating violence, domestic violence, and stalking. Additionally, the Title IX investigators and hearing officials are trained on how to conduct the investigation and hearing process in a manner that protects the safety of victims and promotes accountability. Both the complainant and respondent have the same opportunities to have others present during the disciplinary proceeding, including the opportunity to be accompanied by an advisor (any individual who provides support, guidance, or advice) of their choice. While the University will not limit the choice or presence of the advisor for either the complainant or respondent, restrictions may be set regarding the extent to which the advisor may participate in the proceedings, so long as they are applied equally to both parties. The University will notify both parties, simultaneously in writing, regarding the results of the disciplinary proceedings, the procedures for the respondent to appeal the results, any changes to the result, and when such results become final. Result means any initial, interim, and final decision by any official or entity authorized to resolve
disciplinary matters within the institution, including any sanctions imposed by the institution. Notwithstanding FERPA, the result must also include the rationale for the result and the sanctions. All disciplinary proceedings will be completed within reasonably prompt time frames, as designated by University guidelines, and allow for good cause extension of timeframes with written notice to both the complainant and respondent of the delay and the reason for it. All proceedings are conducted in a manner that is transparent to the complainant and respondent and by officials who have no conflicts of interest or biases for or against a complainant or respondent. Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. The proceedings will include timely notice for meetings at which one or both parties may be present and provide timely and equal access to the complainant, respondent, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.

**Student Disciplinary Action**

Upon a finding of a policy violation, the Title IX Office will forward recommendations regarding sanctions and a copy of the investigation report to the Student Conduct for adjudication. The Conduct Officer will meet separately with the complainant and respondent during the adjudication process and both will be provided the opportunity to respond to the investigation report before the sanctions are imposed. For students found in violation of University policies or campus regulations, the following administrative sanctions may be imposed by the Student Conduct Office: warning, disciplinary probation, stayed suspension, suspension, stayed dismissal or dismissal. Additional restrictions, housing actions, and educational sanctions may be assigned as well. The timeline for this process, from investigation through the issuing of conduct resolution, is 60-days but may be extended with good cause. Both the complainant and respondent are notified about any delays and at the conclusion of the conduct resolution process. Per University policy, a support person may accompany students, however, students must represent themselves at all parts of the Student Conduct process.

Both the respondent and complainant may appeal the investigation findings and the sanction decision within five business days of the issuance of the sanction decision. If neither party appeals, the case is closed. Sanctions that reach the level of suspension or dismissal, involve a student organization or graduate student shall be appealed to an Associate Vice Chancellor. All other undergraduate cases shall be appealed to the student’s College Administrative Officer. On appeal, the conduct officer’s decision may be upheld, modified, or overturned.

**Non-Academic Staff Disciplinary Action**

The University may take corrective action when an employee fails to meet acceptable conduct or work performance standards. Corrective actions include written warning, corrective salary decrease, suspension and demotion. As appropriate any corrective action taken due to conduct or unsatisfactory work performance may be noted in the
employee’s performance appraisal. Corrective action should generally follow a course of progressive discipline. When determining the appropriate corrective action to use, supervisors should take into account the severity and circumstances of the situation and the employee’s work history. Immediate termination may be warranted in situations of serious misconduct or failure to maintain acceptable work performance standards.

The University of California has professional relationships with 15 unions that represent more than 77,000 employees. Existing employment contracts with each of the 15 bargaining units, including provisions covering corrective action and discipline is available at http://ucnet.universityofcalifornia.edu/labor/bargaining-units/.

Employees not represented by a union are covered under the University Personnel Policies for Staff Members (PPSM). Individual PPSM policies, including those governing corrective action and discipline, are available at http://ucop.edu/search/?q=STAFF.

**Academic Senate Appointee Disciplinary Action**

**A. Right to a Hearing**

In cases of disciplinary action commenced by the administration against a member of the Academic Senate, or against other faculty members in cases where the right to a hearing before a Senate committee is given by Section 103.9 or 103.10 of the Standing Orders of The Regents (Appendix I), proceedings shall be conducted before a Divisional Privilege and Tenure Committee (hereafter, the Committee). Under extraordinary circumstances and for good cause shown, on petition of any of the parties and with concurrence of the other parties, the University Privilege and Tenure Committee may constitute a Special Committee composed of Senate members from any Division to carry out the proceedings.

