



# 2023 ANNUAL SECURITY & FIRE SAFETY REPORT

# UCLA

## UCLA Administrative Policies & Compliance Office

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## UCLA Police Department

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(Contains statistics for the calendar years 2022, 2021 and 2020)

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This 2023 Annual Security & Fire Safety Report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Violence Against Women Reauthorization Act of 2014 (VAWA). These acts require UCLA to distribute the information contained in this report to all current UCLA students and employees. The link to this report is distributed to all students and employees via email. This information is also available on the University of California, Los Angeles Police Department (UCLA PD) website: [police.ucla.edu](https://police.ucla.edu). A hard copy of this report may be obtained by contacting the UCLA PD, 601 Westwood Plaza, Los Angeles, CA 90095, or 310-825-1491.

## Letter from the Chief of Police



Dear Campus Community,

On behalf of every member of the UCLA Police Department, I am pleased to present our 2023 Annual Security & Fire Safety Report, and I thank you in advance for taking the time to review. This report contains crime statistics for the past three calendar years, descriptions of ongoing initiatives and university policies to promote your safety, and explains university resources available. Many of these resources are accessible through the UCLA Bruins Safe app: <https://bso.ucla.edu/bruins-safe-apps>.

Your UCLA Police Department is committed to serving the entire UCLA campus community with a customer service focus, in a manner that is inclusive, fosters partnerships and mutual trust, and embodies our Department's Core Values of Accountability, Respect, Integrity, Service and Excellence.

As we implement the Key Guidelines of the UC Community Safety Plan and move towards a "more data driven, service oriented, community centric approach to campus safety", we will continue to work hard in our service to you. UCLA PD will shape our training around best practices in public safety while respecting the freedom of expression, safeguarding life and property, while prioritizing the wellbeing of the entire community.

As your safety partner, we are available 24/7, 365 days a year. We encourage you to reach out to us by phone, in person, or through the Bruins Safe mobile app. We welcome your input and value your concerns, making our Bruin community a safer place to live, study, visit and work.

The safety and wellness of our community are our highest priorities, we thank you for joining us in our shared responsibilities.

*Yours in Partnership,*

**John Thomas**  
**Interim Chief of Police**



## Overview of the Clery Act

UCLA strives to provide a safe campus environment for its students, faculty and staff in compliance with the Clery Act. This report is carefully prepared to communicate important safety information to students, faculty and staff, and to assist prospective students, faculty and staff in the decision-making process of selecting a college or university.



Responding to concerns regarding campus safety and security at colleges and universities, Congress enacted the "Crime Awareness and Campus Security Act of 1990," which amended the "Higher Education Act of 1965." The 1998 amendments to this Act renamed it the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" in memory of Jeanne Clery, a freshman student at Lehigh University who was

raped and murdered in her dorm room in 1986. This federal law has largely become known across the United States as the "Clery Act."

All public and private postsecondary institutions participating in Title IV student financial assistance programs must comply with the Clery Act. Among the various requirements, these colleges and universities are required to prepare, publish, and distribute a report concerning campus crime statistics, and safety and security policies on an annual basis. The report must also include policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of/response to sexual assault, domestic or dating violence, and stalking. The Violence Against Women Act (VAWA) amendments to the Clery Act expand the rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking. It also details the role of law enforcement, the types of crime mandated for reporting, and stipulates the need for violence prevention programming.

Compliance with Clery and VAWA regulations do not constitute a violation of §444 of the General Education Provisions Act (20 USC 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

All Title IV institutions with on-campus student housing are additionally required to prepare and distribute an Annual Fire Safety Report disclosing fire safety policies and procedures, and fire safety statistics for the past three calendar years.

## Reporting the Annual Disclosure of Crime Statistics

Administrative Policies and Compliance, in conjunction with UCLA PD, prepare this report with input and additional information from other University Departments:

- Title IX
- Office of the Dean of Students
- Office of Student Conduct
- Office of Residential Life
- Office of Emergency Management
- UCLA Fire
- Human Resources
- Student Affairs
- UCLA Care Program
- UCLA Health

Statistical information is requested from UCLA Campus Security Authorities (CSAs) and local municipal police departments; including the Los Angeles Police Department (LAPD), Los Angeles County Sheriff's Department, Pasadena Police Department, Santa Monica Police Department, Culver City Police Department, and San Bernardino County Sheriff's Department.

UCLA makes a good faith effort to obtain the statistics by issuing requests, in writing, to non-police CSAs and law enforcement agencies. UCLA relies on the information obtained but is not responsible if the information is inaccurate or not provided. Statistical crime information from UCLA PD, other CSAs, and outside law enforcement agencies, is integrated into a single page, included at the end of this report. On-campus student housing facilities fire statistics are provided by the UCLA Fire. Statistics are submitted to the US Department of Education. An annual email notification is sent to the campus community reminding constituents that safety is a priority and referring them to the complete report.

### Campus Security Authority (CSA)

Campus Security Authority is a Clery specific term that encompasses four groups of individuals and organizations associated with an institution.

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).

- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An **official** is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Examples of CSAs, include:

- Office of the Dean of Students staff
- Office of Student Conduct
- Residential Advisors/Directors
- Title IX
- Student Organization Advisors
- UCLA PD
- Athletic Coaches and Trainers
- Student Affairs Program Directors

Individuals identified as Campus Security Authorities (“CSAs”) must report Clery Act crimes, which they directly witness or learn about in the course of their duties, to the UCLA Clery Compliance Officer within the Administrative Policies and Compliance Office, using the UCLA CSA Clery Incident and Disciplinary Form (located within the UCLA website). Prior to the calendar year 2023, CSA reports were directed to the UCLA PD.

## UCLA Police Department Authority, Partners and Jurisdiction

The UCLA Police Department is a professional police organization, accredited by the California Commission on Police Officer Standards and Training (CA POST) and vested with the authority and responsibility to enforce all applicable local, state and federal laws. UCLA PD officers are duly sworn peace officers under California Penal Code Section 830.2(b), authorized to carry firearms, and have the same authority as municipal police officers to include police powers of arrest. Officers have the authority and duty to conduct criminal investigations, arrest violators and suppress campus crime. UCLA PD has primary jurisdiction of all UCLA owned and operated properties and concurrent jurisdiction with local



agencies in adjacent areas. In addition, UCLA PD is the primary responder to off-campus locations that house affiliated programs such as fraternities and sororities and will coordinate, as necessary, with the local jurisdiction. Local police typically provide information regarding UCLA affiliates who come to their attention in areas adjacent to campus.



UCLA PD also provides unarmed Community Service Officers (CSOs) to assist with security in buildings and around campus. The CSOs are primarily part-time student workers who serve as the eyes and ears of the UCLA PD. CSOs do not have power of arrest, or the authority to enforce University policy. They may alert a University official to a policy violation, if observed. CSOs have jurisdiction to operate on UCLA owned or controlled property, limited to the locations in which they are assigned.

UCLA PD endeavors to provide law enforcement and educational programs complementary to the University mission of education, research and community service. UCLA PD has Memorandums of Understanding (MOU) with the LAPD and the Santa Monica PD. Within the jurisdiction of LAPD, LAPD has preliminary and follow-up investigative responsibility for: homicide, crimes involving great bodily injury likely to result in death, UCLA PD officer-involved shootings with a "hit", crimes that require the use of specialized resources, or other major crimes as requested by UCLA PD. In all cases where LAPD has assumed primary responsibility, a UCLA PD detective will be assigned, as determined by UCLA PD, to assist with the LAPD investigative team. UCLA PD will assume primary responsibility for all other crimes that occur on University property and all crimes that occur within one mile of the exterior boundary of the UCLA campus where the victim is a UCLA student, faculty member or employee. Other exceptions will exist where operational necessity requires that LAPD conduct the preliminary and follow up investigation and will be determined by mutual agreement. In all cases where LAPD has assumed primary responsibility, a UCLA PD detective will be assigned, as determined by UCLA PD, to assist with the LAPD investigative team. UCLA PD will assume primary responsibility for all other crimes that occur on University property and all crimes that occur within one mile of the exterior boundary of the UCLA campus where the victim is a UCLA student, faculty member or employee. Other exceptions will exist where operational necessity requires that LAPD conduct the preliminary and follow up investigation and will be determined by mutual agreement. Within the jurisdiction of Santa Monica PD, Santa Monica PD has preliminary and follow-up investigative responsibility for: homicide, crimes involving great bodily injury likely to result in death, or other major crimes as requested by UCLA PD. Santa Monica PD coordinates with the Los Angeles County Sheriff's Department, who will have investigative responsibility for UCLA PD officer-involved shootings with a "hit", and crimes that require the use of specialized resources. UCLA PD will assume primary responsibility for all other crimes that occur on University

property and all crimes that occur within one mile of the exterior boundary of the UCLA Santa Monica Hospital where the victim is a UCLA student, faculty member or employee.

UCLA PD works closely with these and other local law enforcement agencies in a collaborative effort to prevent regional crime and apprehend criminal suspects. UCLA has an established MOU with the California Highway Patrol to address additional services provided to or requested by UCLA PD, which may include emergency or non-emergency situations in which additional law enforcement support is required. Additionally, UCLA PD may coordinate with California Highway Patrol to conduct interagency trainings. UCLA PD continually seeks to provide a safe and secure environment for all members of the community. In conjunction with local police agencies, UCLA PD monitors and records criminal activity involving students engaged at noncampus locations of student organizations officially recognized by the University. UCLA PD also patrols the areas adjacent to the campus and may refer off-campus criminal violations involving students to the UCLA Office of the Dean of Students.

UCLA PD embraces the philosophy of Community Oriented Policing. Community Oriented policing is a philosophy that guides police management style and operational strategies. It emphasizes establishment of police-community partnerships and a problem solving approach that is responsive to the needs of the community.

One of the major objectives of community policing efforts is to establish an active partnership between the police and the community that can analyze problems and design and help implement solutions and services that are truly community based. This requires the police to make a conscious effort to create an atmosphere in which community partners actively and willingly co-operate with the police.

**UCLA PD provides law enforcement services  
24 hours a day, 365 days a year.**

### Definitions of Geography

**On-Campus** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified above, 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 geographic area that makes up the campus.