**B. Pre-hearing Procedure in Disciplinary Cases**

1. In cases of disciplinary action commenced by the administration against a member of the Academic Senate, or termination of appointment of a member of the faculty in a case where the right to a hearing before a Senate committee is given under Section 103.9 or 103.10 of the Standing Orders of The Regents, proceedings shall be initiated by the appropriate Chancellor or Chancellor's designee, once probable cause has been established. Procedures regarding the establishment of probable cause are determined by APM 015/016 and Divisional policies. The charges shall be in writing and shall contain notice of proposed disciplinary action and a full statement of the facts underlying the charges. Upon receipt of the charges, the Chair of the Divisional Privilege and Tenure Committee shall promptly deliver a copy to the accused faculty member or send it by registered mail to the accusant’s last known place of residence.

2. The accused shall have twenty-one calendar days from the date of the receipt in which to file an answer in writing with the Committee. The Committee shall provide a copy of the answer to the Chancellor or
Chancellor's designee. Upon receipt of a written application, the chair of the Committee may grant a reasonable extension of time for filing of an answer.

3. The Privilege and Tenure committee shall consider the matter within 21 calendar days after receipt of an answer or, if no answer is received, after the deadline for receipt of an answer. The Committee shall evaluate the case and establish time frames for all subsequent procedures. The committee may refer the case to mediation (SBL 336.C) or appoint a hearing committee (SBL 336.D). As a general guide, a pre-hearing conference (SBL 336.D.2) shall be scheduled within 30 calendar days and a hearing (SBL 336.D) shall be scheduled within 90 calendar days of the appointment of a hearing committee. The accused shall be given, either personally or by registered mail, at least ten calendar days' notice of the time and place of the hearing. The Chancellor, Chancellor's designee, or Chair of the Privilege and Tenure Committee may for good reason grant an extension of any of these time limits.

4. No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor’s designee, who is authorized to initiate proceedings in accordance with SBL 336.B.1 and divisional disciplinary procedures, knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action. For purposes of this section, if an administrator or employee in a supervisory role (e.g., program director, department chair, dean) has actual knowledge about an alleged violation, then it will be conclusively presumed that the Chancellor or Chancellor's designee should have known about the alleged violation.

Early Resolution

1. The Chancellor or Chancellor's designee and the accused may attempt to resolve the disciplinary charges informally through negotiations. Such negotiations may proceed with the assistance of impartial third parties, including one or more members of the Committee. A negotiated resolution is permissible and appropriate at any stage of these disciplinary procedures. If a negotiated resolution is reached after written charges are filed, then the Privilege and Tenure Committee should be given notice that the matter has been resolved.

2. The disciplinary charges may also be resolved through mediation in cases where such mediation is acceptable to the administration and the accused. With the consent of the administration and the accused, the Committee may assist in the selection of an appropriate mediator. Other relevant parties, including members of the Committee, may participate in the mediation.

3. Once charges have been filed with the Committee, the Chair of the Divisional Privilege and Tenure Committee should request that the Chancellor or Chancellor's designee consult with the Committee or its chair prior to the completion of any early resolution.
Post Hearing Procedures

1. The Privilege and Tenure Committee shall appoint a Hearing Committee for each disciplinary case that is not resolved through a negotiated resolution or mediation. The Hearing Committee should consist of at least three Division members. At least two of the members shall be members of the Committee on Privilege and Tenure, one of whom shall chair the Hearing Committee. The Committee may not appoint a member of the department or equivalent administrative unit of any of the parties to the Hearing Committee. Hearing Committee members shall disclose to the Hearing Committee any circumstances that may interfere with their objective consideration of the case and recuse themselves as appropriate. A quorum for the conduct of the hearing shall consist of at least half but not less than three members of the Hearing Committee, including at least one member of the Committee on Privilege and Tenure.

For more information about the disciplinary procedures for Academic Senate faculty go to: https://senate.ucsb.edu/manual/bylaws/Chapter_IV/Section_1/220/

Non-Academic Senate Employee disciplinary Action

Non-Senate academic appointees are expected to maintain a standard of academic responsibility consistent with the objectives of the University. Non-Senate faculty appointees are also subject to the standards set forth in the Faculty Code of Conduct (APM 015). Corrective action and dismissal are serious measures with specific procedural and notice requirements. Disciplinary action shall normally be taken in progressive steps.

It may be necessary to place an appointee on immediate investigatory leave with pay prior to corrective action if the appointee’s conduct requires immediate removal from University premises in the judgment of the supervisor, unit head, or dean. The dean shall be informed of such action, and the reasons for it, as soon as possible. The dean shall confirm such investigatory leave in writing to the appointee, normally within five working days after the leave is effective. The notice must include the reasons for and the expected duration of the leave. While on such leave, the appointee’s return to University premises without written permission may create independent grounds for dismissal.

A written warning may be instituted by the appointee’s immediate supervisor. It shall describe a method for correcting the problem and state the probable consequence of continued misconduct. The written warning shall state the appointee’s right to grieve the action under the provisions of APM 140.

The dean must provide a written Notice of Intent to the appointee prior to initiating any of the following actions: written censure, suspension, reduction in salary, demotion, and dismissal. The Notice shall state:
• The intended action, including reasons for the action and the proposed effective date;

• The basis of the charges, including copies of pertinent materials supporting the charges;

• The appointee’s right to respond to the dean, either orally or in writing, within 14 calendar days of the date of issuance of the written Notice of Intent.

Prior to instituting the dismissal of a Non-Senate faculty member, the appointee should be apprised of the opportunity for a hearing before the Academic Senate Committee on Privilege and Tenure pursuant to S.O. 103.9. By selecting this hearing option, the appointee waives the right to grieve the dismissal action under APM 140 since the appointee is entitled to select only one grievance review mechanism. The appointee must make a written request to the dean for such a hearing within 14 calendar days of the date of issuance of the written Notice of Intent.

For more information about disciplinary actions for Non-Senate faculty go to https://ap.ucsb.edu/resources.for.department.analysts/non.senate.faculty/


Purpose of the ASR and AFSR

Under the Clery Act, UCSB, have immediate, on-going, and annual requirements. This ASR is updated and published annually and contains safety and security-related policy statements, procedures and crime statistics (crime statistics for the last three calendar years). UCSB distributes the ASR and AFSR to all current students, staff and faculty. UCSB also informs prospective students, staff and faculty about the availability of these reports.

ASR and AFSR Annual Notification Requirement and Distribution

The ASR and AFSR are distributed in compliance with the requirements of the Clery Act. Specifically, both reports are distributed to all currently enrolled students and all current employees by October 1 each year. Both reports are also distributed to prospective students (i.e. any individuals who have contacted UCSB requesting information about admission) and prospective employees (i.e. any individuals who have contacted UCSB requesting information concerning employment) upon request.

UC Santa Barbara Police Department distributes an individual notice about the ASR and the AFSR to each student and employee by October 1 of each year via various publication outlets and mediums. The notice generally includes a statement of the reports’ availability, a brief description of the information contained within the reports, a direct link to the internet website at which the report is posted and
information regarding where paper copies of the reports may be obtained upon request.

The ASR and the AFSR are distributed as two separate report documents. The AFSR may be directly accessed by visiting the following website: http://www.ehs.ucsb.edu/files/docs/fp/2016-HEOA-UCSB.pdf

ASR and AFSR Preparation Process

The UCSB Police Department has primary responsibility for coordinating and compiling the information contained within the ASR by working with various individuals and departments from around the UCSB Campus. Input from a variety of individuals is important in order to convey the latest and most updated information. In addition to reviewing all UC Santa Barbara Police Department police reports, the UC Santa Barbara Police Department coordinates with the UCSB Office of Student Conduct, UCSB Housing Student Conduct to collect and reconcile Disciplinary Referral statistic data related to liquor law violations, drug law violations and weapon law violation reportable data. The UC Santa Barbara Police Department also coordinates the collection and reconciliation of all Campus Security Authority (“CSA”) reports to ensure proper classification of crime reports.