*Note: Statistics for On-campus Student Housing Facilities are recorded and included in both the On-campus category and the On-campus Student Housing Facilities category.*



**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.

**Noncampus Building 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.

Crime statistics from Clery geographic locations defined as “noncampus buildings and property” (known as “noncampus” locations) encompass two distinct types of geography associated with UCLA: (1) buildings or property owned or controlled by a student organization that is officially recognized by UCLA; and (2) buildings or property owned or controlled by UCLA that is used in direct support of, or in relation to, UCLA’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Many noncampus buildings and property are located throughout Los Angeles County, and other various geographic locations away from UCLA. These noncampus locations are neither contiguous to nor located within a reasonable geographic area surrounding UCLA property and these locations fall within the jurisdiction, protection, and reporting responsibility of different law enforcement agencies depending upon where the buildings and property may be located.

The UCLA PD requests Clery crime statistics from all local law enforcement agencies that have jurisdiction where UCLA has identified noncampus properties.

## Reporting Criminal Offenses, Emergencies, & Other Incidents

Crimes in progress and crimes that have just occurred should be reported to UCLA PD as soon as possible by dialing 9-1-1 from any cellular or campus phone. Because using 9-1-1 for non-emergency calls may delay help for people caught in real emergencies, non-emergency crime reports and security or public safety-related matters should be reported to UCLA PD by dialing (310) 825-1491 or by using extension 5-1491 within the University phone system.

Examples of what to report?

- You see someone committing a crime
- You need to report an old crime
- You observe suspicious behavior
- Someone is injured or ill
- You see fire or smell smoke
- You have knowledge of a chemical spill

**Call 9-1-1 for all emergencies.** Program the UCLA PD non-emergency telephone number (310) 825-1491 into your cell phone for all other safety related calls and

Students, faculty, staff, guests and other community members are encouraged to report all crimes and public safety-related incidents to the UCLA PD in a timely manner, including when the victim elects to, or is unable to, make such a report.

Reports may be made in person at the UCLA PD station at 601 Westwood Plaza, Los Angeles, CA 90095 or by calling 310-825-1491 and having an officer dispatched to your location. UCLA PD is open 24 hours a day, 365 days a year. Reporting timely information to UCLA PD, or to the list of individuals below on pages 9-10 assists in developing Emergency Notifications, Timely Warnings, and/or Crime Advisories regarding potential danger on campus. Reporting crimes also aids in the collection of crime statistics for this report.

Crimes or incidents occurring outside the UCLA PD jurisdiction should be reported to the agency having jurisdiction where the incident occurred.

When calling to report a crime or incident, please be ready to provide detailed information such as a brief description of the incident, when and where the incident occurred, description of the suspect(s), weapons the suspect(s) carried, where and when the suspect(s) was last seen and any other relevant information. Whenever possible, the actual victim or witness of the crime should call directly.



The UCLA Emergency Communications Center is staffed 24 hours a day by trained public safety dispatchers. The dispatchers receive calls from 9-1-1 and business lines and will assign the appropriate police officers, firefighters, Paramedics, campus Emergency Medical Technicians (EMT's), or other emergency workers to handle each call.

Campus EMT's work 24 hours a day to provide Basic Life Support and assistance to the UCLA campus community. They regularly support the Los Angeles Fire Department by responding to calls for service in and around the UCLA campus.

### Campus Crime Reporting Options and Resources

While the university has identified a number of CSAs, we officially designate the following offices as places where campus community members may report crimes:

Office	Campus Address	Phone Number
<b>UCLA Police Department</b>	601 Westwood Plaza Los Angeles, CA 90095	Emergency: 9-11 Non-Emergency: (310) 825-1491 Anonymous Reporting Line: (310) 794-5824
<b>UCLA Residential Life</b>	205 Bradley Hall 417 Charles E Young Dr. W Los Angeles, CA 90095	Office: (310) 825-3401 24/7 Dispatch: (310) 206-9633
<b>UCLA Office of Student Conduct</b>	1104 Murphy Hall	(310) 825-3871

	Box 951626 Los Angeles, CA 90095	
<b>Office of the Dean of Students</b>	1104 Murphy Hall Box 951415 Los Angeles, CA 90095	(310) 825-3894
<b>UCLA Civil Rights Office (Title IX, Discrimination Prevention Office, Staff Diversity &amp; Equal Employment Opportunity Compliance Office)</b>	Murphy Hall Los Angeles, CA 90095	(310) 825-3935
<b>UCLA Health Westwood/Ronald Reagan Security Hotline</b>		(310) 267-7100
<b>UCLA Ronald Reagan Office of the Patient Experience</b>	757 Westwood Plaza, Suite 1107 Los Angeles, CA 90095	(310) 267-9113
<b>UCLA Santa Monica Medical Center Security Hotline</b>		(424) 259-9100
<b>UCLA Santa Monica Medical Center Office of the Patient Experience</b>	1304 15th Street, Suite 202 Santa Monica, CA 90404	(424) 259-9120

To report an incident of discrimination or harassment online through the UCLA Civil Rights Office:

<https://equity.ucla.edu/report-an-incident/>

UCLA PD incident reports involving student respondents are forwarded to the Dean of Students Office, as appropriate/applicable, for review and referral to the Office of Student Conduct for potential action, as appropriate. UCLA PD Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation may also be forwarded to the Office of Student Conduct. If assistance is required from LAPD or LAFD, UCLA PD will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including UCLA PD, will offer the victim a wide variety of services and resources.

UCLA will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### Reasons to Report to Police

The University recognizes that 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. However, immediate reporting may allow the UCLA PD:

- To take action which may prevent further victimization, including issuing a Timely Warning or Emergency Notification to the campus community, if the reported incident meets the conditions for issuance.
- To assist in the apprehension of a suspect.
- To assist in the collection and preservation of evidence that may be lost if not recovered soon after a crime. Such evidence may assist in the administrative as well as criminal investigations.
- To assist in proper documentation for criminal prosecution and administrative investigation.
- To have the incident recorded for purposes of reporting statistics about incidents that occur on campus.

### Unfounded Crime Reports

A reported Clery crime to the UCLA PD 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 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. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

### Emergency Reporting System (ERS) Phones

Over 390 Emergency Reporting System Phones are located on the UCLA campus and are designated by their blue lights or yellow color. These phones are directly linked to UCLA PD and are activated upon pick up.

Simply press the button labeled "PUSH TO TALK" and UCLA Police will be on the line immediately. Conversation can take place as far away as 30 feet from the unit. If you are unable to speak, tap the two-way speaker continuously and officers will be immediately dispatched to the location.

Please use an ERS telephone ONLY in emergency conditions where immediate emergency service response is required (police, fire, paramedics), as all ERS calls are received into the police dispatch center via 9-1-1.

### Non-Emergency Procedures & Reports

For non-emergency assistance, please call UCLA PD at (310) 825-1491, or report incidents in person. Individuals are encouraged to report all crimes directly to the police. The UCLA Police Department is located on the UCLA campus at 601 Westwood Plaza, directly north of the Ronald Reagan Medical

Center. Reported crimes are investigated by UCLA PD officers and if necessary, follow-up investigations are conducted by detectives of the department who may involve other law enforcement agencies.

### Voluntary Confidential Reporting

UCLA PD encourages anyone who is the victim of a crime to report it directly to the police. Certain information from initial police reports is public record under California law, so confidentiality of reports cannot be guaranteed. Exceptions exist for sexual assault and crimes where victims or witnesses would be at risk should their names be released to the public. If you are the victim of a crime and do not want to pursue action within the university or the criminal justice systems you may still want to consider making a confidential report. This information will be disclosed in the annual report and used for statistical information to help prevent further crimes. Confidential information may be shared with other law enforcement agencies to reduce further occurrences. In addition, UCLA PD has an anonymous reporting line as described below, or information may be shared at [www.lacrimestoppers.com](http://www.lacrimestoppers.com).

Although we encourage the reporting of campus and related criminal activities directly to the UCLA PD, in some instances members of the campus community may choose to file a report with another law enforcement agency by dialing 911 or by reporting to one of the Campus Security Authorities.

### Protecting Victim/Survivor Confidentiality

UCLA recognizes the sensitive nature of sexual assault, relationship violence, stalking, and sexual exploitation. UCLA is committed to protecting the privacy of any individual who makes a report. Community members should be informed of their reporting options, and degrees of confidentiality provided by various university departments:

- a. **Confidential on-campus resources:** Professionals at Campus Assault Resources & Education (CARE), the Counseling and Psychological Services (CAPS), and Staff and Faculty Counseling Center (SFCC) may talk to victims/survivors without revealing any identifying information about them to anyone else at the University, including the Title IX Office or the UCLA PD, without the victim's consent. Except under certain limited circumstances (such as risk of imminent harm to the victim or others), victims/survivors can seek assistance and support from these counselors and advocates without triggering a UCLA or police investigation. Incident type, date and location may be provided to the UCLA Clery Compliance Officer, without any personally identifying information, for the purposes of collecting and reporting campus crime statistics.
- b. **Law enforcement:** California law allows survivors who report crimes of sexual assault, relationship violence, and stalking to the police to keep their name and contact information off the public record (Penal Code § 293 and Government Code § 6254). For other reports, UCPD will accept anonymous reports of crime from victims or witnesses on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics
- c. **Title IX:** Title IX makes every reasonable effort to protect the privacy of all individuals throughout all phases of the complaint resolution process. While Title IX cannot guarantee absolute confidentiality, disclosure of facts to parties and witnesses is limited to what is reasonably

necessary to conduct a fair and thorough investigation or to deliver resources or support services to the parties. Also, any Title IX Formal Investigation Report shared with the parties is redacted to protect the identities of all witnesses.

- d. **Protective Measures:** UCLA will maintain as confidential any accommodation or protective measures provided to parties, to the extent such confidentiality does not impair UCLA's ability to provide the accommodation or protective measures.
- e. **Clery Act and Other Public Records:** The University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)). UCLA does not publish the name of crime victims as part of its Clery-mandated reporting, nor does it house identifiable information regarding victims in the police department's daily crime, fire log or Annual Security Report. In addition, UCLA policy regarding access to public records may require disclosure of certain information concerning the report of sexual violence. In such cases, every effort is made to redact or limit the record as appropriate to protect the privacy of all parties and witnesses.