The Environmental Health & Safety (EH&S) Fire Marshal on the UCSB campus has primary responsibility for coordinating and compiling the information contained within the AFSR. The UCSB campus Fire Marshal works closely with the UC Santa Barbara Police Department in reconciling all reported fires within USBI on-campus student housing facilities as well as the investigation of arson crime statistics reported within the ASR crime statistic data.

Annual Fire Safety Report

Those institutions with on-campus student housing facilities are required by law to annually prepare a Fire Safety Report, and report fires that have been recorded to the campus community by October 1. The purpose of this report is to disclose fire safety policies and procedures related to on-campus student housing and to disclose statistics for fires that occurred in those facilities. The report focuses exclusively on these facilities and does not apply to other UC Santa Barbara buildings or to non-campus student housing facilities the institution may own or control.

In addition to the Fire Safety Report, UC Santa Barbara records fires that occurred in any on-campus student housing facility in a Fire Log. The Fire Log can be found at http://www.ehs.ucsb.edu/fire/60-day-fire-log. The Daily Crime Log, which is prepared by the UC Santa Barbara Police Department also records all arsons and attempted arsons reported to the UC Santa Barbara Police Department that occur on campus (including student housing facilities), on public property, in non-campus buildings or property or within the patrol jurisdiction of the department. This information is included in the Crime Statistics section as well. (See Crime Statistics)
Moreover, UC Santa Barbara is also required to report on the following:

- Number of fire drills held during the previous calendar year.

- Policies or rules on portable electrical appliances, smoking and open flames in a student housing facility.

- Procedures for student housing evacuation in the case of a fire.

- Policies regarding fire safety education and training programs provided to the students and employees. In these policies, the institution must describe the procedures that students and employees should follow in the case of a fire.

- For purposes of including a fire in the statistics in the annual fire safety report, a list of the titles of each person or organization to which students and employees should report that a fire occurred.

- Plans for future improvements in fire safety, if determined necessary by the institution.

- Fire statistics for on campus residential facilities.

For more information about the Fire Safety Report please contact the staff at the Office of Emergency Services at [http://www.ehs.ucsb.edu/fire](http://www.ehs.ucsb.edu/fire) and [http://www.ehs.ucsb.edu/fire/links-and-information](http://www.ehs.ucsb.edu/fire/links-and-information)

The AFSR may be directly accessed by visiting the following website: [http://www.ehs.ucsb.edu/files/docs/fp/2016-HEOA-UCSB.pdf](http://www.ehs.ucsb.edu/files/docs/fp/2016-HEOA-UCSB.pdf)
### Crime Statistics

#### CLERY CRIME STATISTICS

| Offense                      | Year | On Campus | Non-Campus | Public Property | Total | Residential Facilities *
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</table>

* Included in On Campus statistics

** Statistical error noted after publishing 2015 Clery Report

† Corrected statistic: September 2017
CLERY ARRESTS AND DISCIPLINARY REFERRALS

| Offense                                | Year | On Campus | Non-Campus | Public Property | Total | Residential Facilities *
|----------------------------------------|------|-----------|------------|-----------------|-------|------------------------
| Liquor Law Violations Arrests          | 2015 | 67†       | 4†         | 0               | 71    | 2†                     |
|                                        | 2014 | 74        | 15         | 0               | 89    | 6                      |
|                                        | 2013 | 53        | 7          | 3               | 63    | 4                      |
| Liquor Law Violations Referred for Disciplinary Action | 2015 | 412       | 0          | 0               | 412   | 409                    |
|                                        | 2014 | 433**     | 0          | 0               | 433   | 430                    |
|                                        | 2013 | 752       | ***        | ***             | 752   | 736                    |
| Drug Law Violations Arrests            | 2015 | 21†       | 2†         | 0               | 23    | 4†                     |
|                                        | 2014 | 13        | 2          | 0               | 15    | 0                      |
|                                        | 2013 | 33        | 0          | 2               | 35    | 0                      |
| Drug Law Violations Referred for Disciplinary Action | 2015 | 203       | 7          | 0               | 210   | 203                    |
|                                        | 2014 | 164**     | 0          | 0               | 164   | 162                    |
|                                        | 2013 | 181       | ***        | ***             | 181   | 174                    |
| Weapons Law Violations Arrests         | 2015 | 4*        | 0          | 0               | 4     | 1                      |
|                                        | 2014 | 4*        | 0          | 0               | 4     | 0                      |
|                                        | 2013 | 6         | 0          | 0               | 6     | 3                      |
| Weapons Law Violations Referred for Disciplinary Action | 2015 | 0         | 0          | 0               | 0     | 0                      |
|                                        | 2014 | 0         | 0          | 0               | 0     | 0                      |
|                                        | 2013 | 1         | ***        | ***             | 1     | 1                      |

* Included in On Campus statistics
** Statistical error noted after publishing 2015 Clery Report.
*** Data requested but not available from jurisdictional agency
† Corrected statistic: September 2017

HATE CRIME REPORTING

<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>There were no hate crimes reported for the UCSB campus during calendar year 2016.</td>
</tr>
<tr>
<td>2014</td>
<td>There were no hate crimes reported for the UCSB campus during calendar year 2015.</td>
</tr>
<tr>
<td>2013</td>
<td>There were no hate crimes reported for the UCSB campus during calendar year 2014.</td>
</tr>
</tbody>
</table>

UNFOUNDED CRIME REPORTING

<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>There were no hate crimes reported for the UCSB campus during calendar year 2016.</td>
</tr>
<tr>
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</tr>
<tr>
<td>2013</td>
<td>There were no hate crimes reported for the UCSB campus during calendar year 2014.</td>
</tr>
</tbody>
</table>

Unfounded Crime Reports

A reported Clery crime to UC Santa Barbara Police Department may not be withheld or subsequently removed from the Clery crime statistics data based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official. However, a reported crime may be withheld or subsequently removed from the crime statistics in
the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of a full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report. It is important to note that the recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, or the failure to make an arrest do not “unfound” a crime report. UCSB will report to the U.S. Department of Education, and disclose in the ASR crime statistics the total number of Clery Act crime reports that were “unfounded” and subsequently withheld from the crime statistics, beginning with 2015 calendar year Clery crime statistics.

**Missing Persons**

The UC Santa Barbara Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until the facts reveal otherwise. The UC Santa Barbara Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person’s investigation (Penal Code 14205).

The UC Santa Barbara Police Department renders assistance without delay to any person who wishes to report a missing person or runaway (Penal Code 14205). Reporting a missing person can be accomplished by a report via telephone or in person, which initiates the investigation. A report is accepted regardless of where the person was last seen, where the person resides or any other question of jurisdiction, (Penal Code 14205). If an individual is not immediately located, the UC Santa Barbara Police enters the missing person into the appropriate missing person network. If a person has reason to believe that a member of the University community is missing, they should immediately notify the UC Santa Barbara Police Department at 805-893-3446 or 911 or from an 893 prefix number use 9-911.

**Missing Students**

In addition to the information above, UC Santa Barbara notifies the student’s designated emergency contact no later than 24 hours after the student is determined to be missing. If the student is under the age of 18 and is not an emancipated individual, UC Santa Barbara will notify the student’s parent or legal guardian immediately after the UC Santa Barbara Police Department has determined that the student has been missing.

In addition to registering an emergency contact, students residing in an on-campus housing have the option to identify, confidentially, an individual to be contacted by UC Santa Barbara in the event the student is determined to be missing. If a student has identified such an individual, UC Santa Barbara will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so when filling out the student housing online
application. A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

**Missing Students 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. This policy can be viewed at: http://www.policy.ucsb.edu/policies/policy-docs/missing-student-notification-procedure-HEOA.pdf

Relevant California Laws

California Assembly Bill 1433 (Gatto)

Under existing law, the governing board of each postsecondary educational institution receiving public funds for student financial aid is required to compile records concerning all occurrences of certain criminal and noncriminal activity.