Victims may request that directory information on file with the University be withheld by request with the Registrar's Office through the MyUCLA portal. More information about how to change student privacy settings can be found at: <https://registrar.ucla.edu/student-records/student-rights-privacy>.

Personally identifiable information about the complainant and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

### Professional Counselors & Pastoral Counselors

According to the Clery Act, pastoral and professional counselors are not considered campus security authorities when acting in their counseling roles. The institution has reporting procedures that encourage pastoral and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for



inclusion in the annual disclosure of crime statistics. Clery crimes disclosed only to pastoral and professional counselors will not result in a timely warning.

### Anonymous Reporting Line

If you would like to report a crime or related concern but do not wish to reveal your identity, UCLA PD offers an anonymous reporting line that allows you to leave specific information about a crime while ensuring your confidentiality: (310) 794-5824. The anonymous reporting line is checked routinely, however, it should **NOT** be used to report crimes in progress.

### Reporting Hate Crimes & Incidents

Unlike other crimes that target individuals, bias-related acts have a tremendous effect on an entire community. A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. A conviction cannot be based on speech alone unless the speech is based on threats against a person or a group of people. If you are a victim of or witness to a hate crime or incident, report it as soon as possible to the appropriate police agency. If the incident occurs on or around campus, call UCLA PD at (310) 825-1491. When the incident involves UCLA students, the Office of the Dean of Students assists in handling hate crimes and conduct code violations.

The UCLA Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of California. When such rights are infringed upon by violence, threats or other harassment, UCLA PD will utilize all available resources to see that justice is served under the law. The UCLA PD Hate Crime Policy was developed to meet or exceed the provisions of Penal Code §13519.6 (c) and provides members of this Department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias. More information on the UCLA PD Hate Crime Policy can be found at: <https://ucla.app.box.com/v/hatecrimes>

Incidents of discrimination and harassment can be reported to the Civil Rights Office at <https://equity.ucla.edu/report-an-incident/> . Reports can be made anonymously, if preferred by the reporting party.

### Other Reporting Requirements

#### Responsible Employees

The UC Policy on Sexual Violence and Sexual Harassment ("SVSH Policy") defines responsible employees as follows:

"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 immediately 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.

Please note the 2022 SVSH Policy has revised the Responsible Employee obligations to include prohibited conduct in the patient care context:

Any University employee who is not a Confidential Resource and learns, in the course of employment, that a student may have experienced Prohibited Conduct or **that Prohibited Conduct may have occurred in the context of patient care**, must 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 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); and Faculty members.

In accordance with the SVSH Policy, a responsible employee must report to the school's Title IX coordinator, or other appropriate designee, all relevant details about the alleged sexual violence, sexual harassment or other prohibited behavior that the person has shared with him or her. This includes the names of the alleged perpetrator (if known), the person who experienced the alleged sexual violence or sexual harassment, other witnesses involved in the alleged incident, as well as relevant facts, including the date, time, and location.

### **California Mandatory Reporting Laws**

As outlined by 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 the local law enforcement agency by healthcare practitioners (such as those at the Arthur Ashe Student Health and Wellness 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.

The 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 perpetrated 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>.

### CA Assembly Bill 1433 (Gatto) - Student Safety Bill

Pursuant to California Education Code §§ 67380(a)(6)(A), 67381 and 67383(a), the UCLA PD must report immediately or as soon as practicably 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 UCLA PD 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 if known;
- Description of the 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.

### Emergency Response

The UCLA Office of Emergency Management is responsible for the development and implementation of the UCLA Emergency Response Plan, and the management and operation of the University's emergency notification systems. The Office of Emergency Management website <https://www.oem.ucla.edu/> contains a variety of links regarding campus safety and emergency response. Additionally, the Bruin Safe Online website <https://www.bso.ucla.edu/> provides alerts and the latest emergency updates for the Bruin community.

UCLA emergency response personnel receive continual training in the principles of the Incident Command System and responding to critical events on campus. When a serious incident occurs causing an immediate threat to the campus, responding departments/offices may include: UCLA Police Department, UCLA Fire, Emergency Medical Services, Los Angeles Fire Department, and General Services (Facilities, Environmental Health and Safety (EH&S), Transportation, and Emergency Management). These entities work together to manage the incident and minimize impacts to the Bruin community. Depending on the nature of the incident, other UCLA departments and/or local/federal agencies may also be involved through the provision of mutual aid.

In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These exercises and tests are designed to assess and evaluate emergency plans, department response, capabilities of the institution, and to educate the campus community about

emergencies, the systems they may encounter, and how to safely respond. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

General information about emergency response and evacuation procedures for UCLA is publicized each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act, as part of the institution's Clery Act compliance efforts. This information is described in the next section.

## Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (adapted from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Notice where emergency phones are located on campus, and have a plan for where to go/who to contact in the case of an emergency.
- **Stay alert.** When you're moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or utilize a campus escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- **Be careful about posting your location.** Many social media sites use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.

- **Think about Plan B.** Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have your address memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- **Be secure.** Lock your door and windows when you're asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell your Residence Hall staff or a trusted authority figure.

## Threat Assessment Operations

### Introduction

UCLA threat assessment is divided into Campus Response Groups (CRGs) specializing in addressing behaviors of concern that impacts their constituents. The CRGs are staffed with those uniquely knowledgeable in the campus groups they represent. The CRGs are supported in a law enforcement capacity by the UC Police Department's (UCPD) Threat Management Unit. CRG oversight is provided by the Incidents of Concern Committee.

### Terminology

<b>BIT</b>	<a href="#">Behavioral Intervention Team</a>	Staff, faculty and non-affiliate behavior management.
<b>CRT</b>	<a href="#">Consultation &amp; Response Team</a>	Assesses and manages student in crisis situations.
<b>TAT</b>	Threat Assessment Team	Manages concerning behavior within UCLA Health.
<b>TMU</b>	<a href="#">Threat Management Unit</a>	Specializes in criminally linked threat response.
<b>IOCC</b>	Incidents of Concern Committee	CRG administrative body.

### Behavioral Intervention Team

UCLA is committed to supporting campus safety and addressing violent behavior and threats of harm. The [Behavioral Intervention Team](#) (BIT) is dedicated to taking a proactive approach to workplace safety in an effort to prevent dangerous incidents before they occur. This includes the assessment of threats posed by and to campus staff, faculty, visitors and non-affiliates.

#### About the Behavioral Intervention Team

The safety of faculty, staff, and visitors is a top priority for UCLA. Violence or threats of harm conflict with our campus values and may violate the law. BIT was established to evaluate and address concerns about violence, and potential violence, at UCLA.

The mission of BIT is to promote campus safety by identifying threats of harm (and potential threats), and evaluating information reported to BIT, including early warning signs of possible disruptive and/or violent behavior. BIT's goal is to increase the security of our campus environment by identifying potential threats to the safety of our community and taking steps to mitigate those threats.

## Who We Are

BIT is a multidisciplinary team consisting of representatives from the Office of Legal Affairs, Staff & Faculty Counseling Center, Insurance & Risk Management, UCLA Police Department, Strategic Communications, Office of Emergency Management and Employee & Labor Relations. Faculty and staff may refer matters to BIT, if they have concerns that someone they know may be at risk of harming themselves or others, or if they are concerned that someone poses a significant disruption to the campus environment. Behavior does not need to be illegal to be of concern.

## What is Workplace Violence?

Workplace violence is any act or threat of physical violence, harassment, intimidation or other threatening, disruptive behavior that occurs in the workplace. It may range from threats and verbal abuse to physical assault and even homicide. It can affect and involve faculty, staff, students and visitors to campus.

[UCLA Policy 132: Workplace Violence Prevention Policy](#) defines the following behaviors as workplace violence:

- **Disruptive Behavior** is conduct that prevents normal campus activities or workplace functions, and may act as “warning signs” to possible violence, including but not limited to verbal outbursts, excessive displays of anger, vandalizing University property, or any behavior that instills reasonable fear or generates sufficient evidence for concern that a person might act out violently.
- **Domestic Violence** is abusive or violent behavior between individuals who have an ongoing or a prior intimate or family relationship that poses a threat to the workplace, including dating violence.
- **Stalking** is behavior in which a person repeatedly engages in a course of conduct directed at another specific person, who places that person in reasonable fear of his or her safety or the safety of others, including the use of technology to commit this behavior.
- **Threat** is any physical, written or verbal conduct, whether direct, indirect or conditional, that conveys the intent or is reasonably perceived to convey the intent to cause physical harm or to place someone in fear of his or her safety or the safety of others.
- **Violent Behavior** involves physically aggressive acts against a person or a physical action intended to damage property.

## Consultation and Response Team

The Consultation and Response Team (CRT) is charged with responding to reports from any member of the community regarding concerns relating to distressed students. The CRT assesses the needs, care and interventions related to distressed students. The assessments often include student outreach or referrals to campus and community resources. Depending on the nature of the situation, team members may also consult with the UCLA offices impacted by the crisis. CRT members balance FERPA, HIPAA, and California State Privacy Law when communicating with UCLA constituents. A list of possible indicators of distress can be found at <http://www.studentincrisis.ucla.edu/When-to-Report>.



The charge of the CRT includes the following:

- Respond to reports of actual and potential harm, to students or the community, resulting from the distress of a student;
- Consult with members of the campus community when it is believed that a student might be in distress;
- Provide resources to use in potentially threatening and violent situations;
- Recommend, develop and conduct training related to interventions for recognizing and handling potentially violent situations related to students in distress;
- Provide options to the campus community for how to obtain post-incident assistance.

For each matter and incident, it is the responsibility of the CRT to make appropriate inquiry to discern relevant facts, to assess the potential risk, and to determine the best course to address the situation. At times, it may be necessary for the CRT to escalate matters to the Vice Chancellor of Student Affairs and/or other members of the UCLA senior management, as the CRT deems appropriate.

CRT members are required to participate in regular standing meetings and discussions, including meetings that may be scheduled on short notice. In addition, campus affiliates, defined as University of California employees, may be consulted and asked to participate in meetings when necessary.