On September 29, 2014, Governor Brown signed into law AB 1433 (Gatto). The Gatto legislation requires Campus Security Authorities, as defined by the federal Clery Act, to disclose any report of a Part 1 violent crime, hate crime, or sexual assault, as defined in the bill, whether committed on- or-off campus, to the University of California Police Department. Any such report received by a UC Police Department must be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which that campus has a written agreement pursuant to the Kristin Smart Campus Safety Act of 1998.

Implementation Guidelines

On or before July 1, 2015, each campus must implement written procedures to ensure the following reporting requirements are met.

Campus security authorities (“CSAs”), as defined by the federal Clery Act, must immediately, or as soon as practicably possible, forward to the local University of California Police Department any report of a Part 1 violent crime, sexual assault, or
hate crime, committed on or off campus, and made by the victim for purposes of notifying the institution or law enforcement.

- Part 1 violent crime means: willful homicide, forcible rape, robbery, or aggravated assault, as defined in the Uniform Crime Reporting Handbook of the Federal Bureau of Investigation.

- Sexual Assault includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these.

- “Hate violence” means any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group.

CSA’s may not identify the victim to campus police unless the victim consents to being identified after the victim has been informed of his or her right to have his or her personally identifying information withheld.

UC Police Departments must immediately, or as soon as practicably possible, disclose to local law enforcement agencies with which the campus has written MOU’s (pursuant to the Kristin Smart Campus Safety Act of 1998) the reports described above. However, UC Police Departments may not identify the victim or the alleged assailant unless the victim consents to being identified.

**California Senate Bill 967 (DeLeon)**

Under existing law, the governing board of each postsecondary educational institution receiving public funds for student financial aid is required to adopt and implement written procedures or protocols to ensure that students, faculty, and staff who are victims of sexual assault on the grounds or facilities of their institutions receive treatment and information, including a description of on-campus and off-campus resources.

On September 29, 2014, Governor Brown signed into law SB 967 (DeLeon). The DeLeon legislation requires the Regents of the University of California to adopt a policy concerning sexual assault, domestic violence, dating violence, and stalking, as defined in the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1092(f)) involving a student, both on and off campus.
Implementation Guidelines

The policy shall include all of the following:

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

- A policy that, in the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:
  - The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.
  - The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

- A policy that the standard used in determining whether the elements of the complaint against the accused have been demonstrated is the preponderance of the evidence.

- A policy that, in the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:
  - The complainant was asleep or unconscious.
  - The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
  - The complainant was unable to communicate due to a mental or physical condition.
• In order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions shall adopt detailed and victim-centered policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving a student that comport with best practices and current professional standards. At a minimum, the policies and protocols shall cover all of the following:

• A policy statement on how the institution will provide appropriate protections for the privacy of individuals involved, including confidentiality.

• Initial response by the institution’s personnel to a report of an incident, including requirements specific to assisting the victim, providing information in writing about the importance of preserving evidence, and the identification and location of witnesses.

• Response to stranger and non-stranger sexual assault.

• The preliminary victim interview, including the development of a victim interview protocol, and a comprehensive follow up victim interview, as appropriate.

• Contacting and interviewing the accused.

• Seeking the identification and location of witnesses.

• Providing written notification to the victim about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement, as appropriate.

• Participation of victim advocates and other supporting people.

• Investigating allegations that alcohol or drugs were involved in the incident.

• Providing that an individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the institution’s student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

• The role of the institutional staff supervision
• A comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

• Procedures for confidential reporting by victims and third parties.

• To the extent feasible, enter into memoranda of understanding, agreements, or collaborative partnerships with existing on-campus and community-based organizations, including rape crisis centers, to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, and including resources for the accused.

• Implement comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.

• A comprehensive prevention program shall include a range of prevention strategies, including, but not limited to, empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction. Outreach programs shall be provided to make students aware of the institution’s policy on sexual assault, domestic violence, dating violence, and stalking.