## Threat Assessment Team

### About the Threat Assessment Team

The UCLA Health Threat Assessment Team (TAT) is comprised of employees in various leadership roles; Security, Law Enforcement, Legal, Risk Management, Patient Experience, Faculty & Staff Counseling, Employee & Labor Relations, and Spiritual Care. We are committed to serve as trusted partners to provide and maintain a safe environment for all employees, patients, visitors, vendors and contractors on the UCLA Health campus as well as all UCLA ambulatory areas in the region. The TAT team evaluates all immediate or potential threats, disruptions or acts of violence. The Threat Assessment Team is charged with evaluating and assessing all threats, disruptions and/or potential acts of violence.

### Goal

To prevent immediate or potential threats of harm to employees, patients, visitors and/or damage to UCLA Health properties. To promote and create a safe environment within the UCLA Health Hospital and Clinic System by continuously evaluating information reported to the TAT. Conduct assessments of early warning signs of possible disruptive and/or violent behavior throughout UCLA Health. The TAT partners with UCLA Health Security and the UCLA Police Department to identify actual or potential threats then put steps in place to mitigate future threats of disruptive behavior or violence within the UCLA Health community.

### Workplace Violence in Health Care

Workplace Violence (WPV) is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It affects and involve employees, patients and visitors. WPV ranges from threats and verbal abuse to physical assaults and even homicide.

**UCLA Policy HS – 8703 – Workplace Violence Prevention Plan** defines the following behaviors as workplace violence:

Act of workplace violence: Any act of violence or threat of violence that occurs on UCLA Health property. The term does not include lawful acts of self-defense or defense of others. An act of workplace violence includes the following:

- The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury;
- An incident involving the threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.
- Four workplace violence types:
  - A. Type 1 Violence Workplace violence committed by a person who has no legitimate business in the work site, and includes violent acts by anyone who enters the workplace with intent to commit a crime.
  - B. Type 2 Violence Workplace violence directed at employees by customers, clients, patients, students, visitors or other individuals accompanying a patient.
  - C. Type 3 Violence Workplace violence against an employee by a present or former employee, supervisor, or manager".
  - D. Type 4 Violence Workplace violence committed by someone who does not work there, but has or known to have had a personal relationship with the employee.

**UCLA Policy HS – 7313- Disruptive Behavior among Employees.** The purpose of this policy is to set forth UCLA Health's need to create and maintain an environment free from intimidating, disruptive, threatening, bullying and violent behavior and facilitate the effective management of conflict between leaders when the conflict has the potential to threaten the health, safety and quality of care. UCLA Health is committed to providing a safe and supportive environment for all workforce members.

### Threat Management Unit

*If a person is believed to be an **immediate** threat to you, someone else or themselves, call 911.* Criminal threats of lesser imminence can be reported to the UCPD non-emergency line at (310) 825-1491.

The Threat Management Unit (TMU) is the [threat management unit](#) of the UCLA Police Department, tasked with investigating potentially criminal behavior, including harassing, stalking, threats to harm oneself or others, and other related incidents.

The primary mission of the UCPD, TMU is to ensure the safety and well-being of members of the diverse UCLA community by investigating both criminal and non-criminal cases, wherein individuals have demonstrated an abnormal fixation/obsession and have generated an extreme acute or prolonged pattern of unsolicited acts of visitation, telephonic and/or written correspondence in a threatening manner toward a specific person or group.

The TMU is responsibilities include the following:

- Investigate criminal, and at times non-criminal, cases of stalking and other threat cases on a campus-wide basis.
- Investigate threats directed toward University officials and the campus in general.
- Investigate aggravated workplace violence cases involving University departments and/or employees.
- Staff the University's CRGs, which manage workplace, student and healthcare behavioral concern cases.

The TMU maintains liaison with:

- LAPD Threat Management Unit
- [Los Angeles City Attorney's Office](#)
- [Los Angeles County Sheriff's Department](#)
- [Los Angeles County District Attorney's Office](#)
- [United States Secret Service](#)
- [Federal Bureau of Investigation](#)
- [California Highway Patrol](#)

Many cases handled by the TMU are incident driven. It manages reporting of threats to University officials or the campus community in general, that can often be attributed to many different variables such as environmental issues, recent political or newsworthy events, and increased awareness through training. Because stalking is a very complicated and severe crime to investigate and manage on a long-term basis, the investigations assumed by the TMU enhances the investigation and probability of arrest of the suspect and works to meet the victim's safety concerns while balancing privacy and civil rights of suspects.

### [Incidents of Concern Committee](#)

Threats to our community are an unfortunate reality that institutions like UCLA encounter, and thoughtful evaluations of past incidents and protocols are essential.

Following an incident involving violent threats and hateful comments made towards members of the campus in January 2022 by a university non-affiliate, UCPD worked with law enforcement agencies to quickly investigate and have the individual taken into custody. Although UCPD's actions were effective,

the experience offered an opportunity to thoroughly review to the process of evaluating threats and notifying the campus in emergency situations.

[A task force](#) was created to comprehensively assess campus protocols for responding to threats. The [Threat Response Task Force \(TRTF\)](#) began its work in February 2022 and examined UCLA's systematic approach to how information about threats are received, assessed, responded to, and managed for the UCLA community; how corresponding threats are evaluated by the relevant CRGs and with which administrative units they collaborate; how and when cross-campus leadership and key administrative and academic units are made aware of potential threats; how determinations are made about how and when to notify the broader community to ensure confidence and trust is maintained; which methods are most appropriate when notifying the campus community; and the effectiveness of different types of messaging.

From this, the Incidents of Concern Committee (IOCC) was established. The IOCC meets regularly to address the findings of the TRTF and serves as a coordination group that allows CRG members to manage existing and emerging threats in a streamlined manner. The IOCC escalates cases to campus leadership when necessary and provides standardized training and guidance based upon the collective best practices of the CRGs.

The IOCC is not charged to respond to threats or replace the CRGs existing processes. Rather, it acts as a clearinghouse for the CRGs to more effectively communicate cases of concerns that may impact multiple populations and thus may require multi-CRG response, and provide an opportunity to share consistent methods and practices. The IOCC also monitors significant incidents that occur at other universities and evaluates subsequent best practices to gauge where UCLA can improve. Finally, the IOCC tracks impending state laws regarding threat assessment and management, and makes recommendations on matters including but not limited to campus-wide data analysis, outreach and technological improvements that can benefit the CRGs specifically and UCLA's threat assessment process at large. It is advances such as these that makes the IOCC an indispensable part of UCLA's Threat Assessment Operations.

## Notification: Significant Emergencies and Dangerous Situations

Upon confirmation of conditions that present an emergency or dangerous situation posing an immediate threat to the health or safety of some or all members of the UCLA community, the Emergency Management Office will immediately initiate its mass warning policy and activate the campus emergency notification systems.

The UCLA Office of Emergency Management receives information from various UCLA offices and departments including UCLA PD, Fire & Life Safety, Office of Environmental, Health and Safety (EH&S) and, at times, outside agencies regarding an incident on campus. In the event of an emergency, UCLA

will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors.

The Emergency Notification policy guides the university on response to emergency situations that are likely to trigger initiation of the Emergency Notification System (ENS), BruinALERT. Some situations will require confirmation from first response personnel prior to ENS activation. The system, described in the next paragraph, is typically tested annually to coincide with the Great California ShakeOut Earthquake drill. Notice of the ENS test is typically provided in advance via email and publicized in *The Daily Bruin*, the campus newspaper.

Individuals can report emergencies occurring at UCLA by calling 911. The UCLA Police Department Communications Center is staffed 24 hours a day by trained public safety dispatchers. The dispatchers receive calls from 9-1-1 and assign police officers, firefighters, paramedics/EMTs as appropriate.

UCPD may coordinate with the Office of Emergency Management, University administrators, UCLA Fire, Public Health Officials, the National Weather Service, or other local law enforcement to confirm that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the UCLA community. Under normal operating circumstances, UCPD dispatch staff will, without delay and taking into account the safety of the community, finalize the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of UCLA response personnel, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. In addition, the Director of the Office of Emergency Management has the authority to develop and issue emergency notifications without review or approval from other parties. The Office of Emergency Management will coordinate with Strategic Communications or UCPD in order to provide updates and continued instructions to the community. Authority to finalize and send emergency notifications may shift dependent on the circumstances of the event, and available staff on call. The Office of Emergency Management, in partnership with Strategic Communications, have provided UCPD dispatch with approved notification templates.

In the event of a serious incident that poses an immediate threat to members of the UCLA community, the University uses some or all of the various systems available for expedient communication including: emails, emergency text messages (SMS), the Bruin Safe mobile application, the UCLA Campus Newsroom, local media outlets, and social media (Facebook and Twitter). If any these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency.



Students with valid email addresses in MyUCLA are automatically enrolled to receive [BruinAlert](#) notifications via e-mail. UCLA faculty and staff with valid email addresses in the campus directory are automatically enrolled to receive BruinAlert notifications via e-mail.

Only students that are currently registered and faculty and staff that are on active pay status on the date that an alert is issued will receive

a BruinAlert message. Others interested in viewing BruinAlert messages through Twitter may follow the BruinAlert account at *@UCLABruinAlert*. BruinAlert messages can also be viewed on the Bruin Safe Online (BSO) website and the Bruin Safe mobile application.

In order to make BruinAlert as effective as possible, short message service (SMS) text messaging is available to UCLA faculty, staff, and students on a voluntary self-subscription basis. Students can sign up for text message alerts through MyUCLA and faculty and staff are able to sign up for text messages through the BruinAlert website. It is important for members of the UCLA community to take an active part in BruinAlert by signing up for text messaging and ensuring their contact information is up-to-date.

A large number of first responder vehicles are equipped with Public Address (PA) Systems. These vehicles can be strategically placed throughout the campus to facilitate communication through the PA system. The University continually posts updates on the campus BSO website and through the above described systems as necessary during a critical incident. Recorded information and updates are also available by calling 1-800-900-UCLA.

UCLA PD and other first response departments will respond to, and summon the necessary resources, to mitigate, investigate, and document significant emergencies or dangerous situations. When a significant emergency or dangerous situation is confirmed, the campus community and/or the appropriate segments of the community that may be affected by the situation are notified.

Confirmation of whether an emergency exists will be provided to the Director of the Office of Emergency Management or their designee by first responders with knowledge of the emergency. In the event of an emergency, the Director of the Office of Emergency Management or their designee will determine whether the entire campus community or just a specific segment of the campus community should be notified, and initiate notification including follow-up via the campus notification systems described above. Neighboring community members are able to obtain emergency alert information by following the UCLA Office of Emergency Management Twitter feed, monitoring the BSO website and the UCLA Campus Newsroom website. If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

The Office of Emergency Management conducts regularly scheduled tests, drills, exercises, and activities designed for assessment and evaluation of UCLA's emergency plans and capabilities. This includes exercises of emergency management procedures, response organizations, and communications systems. It also includes an evaluation of the actions taken and recommendations for improvement. In 2022, UCLA conducted a test of the ENS associated with the California Great ShakeOut exercise on October 20, 2022. Additionally, during the majority of 2021, the Emergency Operations Center (EOC) was activated to support essential operations and in response to the COVID-19 pandemic affecting our campus community.



The UCLA Office of Emergency Management maintains information regarding the use of the Emergency notifications sent to campus including dates, times and message.

## Timely Warnings

A Timely Warning will be issued for all Clery Act crimes that occur on UCLA's Clery Act geography (On Campus, Public Property and Noncampus Property) that are reported to Campus Security Authorities or local police agencies and are considered by the institution to represent a serious or continuing threat to students and employees.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another
- Aggravated Assault (cases involving assaults among known parties will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger UCLA community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, whether the alleged perpetrator has been identified or contacted by UCLA PD, when it was reported, and the amount information known by UCLA PD). Cases involving sexual assault are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the UCLA PD Investigations Division, or their designee in their absence.

UCLA PD Investigations Division personnel, in consultation with the on-duty UCLA PD Watch Commander, will make the determination whether to issue a Timely Warning to aid in the prevention of similar occurrences. Such warnings differ from the above described Emergency Notifications in that Timely Warnings may include the type of crime; the date, time, and location of the incident; and suspect information, when applicable.

Timely Warnings will be distributed as soon as pertinent information is available and in a manner that is timely and will withhold the names of victims as confidential or limit information that may jeopardize the safety of the victim or compromise law enforcement efforts and with the goal of aiding in the prevention of similar occurrences. Information reported in a Timely Warning may not have been investigated or confirmed at the time of the issuance of the warning, and physical descriptions of a

suspect will be included in timely warnings only if there are enough details to help distinguish the suspect's appearance from the general population. Timely Warning Notices are typically written and distributed by the UCLA PD Investigations Division Sergeant, Watch Commander, or designee. The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Systems for issuing timely warnings and crime advisories may include web postings; direct distribution of flyers; text messages; emails to students, faculty, staff; the campus' student newspaper (Daily Bruin); campus websites; and social media. As of October 1, 2019, Timely Warnings are sent to all registered UCLA email addresses. Updates on crimes are provided, as deemed necessary by UCLA PD, on the UCLA PD web page, [police.ucla.edu](http://police.ucla.edu).

Anyone with information warranting a timely warning should report the circumstances to UCLA PD, by phone at (310) 825-1491 or in person at the police station front counter located at 601 Westwood Plaza, Los Angeles, CA 90095.

### Daily Crime and Fire Log

The UCLA PD maintains a combined Daily Crime and Fire Log. This document contains a record of all crimes reported to the UCLA PD that have occurred on the Clery Act reportable geography of the campus.

The Daily Crime and Fire Log also includes any reported crime that has been reported within the primary patrol jurisdiction of the UCLA PD. All entries or additions to the Daily Crime and Fire Log are made within two business days of the report of the information being made to the UCLA PD, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

Regarding criminal incidents, the Daily Crime and Fire Log reflects the nature of the reported crime, the time and date the crime was reported to the UCLA PD, the time and date the crime occurred (if known), the location of the crime (if known) and current disposition of the case for the past 60 days (if known). A crime is considered "reported" when it is reported directly to UCLA PD, or brought to the attention of UCLA PD by a Campus Security Authority ("CSA") or other local law enforcement agency. The Daily Crime Log will not include incidents that were not reported to UCLA PD.

All crimes in the Daily Crime Log are recorded by the date the crime was reported to the UCLA PD. Regarding fire incidents, any fire that occurs in an on-campus student housing facility that is reported to any official at UCLA is documented and reported in the Daily Crime and Fire Log. The UCLA PD may withhold information from the Daily Crime and Fire Log if there is clear and convincing evidence that the release of such information would jeopardize an on-going criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

The UCLA PD will disclose any information withheld from the Daily Crime and Fire Log once the adverse effect is no longer likely to occur. The UCLA PD Daily Crime and Fire Log will include all crime and fire incidents from the most recent 60 day period, and it is available for public inspection at the police station front counter at 601 Westwood Plaza, Los Angeles, CA 90095.

## Campus Emergency Evacuation Procedures

Evacuation drills are conducted quarterly and at additional intervals as determined by the UCLA Fire/Life Safety Division. These unannounced drills prepare building occupants for an organized evacuation in case of fire or other emergencies. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits, the evacuation route, designated assembly locations, and the sound of the fire alarm. UCLA Fire conducted 25 residential fire drills in 2022 at varying days and times.

The Facility, Floor, and Area Warden program was developed to provide an organized response to most emergencies that can be expected in the workplace. More information on the UCLA Warden Program is available at <https://www.oem.ucla.edu/content/ucla-warden-program>.

UCLA on-campus housing residents receive information on emergency response protocols and evacuation throughout the academic year, including new student orientation, mandatory floor meetings, campus housing websites, and posted flyers.

### **EVACUATE** when:

- A fire and/or life safety emergency occurs.
- The fire alarm activates (audible and/or visual).
- Notified to do so by emergency response personnel or Zone Crew members.
- Be aware of all exits from your area and building. Know the routes from your work area.
- When the fire alarm activates or you are told to leave, WALK quickly to the nearest marked exit and ask others to do the same. DO NOT RUN.
- DO NOT USE ELEVATORS unless directed to do so.
- ASSIST persons with disabilities, access or functional needs if you are willing and able.
- Notify emergency personnel if you suspect someone may be trapped in the building.
- Follow instructions given by Area, Floor or Facility Wardens in orange, yellow, or green vests or emergency personnel.
- Once outside, move to your designated assembly area. Keep streets and walkways clear for emergency vehicles and personnel.
- DO NOT return to an evacuated building until an all-clear message is given and you are directed to do so.

### **Violence or Crime in Progress**

- DO NOT TAKE UNNECESSARY CHANCES

- Do not interfere with:
  - Persons committing the crime/creating the disturbance
  - Law enforcement authorities on the scene
- If you are the victim, involved in, or witness any on-campus violation of the law such as an assault, robbery, theft, stalking, etc. that is in progress, call 911 immediately.

### **Secure-In-Place – Police Activity**

A Secure-In-Place or “Shelter-In-Place” notification may be issued when the UCLA PD determines that there is a potential threat to the campus. When notified to Secure-In-Place, initiate action immediately. Take BruinAlerts seriously. You will be safest by placing a locked door or other barricade between you and the associated violence or danger. Do not leave until an ALL CLEAR message is received.

### **On Campus Residence Halls**

Evacuation drills for on-campus student housing are coordinated through UCLA Student Affairs Department, Office of Residential Life (ORL), Housing & Hospitality Services (H&HS), Environmental Health & Safety Department (EH&S) Fire & Life Safety Division, in coordination with the Emergency Management Office, and the campus Fire Marshal.



Building evacuation drills are conducted in coordination with the campus Fire Marshal’s office and require mandatory evacuation by residents who cannot reenter until authorized. Residents are debriefed and written notices are sent following the Fall quarter drill reiterating the importance of building evacuations including verification of evacuation routes and assembly areas. Staff at the residence halls undergoes yearly training prior to the start of the academic school year covering topics such as fire suppression and safety, evacuation with simulated smoke, wheelchair/ADA evacuation, and emergency/disaster preparedness. An on-call resident director, who acts as liaison with responding emergency personnel, is available 24/7 through on-campus housing dispatch in the event of an emergency.

Evacuation drills are monitored by EH&S Fire & Life Safety, Emergency Management, and the Housing Programs personnel to evaluate egress and behavioral patterns, and to make recommendations for corrective actions. Reports are prepared by participating departments that identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments and offices for consideration.

Departments at UCLA are encouraged to complete a Departmental Emergency Response Plan (DERP). A DERP outlines the overall response strategy of the department and the communication methods the department will utilize to share information after an emergency. The DERPs support the UCLA Emergency Operations Plan and are an integral piece of the overall campus response.

On-campus, non-residential facilities conduct evacuation exercises in accordance with the State Fire Code. Exercises are minimally held in all high-rise campus structures annually. Information about campus evacuation procedures is provided in the campus departmental emergency plans, campus department websites, and through building signage at fire exits, elevators and appropriate locations in the buildings.

## Security & Access to Campus Buildings & Grounds

The UCLA campus grounds include 419 acres with over 25 million square feet of building space. The current population of UCLA consists of approximately 46,000 students, 44,000 staff and faculty, and 15,000 daily visitors. The daily population of approximately 105,000 is equivalent to a medium size city. UCLA PD Officers conduct routine patrols of campus property, buildings and surroundings of residential facilities to evaluate and monitor security related matters. UCLA PD Officers do not have fixed patrol posts, but instead conduct ongoing patrols.

As a public university, the UCLA campus is accessible to the general public. Consequently, regardless of the time of day or night, and no matter where you may be on campus, it is important for you to be alert and aware of your surroundings and exercise personal safety.

### Non-Residential Buildings

Most University buildings are open to the public during normal business hours and during evening hours when classes are in session or for special events. University buildings are generally locked otherwise and only faculty, staff and authorized students are admitted. To ensure building access is possible for only authorized individuals, it is essential that students, staff and faculty work together to keep the doors closed after hours. Do not leave doors propped open or unlocked after hours. Do not open the door for unfamiliar individuals. Remember, if your campus keys/access cards are lost or stolen, report the loss immediately to the issuing party.

### Residential Buildings

UCLA housing serves approximately 21,000 students at on and off campus locations. Access to campus residential buildings is operated by Housing & Hospitality Services and is restricted to residents and their guests. The coordinated efforts of police patrols, Community Service Officers (CSOs), the Office of Residential Life, safety awareness seminars, and crime alert bulletins promote awareness of safety issues.