• At a minimum, an outreach program shall include a process for contacting and informing the student body, campus organizations, athletic programs, and student groups about the institution’s overall sexual assault policy, the practical implications of an affirmative consent standard, and the rights and responsibilities of students under the policy.

• Outreach programming shall be included as part of every incoming student orientation.

Helpful Links

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

Clery Center for Security on Campus
http://clerycenter.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/

Alcohol & Drug Program (ADP)
http://alcohol.sa.ucsb.edu
Appendix A

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

<table>
<thead>
<tr>
<th>Resource</th>
<th>Phone Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>UCSB CARE Confidential Advocates</td>
<td>(805) 893-4613 (24-hour advocacy line)</td>
</tr>
<tr>
<td>UCSB Counseling and Psychological Services (CAPS)</td>
<td>(805) 893-4411 (24-hour confidential crisis counseling)</td>
</tr>
<tr>
<td>UCSB Student Mental Health Coordination Services</td>
<td>(805) 893-3030</td>
</tr>
<tr>
<td>UCSB Office of the Ombuds</td>
<td>(805) 893-3285</td>
</tr>
<tr>
<td>UCSB Housing, Dining, &amp; Auxiliary Enterprises</td>
<td>(805) 893-3281</td>
</tr>
<tr>
<td>Santa Barbara Rape Crisis Center</td>
<td>(805) 564-3696 (24-hour crisis line)/(805) 963-6832</td>
</tr>
<tr>
<td>Domestic Violence Solutions for Santa Barbara County</td>
<td>(805) 964-5245 (24-hour crisis line)</td>
</tr>
<tr>
<td>UCSB Student Health &amp; Alcohol and Drug Program</td>
<td>(805) 893-3371</td>
</tr>
<tr>
<td>Santa Barbara Cottage Hospital Emergency Room</td>
<td>(805) 682-7111</td>
</tr>
<tr>
<td>University of California Police Department (UCPD)</td>
<td>(805) 893-3446</td>
</tr>
<tr>
<td>UCSB Office of Judicial Affairs</td>
<td>(805) 893-5016</td>
</tr>
<tr>
<td>UCSB Office of Equal Opportunity &amp; Sexual Harassment/Title IX Compliance</td>
<td>(805) 893-2701</td>
</tr>
<tr>
<td>Isla Vista Foot Patrol (IVFP)</td>
<td>(805) 681-4179/(805) 681-4100 (after hours)</td>
</tr>
</tbody>
</table>

**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 or as responsible employee reports.**

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

**On Campus Advocacy Support Services**

**CARE (Campus Advocacy Resources and Education) Confidential Advocates** - Located in the Women’s Center (1220 Student Resource Building). Provides confidential 24-hour advocacy services for survivors, support, information about reporting options, 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.

Housing, Dining, & Auxiliary Enterprises – 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.

Off Campus Local Advocacy Support Services

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. Student Health is obligated to report any suspected incident of sexual violence to the UC Police Department.

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. SART examination can be done before a reporting decision is made.

Local 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 Equal Opportunity & Sexual Harassment/Title IX Compliance – Located in Phelps Hall, Room 3217. Reviews and coordinates response to all reports of sexual violence affecting the campus community, and reviews matters to determine if an official University investigation is required. Investigates Title IX complaints, oversees campus Title IX resolution efforts, and offers referrals to relevant campus resources.

Isla Vista Foot Patrol/Santa Barbara Sheriff's Office – 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.

For more information and a larger view of the campus map please go to: http://www.police.ucsb.edu/files/docs/Clery-Police_Boundaries.pdf.
UNIVERSITY OF CALIFORNIA DISCIPLINARY PROCESS FOR STUDENT SANCTIONS

I. INTRODUCTION

These standards are intended to ensure the consistent application of disciplinary sanctions by the University of California in responding to conduct that violates the University's Policy on Sexual Violence and Sexual Harassment and the University’s Policies Applying to Campus Activities, Organizations, and Students (PACAOS) Section 100 (Policy on Student Conduct and Discipline). The following describes the University's procedures for assigning disciplinary sanctions when the respondent is a student.