Since residential halls and apartments are accessible 24 hours a day, it is important for residents to be aware of their surroundings at all times and exercise common sense. Do not allow unauthorized individuals to enter the building, keep the room door locked and do not open it without checking who is outside. Make certain that the room is secure when leaving and always alert UCLA PD of any crimes occurring in or around the building. Be sure to report any suspicious activity immediately to the police.

Over the course of the year, awareness of community safety issues is continued to be promoted through the coordinated efforts of police patrols, Community Service Officers (CSOs), the Office of Residential

Life, and crime alert bulletins. Residents were reminded not to allow unauthorized individuals to enter the building, to keep their room door locked and not to open it without checking who is outside, and to always alert Housing staff or UCLA PD of any suspicious activity occurring in or around the building.

### **Security Considerations Used in the Maintenance of Campus Facilities**

UCLA maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. UCLA PD works closely with Facilities Management to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to Facilities Management at <https://facilities.ucla.edu/submit-request>. Emergency requests (e.g. gas or water leak, electrical sparks, smoke, overflowing toilets, person trapped in elevator), can be reported to Facilities Management 24/7 at (310) 825-9236.

### **Weapons Prohibition on Campus**

Possession of firearms or replicas, ammunition, explosives, knives with blades longer than 2½ inches, other weapons, and fireworks are prohibited on campus. California Penal Code Sections 626.9 and 626.10 also prohibit the possession of firearms (including pellet and BB guns) on UCLA property without specific written permission from the Chief of Police.

If you are a witness to a crime involving a weapon or see a weapon of any kind on campus, please alert UCLA PD by calling 9-1-1 or (310) 825-1491 immediately.

UCLA PD encourages students, faculty and staff to be responsible for their own safety by taking proactive steps to reduce the likelihood of victimization or crimes on campus. Many crimes can be prevented by staying alert and aware of your surroundings and by securing your property at all times.

### **Security Awareness & Crime Prevention Programs – Crime Prevention Unit**

Preventing crime effectively requires a partnership between the University and the surrounding community. UCLA PD is dedicated to promoting personal safety awareness through community outreach programs. The Crime Prevention Unit coordinates a variety of activities and resources to meet the safety needs of the entire campus community.

During the 2022-2023 academic year, UCLA offered approx. 10 Family Orientation sessions on campus safety, and CSOs staffed information tables for approx. 10 Freshman Orientation sessions. Presentations and workshops regarding a variety of aspects of personal safety, prevention of workplace violence, office and business safety, sexual assault, dating and domestic violence, stalking, and other crime prevention and related topics are scheduled on a regular basis or by request for all campus members. Safety information is provided at employee, student and parent orientations.



During 2019, UCLA PD crime prevention presentations and awareness programs reached approximately 62,910 individuals. Due to the campus closure, restrictions and decreased density resulting from the COVID-19 pandemic, these presentations and programs were temporarily discontinued during 2020. During 2021, interactions with students, staff, and faculty began to increase but were still affected by COVID-19 protocols. Programs were offered in various forms such as: limited capacity, Zoom, or in a hybrid setting. Informational news articles, emergency flyers, and safety related brochures describing incidents impacting campus security or personal safety are distributed to students and employees throughout campus. All crime prevention and security awareness programs encourage students and employees are encouraged to be responsible for their own security and the security of others.

UCLA PD also offers numerous crime prevention programs and workshops each quarter. The annual frequency of these programs varies by request. Examples of programs and workshops include:

- **Personal Safety:** Crime prevention tips and actions that individuals can take to make themselves less vulnerable to crime. Examples of topics include robberies, assaults, stalking, dealing with difficult individuals, active shooter, identity theft, property theft, and safety while ride sharing.
- **Sexual Assault Awareness & Prevention:** Crime prevention tips regarding actions that individuals can take to make themselves less vulnerable to a sexual assault, dating and domestic violence, or stalking. Topics include sexual assault prevention, cultural awareness, acquaintance rape, the role of alcohol, date-rape drugs such as Rohypnol and GHB, and bystander involvement.
- **Hate Crimes:** Defines what constitutes a hate crime or hate incident, inclusion, relevant laws, how to report hate crimes and available resources.
- **Drug & Alcohol Awareness:** Designed to increase awareness and prevention of drug and alcohol use/abuse. Topics include drug and alcohol laws, alcohol consumption, impairment and driving under the influence, National Drug Take Rx Back campaign, and Narcan training.
- **Response to an Active Shooter:** Designed to address prevention, recognition of subjects of concern, options to take during an event (Run, Hide, Fight), and management after an event.

The Crime Prevention Unit also conducts security surveys and inspects campus grounds based on the principles of CPTED (Crime Prevention through Environmental Design) to identify and address future security and safety needs.

Crime prevention literature is available at the police station lobby, on the UCLA PD webpage, and throughout campus. Information, programs and written materials are available by calling (310) 825-6111. Brochures are available online at: [police.ucla.edu/prevention-education/brochures](https://police.ucla.edu/prevention-education/brochures).

### CSO Escort Services and UCLA Safe Ride Service by UCLA Transportation

- **CSO Evening Escort Service**—Community Service Officers (CSOs) are available for escorting UCLA students, employees and visitors between campus buildings, local living areas, and Westwood Village. This service is available 365 days a year from dusk to 1 a.m. For more information, please call (310) 825-9800.

- **UCLA Safe Ride Service**—The UCLA Safe Ride Service is operated by UCLA Transportation, Monday-Friday, 4:30pm – 10:30 pm (excluding holidays and breaks). It provides a safe means of transportation between campus buildings, on-campus housing, and nearby residential areas during evening hours. <https://www.transportation.ucla.edu/>

## Missing Person Procedures

UCLA PD accepts reports, including telephonic report, of a missing UCLA student. Missing person cases are given a high priority and will not require any time frame to pass before beginning a missing person investigation. A report is accepted regardless of where the person was last seen, where the person resides, or any other question of jurisdiction. If the individual is not immediately located, UCLA PD will enter the missing person into the appropriate missing person database.

If any person has reason to believe that a member of the University community is missing, they should immediately notify the UCLA PD at 310-825-1491 or 911. Suspected missing students should be reported immediately to UCLA PD.

When UCLA PD takes a missing person report for a UCLA student who resides in on-campus housing, then within the next 24 hours, UCPD or Residential Life will:

1. Notify the individual identified by the student to be contacted in such circumstances.
2. Notify a parent or guardian, and any other designated contact person, if the student is less than 18 years old and is not emancipated.
3. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, UCLA will notify appropriate law enforcement officials in the Los Angeles or other appropriate areas with a Teletype message or other similar measure.

Students residing in on-campus housing have the option to confidentially identify an individual to be contacted by UCLA in the event the student is determined to be missing. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation. If a student has identified such an individual, UCLA will notify that individual no later than 24 hours after the student is determined to be missing.

Students are advised that, in the event a student under 18 years of age and not emancipated, UCLA must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, students are also advised that, in addition to notifying any additional contact person designated by the student. Students are advised that, for all missing students, UCLA will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

## Amber Alert

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

The following conditions must be met before activating an AMBER Alert [Government Code 8594(a)]:

- a. Abduction has been determined to have occurred.
- b. The victim is 17 years of age or younger, or has a proven mental or physical disability.
- c. The victim is in imminent danger of serious injury or death.
- d. There is information available that, if provided to the public, could assist in the child's safe recovery.

## Sexual Assault Prevention

All new students (undergraduate, graduate and professional) participate in an in-person or virtual prevention education training to prevent dating violence, domestic violence, stalking and sexual assault. The prevention education programs are: 1.) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and 2.) informed by research, or assessed for value, effectiveness, or outcome; and Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Staff and faculty also receive training consistent with the Clery Act as amended by VAWA, and all supervisors, faculty and designated employees responsible for reporting sexual harassment and sexual violence will receive baseline and repeat training on their legal obligations.



### Primary Prevention and Awareness Training:

The primary prevention and awareness trainings include:

- A. A statement that UCLA prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to California Penal Code;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of California;
- D. The institution's definition of consent AND the purposes for which that definition is used.

- E. A description of safe and positive options for 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;
- F. Information on 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.
- G. Information regarding:
  - 1) procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs;
  - 2) how the institution will protect the confidentiality of victims and other necessary parties;
  - 3) existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the; and
  - 4) options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective;
  - 5) procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking;

During the calendar year 2022, UCLA used the following required trainings for first-year students (including undergraduate, graduate and professional students) administered by the Title IX Office:

- Live/In-Person Training: The Title IX Office provides in-person/live virtual trainings for first-year students. The training is approximately 60 minutes. It covers policy terms and definitions of prohibited conduct, confidential and non-confidential resources, an overview of Title IX process and resolutions, responsible employee obligations, reporting options, and scenarios. Please note that live trainings for students will not be available for academic year 2023-2024.
- Online Training: Vector Solutions is our vendor for the online training modules for first-year students. Training is approximately 45 to 60 minutes and has the following sections:
  - Pre-Assessment
  - Introduction
  - Values, Identities and Relationships
  - Identities and Stereotyping
  - Our Values and Relationships
  - Consent, Coercion and Stepping In
  - Sexual Harassment and Stalking

- Reporting and Responding
- Conclusion
- Final Assessment

Incoming students also receive in their orientation packets the Bruin Safety & Support brochure and the Resources & Options brochure, both describing a student's confidential resources and reporting options. This document is now also available through the UCLA Title IX Office website, [www.sexualharassment.ucla.edu](http://www.sexualharassment.ucla.edu), which also contains links to confidential resources and reporting options.

During the calendar year 2022, UCLA used the following required trainings for staff and faculty:

- Preventing Harassment and Discrimination
  - It provides information on preventing and responding to sexual violence and sexual harassment and what each of us can do to make our UC culture safer for all.
- Abusive Conduct in the Workplace
  - Topics include: Overview (Recognize Abusive Conduct ), Prevention (Identify strategies to prevent), Procedures ( Follow procedures to report, and be familiar with the University's response); and Resources ( Access additional information).