This supplements the Policies Applying to Campus Activities, Organizations and Students (PACAOS, 5/10/2012). In the event of any conflict this document shall take precedence.

II. PRINCIPLES

A. The administration of student discipline will be consistent with the UC PACAOS Policy on Student Conduct and Discipline.

B. When a student is found responsible for violating the University’s Policy on Sexual Violence and Sexual Harassment and the UC PACAOS Policy on Student Conduct and Discipline, the University will assign disciplinary sanctions that are appropriate to the violation, taking into consideration the context and seriousness of the violation.

C. When a student is found not responsible for violating the University's Policy on Sexual Violence and Sexual Harassment and the UC PACAOS Policy on Student Conduct, the University is committed to taking reasonable efforts to assist any student who has been disadvantaged with respect to employment or academic status as a result of the unsubstantiated allegations.

D. Disciplinary sanctions are designed to hold a student accountable for violating University standards of conduct and to promote personal growth and development. Disciplinary sanctions also serve the purpose of stopping the behavior that violated this policy and preventing its recurrence.

E. The University of California recognizes that acts of sexual violence and sexual harassment are contrary to its goals of providing an educational environment that is safe and equal for all students.

F. University of California campuses are permitted to inform other UC campuses of a student's disciplinary record for violating the University's Sexual Violence and Sexual Harassment Policy and the UC PACAOS Policy on Student Conduct and Discipline.
III. DISCIPLINARY SANCTIONS

A. University disciplinary sanctions include, but are not limited to:
   1. Dismissal from the University of California,
   2. Suspension from the campus,
   3. Exclusion from Areas of the Campus or from Official University Functions,
   4. Loss of Privileges and Exclusion from Activities,
   5. Restitution,
   6. Probation,
   7. Censure/Warning, and/or
   8. Other actions as set forth in University policy and campus regulations.

B. The definitions of disciplinary sanctions are found in University of California PACAOS Section 105.00 (Types of Student Disciplinary Action) and local campus regulations.

C. The posting of disciplinary sanctions on academic transcripts will follow University policy as defined in University of California PACAOS, Section 106.00.

IV. PROCESS

A. When a respondent has been found in violation, the University will provide written notice of the assigned disciplinary sanctions and a brief rationale for the sanctions.

B. Disciplinary sanctions will be assigned as follows:
   1. Sexual assault, domestic/dating violence, or stalking in which one or more of the following factors are present will result in a minimum sanction of Suspension for at least two years, up to dismissal:
      i. force, violence, menace, or duress;
      ii. deliberately causing a person to become incapacitated or deliberately taking advantage of a person’s incapacitation; or
      iii. recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

   2. Sexual assault involving penetration; domestic/dating violence; or stalking will, absent exceptional circumstances, result in a minimum sanction of Suspension for two years, up to dismissal.

   3. Other sexual contact in violation of policy will, absent exceptional circumstances, result in a minimum sanction of Suspension for one year.

C. Assigned disciplinary sanctions and the factors considered for each case will be documented and reported to the University of California Office of the President on a quarterly basis. The report is to ensure a reasonable level of consistency from campus to campus.
V. FACTORS CONSIDERED IN DETERMINING DISCIPLINARY SANCTIONS

A. In determining the appropriate sanction, the following factors may be taken into account:
   1. Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; presence of weapons, use of force, violence, physical injury.
   2. Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; use of authority to abuse trust or confidence; planned or predatory conduct; deliberately causing a person to become incapacitated or deliberately taking advantage of a person's incapacitation; recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent; hate or bias based on the complainant’s membership or perceived membership in a protected group as defined in UC PACAOS Section 104.90.
   3. Response following violation: voluntarily acknowledged wrongdoing at early stage of the process; failure to follow no contact order; attempt to influence witnesses; obstructed or disrupted the process.
   4. Disciplinary history: prior violations unrelated; prior violations related.
   5. Impact on others: input from the complainant; protection or safety of the community.