### **Ongoing Prevention and Awareness Training:**

CARE (Campus Assault Resources & Education) offers an array of workshops and trainings to provide a pro-active preventive educational approach to sexual violence for the UCLA community. A few examples of workshops/topics offered in the past include:

- Introduction to CARE
- How to Support Survivors and Trauma-Informed CARE
- Intersections of Identity, Consent, and Supporting Survivors
- Microaggressions
- Redefining Power to Create Healing-Engaged Spaces
- How to Be an Upstander
- Creating Survivor-Centered Programming
- How to Build Coalition Across Difference
- Recognizing the Red Flags: A Workshop on Healthy and Unhealthy Relationships

CARE is happy to create custom workshops and presentations for UCLA student groups or department. CARE operates from an anti-oppression framework and strives to create intersectional presentations that address the root causes of violence. Some topics include: an overview of CARE services, identity and oppression, the effects of trauma, alternative healing, dating, and domestic violence, stalking, rights and resources, upstander/bystander intervention, and rape culture.

The Office of Residential Life also conducts presentations for residents and staff throughout the year. Examples of workshops include:

- CARE Training (Sexual Assault Prevention/Response Training and Bystander Intervention)
- Conduct 2 (CARE/Sexual Assault Training and CANRA)
- Behind Closed Doors (Hands-on scenarios and incident response for Resident Advisors)
- Emergency Preparedness (Contact PD, other resources in emergencies)
- True Bruins STAND (Sexual Assault prevention and Bystander Intervention)
- Cupcakes and Consent (Sexual Harassment Prevention and Response)
- Mocktails and Movies (Safe Environments, Consent vs. Sexual Assault, Alcohol Abuse)
- Sex and Cookies (Healthy Relationships, sexuality, Consent, Contraception and STI's)
- Be Safe and Kick A\*\* (UCPD-Self Defense and Sexual Assault Prevention and Bystander Intervention)
- What is Love? (Dating Violence, Healthy Relationships)
- Respect: What Healthy Relationships Mean to Me (Sexual Assault, Dating Violence, Stalking)
- 8 Womyn Collective Performance (Physical and Psychological Safety, Sexual Harassment)
- What's In Your Smoothie? (Safe Environments, Alcohol Abuse, Controlled Substances, Sexual Harassment, Consent)
- Sexperts in Summit 8 (Consent, Safe Sex, Social Responsibility, Sexual Harassment/Sexual Assault)
- Have Your Cake and Eat It Too (Consent, Sexual Assault, Sexual Harassment, Safe Environments)

The Title IX office, CARE, and CAPS have also developed and offer targeted presentations to fraternities and sororities, athletic teams, and other specialized groups.

The UCLA PD Crime Prevention Unit also offers training on the following topics:

- Domestic Violence
- Personal Safety
- Sexual Assault Awareness and Prevention
- Stalking and Terrorist Threats

Written information on dating and domestic violence, personal safety tips, sexual assault and stalking can be found on the UCLA PD website at: <https://police.ucla.edu/prevention-education/brochures>

In 2022 UCLA launched the Equity, Diversity and Inclusion (EDI) Education Series, which provides all employees with a common foundation for how to prevent discrimination and promote inclusion throughout UCLA. These optional educational resources provide a foundation through which we support one another and build community at UCLA. They promote compliance with legal requirements and the requirements of the UC Non-Discrimination Policy, UC Sexual Violence and Sexual Harassment Policy, and UC Gender Recognition and Lived Name Policy.



The UCLA EDI Education Series was created with student, staff and faculty input and with support from UCLA Campus Assault Resources & Education, UCLA Office of the Campus Counsel, UCLA Committee on LGBTQ Affairs, UCLA Extension, UCLA Gender Recognition Implementation Committee, UC Legal – Office of General Counsel, UCLA LGBTQ Campus Resource Center and UCLA Strategic Communications.

The UCLA EDI Education Series consists of two self-guided sessions which are available to all UCLA employees via the UC Learning Center. Each session is approximately one hour long, with additional content available to broaden learning.

The University prohibits the offenses of sexual assault, dating and domestic violence, and stalking and encourages the reporting of these offenses to UCPD, Title IX or a designated Campus Security Authority. The University is mindful that the victim may however decline to notify such authorities.

## Reporting and Responding to Sexual Assault and VAWA Offenses

### Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs

UCLA does not tolerate sexual violence and sexual harassment and 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, dating and domestic violence, stalking, and other forms of violence.

1. UC is committed to fostering a community where everyone works and learns together in a place free of harassment, exploitation and intimidation.
2. UC will respond promptly to reports of sexual violence and take appropriate action to prevent it and when necessary, take disciplinary action.
3. UC expects everyone to take university education and training courses on sexual violence prevention. Faculty, other academic appointees and staff are required to take sexual harassment prevention training.

The UC Policy on Sexual Violence and Sexual Harassment (“SVSH Policy”) prohibits sexual violence, sexual harassment and other sexual misconduct. The University will respond promptly and effectively to reports of sexual harassment and sexual violence (including sexual assault, relationship violence, stalking, and sexual exploitation) and will take appropriate actions to prevent, to correct, and when necessary, to discipline behaviors that violate these policies.

Those who feel they have been the victim of sexual violence or sexual harassment should visit the UCLA Sexual Violence Prevention and Response website for more information about reporting options and contact information, <https://sexualharassment.ucla.edu/> <https://uctitleix.i-sight.com/portal>.

In addition, those who believe that they are the victims of sexual violence (including sexual assault, relationship violence, stalking, and sexual exploitation) should:

1. **Immediately call the police department.** For assaults that occur on or around campus, call 9-1-1 or the UCLA Police Department at (310) 825-1491. For assaults that occur off university property, report it immediately to the local law enforcement agency. Students, staff and faculty who are near campus may also choose to report the sexual assault, dating and domestic violence, or stalking to UCLA PD. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police. Please note that it is the victim's choice whether or not to make a formal report to law enforcement, and victims have the right to decline to notify law enforcement involvement. University officials within Title IX and CARE can assist individuals in notifying law enforcement, if desired.
2. **Get medical attention.** After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at the Santa Monica-UCLA Medical Rape Treatment Center. UCLA PD will provide free transportation to Rape Treatment Center emergency medical treatment and evidence collection. Victims can receive highly specialized emergency medical care, forensic services, counseling, advocacy, and information about their rights and options to support them in making informed choices and decisions 24 hours a day, 7 days a week, free of charge. In California, evidence may be collected even if you chose not to make a report to law enforcement. Every victim has the right to have a support person with them at all phases of the medical and legal process, including the exam. This includes a friend, family member, or advocate with a local rape crisis center. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.
3. **Report to Title IX.** Title IX provides information and consultation about campus policies and procedures regarding sexual harassment/assault, dating/domestic violence and stalking to any interested person. Consultations are also available for faculty, supervisors, administrators, and others who need information about their responsibilities to address sexual misconduct and discrimination of which they become aware. A formal report can be made to Title IX at <https://uctitleix.i-sight.com/portal> or by calling (310) 206-3417. After receiving a report, the Title IX Office will make an initial assessment, including a limited inquiry when appropriate, to determine how to proceed. Title IX responses may include: Administrative Closure, Alternative Resolution, Formal Investigation, or Other Inquiry.

#### 4. Utilize additional campus and community support services.

- a. **Campus Assault Resources & Education (CARE) Program.** CARE Advocates are University staff employees who are professionally trained and certified to provide confidential support and/or counseling services to victims of sexual violence, sexual assault, domestic violence, dating violence or stalking. The CARE Advocates discuss options and alternatives, help identify the most appropriate support services, and provide information about medical care, psychological counseling, academic assistance, legal options, how to file a police report, and how to file a complaint with the Title IX Office. CARE Advocates are available to assist any UCLA student or employee regardless of where or when the sexual violence occurred. Survivors are not required to file a report or press charges in order to receive needed care. For assistance, contact a **CARE Advocate** at **310-206-2465** or [advocate@careprogram.ucla.edu](mailto:advocate@careprogram.ucla.edu) or go to 330 De Neve Dr. Covell Commons, Suite 205 and ask to speak to a CARE Advocate. Additional information is available at [www.careprogram.ucla.edu](http://www.careprogram.ucla.edu).
- b. **Counseling and Psychological Services (CAPS).** The mission of Counseling and Psychological Services (CAPS) is to support undergraduate, graduate, and professional school student development, empowerment, and success through connection with dedicated diverse staff who provide mental health services that encourage Health, Healing, and Hope. CAPS provides both in-person and telehealth services located in the state of California. Students can learn more about CAPS Services and how to access them at <https://counseling.ucla.edu/services/our-services>.
- c. **Contact the Rape Treatment Center** at Santa Monica-UCLA Medical Center for free emergency medical treatment and counseling services. RTC is located at 1250 16<sup>th</sup> Street in the city of Santa Monica and may be contacted via telephone at (424) 259-7208. For more information on the RTC please visit <https://www.uclahealth.org/santa-monica/rape-treatment>.

Caring assistance is available for persons who have been subjected to sexual assault or other forms of sexual violence. They are encouraged in the strongest terms to make a report.

When a survivor chooses to report a sexual assault, relationship violence, stalking, or sexual exploitation to UCLA PD, a police officer will take the initial crime report. An advocate, counselor, friend or family member may be present at the survivor's request. If the survivor has not received medical attention, the officer will take the survivor to the Rape Treatment Center, or assist in coordinating transportation if a ride from UCLA PD is not desired. The police officer will also inform the survivor of the availability of resources through CARE and Counseling and Psychological Services (CAPS) to provide follow-up assistance and support, if they have not already been contacted.

Medical attention for sexual assault survivors is vital to detecting and treating a range of medical concerns, including sexually transmitted diseases, pregnancy, and possible internal injuries. Within 72 hours of a sexual assault, it is important to collect evidence to aid the prosecutorial process.

For more information regarding the treatment of sexual assault and rape, call the Rape Treatment Center at Santa Monica-UCLA Medical Center at (424) 259-7208.

UCLA PD and RTC provide support and assist survivors to ensure that they are fully informed of their rights under California law. Each complainant of a sexual assault, dating and domestic violence, or stalking receives written information via email regarding their rights and options for prosecution, resources on and off campus, victim's rights, restraining orders or criminal protective orders. Complainants desiring an Emergency Protective Order will be assisted by UCLA PD or the local law enforcement agency taking the report, however Temporary Restraining Orders are the responsibility of the complainant. Complainants reporting sexual assault, dating or domestic violence, or stalking will receive information, and UCLA PD is willing to assist, in judicial procedures such as pressing charges, campus no-contact orders, interim suspensions, or filing complaints with the Title IX Office.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

While survivors of sexual assault, dating and domestic violence, or stalking are strongly encouraged to contact UCLA PD, there may be occasions where students prefer to go to other campus departments. The Title IX coordinator, the CARE Advocates, as well as Residential Life staff and campus academic advisors are available to assist survivors if housing and classes need to be changed.

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and respondent, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to UCLA PD. Students and employees should contact Title IX to discuss options for accommodation.

### [Police Investigations and Procedures for Reports of Dating/Domestic Violence, Sexual Assault and Stalking](#)

Upon an initial report, UCLA PD will assess the safety needs of the complainant. UCLA PD detectives conduct the police investigation and will most often need to interview the victim again. The victim may

have a support person with them during this trauma-informed interview, as well as during the initial interview. UCLA PD may also coordinate with Title IX to conduct joint interviews, in order to avoid multiple interviews. This is part of the investigation process that also includes a safety plan, discussion of resources, and explanation of the prosecutorial process, victim advocates and support. Packets of information containing victim's rights, the prosecutorial process, campus resources and community resources are handed out to each victim at the time contact is made.

Detectives may also have to examine evidence, conduct interviews with witnesses and suspects and generate supplemental reports. Once the investigation is complete, the case is then submitted to the District Attorney or City Attorney, and charges may be filed based on their review. The reporting party and/or victim will be kept apprised of the status of their case throughout the process.

Information on sexual violence resources (including sexual assault, relationship violence, stalking, or sexual exploitation) are available at multiple locations on campus, including the UCLA PD Station and the UCLA Title IX Office. These resources include access to counseling and advocacy services through CAPS and CARE. The institutional procedures for reports of dating/domestic violence, sexual assault and stalking made solely to Title IX can be found below in the section titled "Title IX Reporting".

UCLA complies with California law in recognizing restraining orders or similar lawful orders issued by a criminal, civil or tribal court – so long as they are valid and enforceable within the state. An Emergency Protective Order (EPO) may be obtained through the UCLA Police Department when there are reasonable facts showing an immediate and present threat of domestic violence. EPOs are valid for five days. Temporary Restraining Order (TROs) requests must be made through Superior Court. UCPD can help guide students through obtaining a temporary restraining order, but it is on them to make the request to the court themselves. Once a person obtains a valid Restraining Order from the court, it is entered into a national database. The person should also meet with an officer or detective of UCLA PD and provide them with a photo/description of the person who is the subject of the court order in addition to a copy of the Restraining Order. Any person who obtains an order of protection or restraining from California, or another state, should provide a copy to UCLA PD and the Title IX Office. More information about obtaining an Emergency Protective Order from UCLA PD can be found at: <https://police.ucla.edu/prevention-education/restraining-order>.

Institutional no-contact orders are issued by the UCLA officials, typically the Dean of Students Office. A student may be directed to not intentionally approach, telephone, send anything via campus mail, regular mail, e-mail or text message, or otherwise contact or communicate with another specified individual, including through a third party or social media. These directions will not terminate the Student's status as a student, and will not be construed as an allegation of misconduct nor a finding of responsibility on the part of any student. However, violation of these directions may be misconduct prohibited by Section 102.16 (Failure to Comply) and Section 102.27 (Unwanted Personal Contact) of the Code. They are not enforceable by law, unless the conduct also violates a criminal statute (i.e. 653(m)PC – Annoying Harassing Phone Calls or 646.9PC Stalking). Generally speaking, UCPD does not enforce

institutional no-contact orders, though the violation of such could be reported to the Office of Student Conduct.

A complainant may then meet with UCLA PD to develop a safety plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include (in conjunction with Title IX/Residential Life/Management), but is not limited to: campus safety escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, changing rooms or residence halls, changing work locations or schedules etc.) The University cannot apply for a legal order of protection, no contact order or restraining order on behalf of a victim. Victims should work directly with Title IX to request additional accommodations at (310) 206-3417. For additional resources related to existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid resources, please see the on/off campus resources list at the end of the Annual Security Report.

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.



## Title IX Reporting

In accordance with the SVSH Policy, any person may make a report, including anonymously, of sexual harassment, sexual violence (sexual assault, relationship violence, stalking, or sexual exploitation), or other conduct prohibited by the SVSH Policy to the Title IX Coordinator, or to any Responsible Employee. The report shall be forwarded to the Title IX Officer. If the person to whom a report normally would be made is the Respondent, reports may be made to another Responsible Employee. While there is no time limit for reporting, reports of conduct prohibited by the SVSH Policy should be brought forward as soon as possible; all incidents should be reported even if significant time has elapsed but prompt reporting will better enable the University to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. The Universities' disciplinary proceedings, if pursued, proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the complainant and respondent.

UCLA has confidential resources, including Professional Counselors, licensed psychologists, and Pastoral Counselors, with whom members of the University community can consult for advice and information regarding making a report of sexual harassment or sexual violence.

Requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered by the Title IX office in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source.

## Response to Reports of Sexual Harassment or Sexual Violence

UCLA shall provide prompt and effective response to reports of sexual harassment or sexual violence, which may include Alternative Resolution, Formal Investigation, a meeting with the Respondent or a separate employee grievance or complaint process. Please note the U.S. Department of Education ("DOE")<sup>1</sup> issued Title IX regulations that went into effect August 14, 2020, requiring the University to follow a specific grievance process ("DOE Grievance Process") in response to conduct covered by the

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<sup>1</sup> Please note that the current acronym for the Department of Education is ED, and no longer DOE. This report still utilizes for former acronym to match the title of current policies, grievance processes and covered conduct.



regulations (“DOE Covered Conduct”). Because compliance with the regulations is a condition of federal funding, the University has revised its policies to fully implement them, as reflected in the 2020 Interim UC SVSH Policy. This Policy is more expansive than the regulations in both conduct prohibited and coverage. So, the University will apply the DOE Grievance Process only when required, in response to DOE-Covered Conduct. It will follow its existing processes for all other reports.

Upon receipt of a report of sexual harassment, sexual violence or other prohibited conduct, the Title IX Officer, in coordination with the Case Management Team shall make an immediate assessment concerning the health and safety of the individual and the campus community, implement temporary remedies immediately necessary, and provide to the victim a written explanation of rights and reporting options including:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures (including: academic, living, transportation, working accommodations);
  - The range of protective measures may include...
    - No Contact Directives
    - Housing Reassignments
    - Remote Class Instruction
    - Job Transfers
    - UCPD Escort Services
    - Remote Participation in Hearings
    - Prohibition Against Retaliation
    - Support Person and Advisor for Parties in Title IX Process
    - Interim Suspension
  - The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid;
- an explanation of the procedures for institutional disciplinary action;
- options for reporting to law enforcement, including assistance with notification

Written rights and options will be provided to all victims who report sexual assault, domestic/dating violence or stalking regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus. Additionally, accommodations and protective

measures will be provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Individuals making reports shall be informed about: confidentiality of reports, including when reports cannot be kept confidential; the range of possible outcomes of the report, including Health and Safety measures, remedies, and disciplinary actions that may be taken against the Respondent; and information about the procedures leading to such outcomes.

## Alternative Resolution

Alternative Resolution is not available when the Complainant is a student and the Respondent is an employee. In other cases, after a preliminary assessment of the facts, and, if useful, in consultation with other offices, the Title IX Officer may – if the Complainant and Respondent agree in writing- initiate an Alternative Resolution process, which may include but is not limited to: mediation (except in cases of sexual violence); separating the parties; providing for safety; referring the parties to counseling; referral for disciplinary action; a settlement agreement; conducting targeted preventive educational and training programs; and conducting a follow-up review to ensure that the resolution has been implemented effectively.

Alternative Resolution may be especially useful when: a report is made by a third party or anonymously; a Formal Investigation is not likely to lead to a resolution; both parties prefer an informal process; or a case involves less serious violations. A person making a complaint has the right to request a Formal Investigation at any time, but the Title IX Officer has final authority for determining whether to initiate a Formal Investigation. Both parties may be accompanied by an advisor throughout the process.

If Alternative Resolution is selected, the Title IX Officer will provide timely written notice to both parties that includes:

- the allegations;
- the Title IX Officer has begun the process;
- the process is voluntary and will end upon either party's request;
- termination may result in Formal Investigation or (if it applies) a DOE Grievance Process;
- they may be accompanied by an advisor throughout the process;
- the Title IX Officer will notify both parties of the process' outcome; and
- the process is private but not confidential, the Title IX Officer will maintain a record of the process and may share information with others if needed to carry out the resolution and information shared by parties may be considered in any subsequent Resolution Process.

The Title IX Officer will complete the Alternative Resolution process promptly, typically within 30 to 60 business days of notifying the parties in writing of starting the process. However, the Title IX Officer may

extend past 60 days for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline.

The University will not compel a complainant to engage in mediation. Mediation, even if voluntary, may not be used in cases involving sexual violence.

### Formal Investigation

The Title IX Officer will begin a DOE Grievance Process when they determine it is necessary under the SVSH policy. This may happen after an Alternative Resolution to address DOE-Covered Conduct that ends before the parties agree on terms. The DOE Grievance Process begins with an investigation.

The Title IX Officer will begin a Formal Investigation when they decide not to close a report after their initial assessment, the alleged conduct is not DOE-Covered Conduct, and either (i) Alternative Resolution and Other Inquiry are not appropriate, or (ii) the parties do not agree to participate in Alternative Resolution or it ends before they agree on terms. A complainant's request for a Formal Investigation will be considered but is not determinative.

The Title IX Officer may coordinate the investigation with other offices, depending on the identities of the Complainant and Respondent (that is, faculty, other academic appointees, staff, or students).

If the Complainant does not want an investigation, the Title IX Officer will seriously consider this preference. However, the Title IX Officer may determine an investigation is necessary to mitigate a risk to the campus community. If the Title IX Officer begins an investigation despite the Complainant's request, the Title IX Officer will provide the Complainant with all information required by this Policy unless the Complainant states in writing that they do not want it.

If proceeding with an investigation without the participation of a complainant, the Title IX Officer shall attempt to maintain the identity of the complainant confidential from the Respondent or inform the Complainant that such confidentiality cannot be maintained. If determining not to proceed with a Formal Investigation, the Title IX Officer shall inform the complainant that the ability to provide remedies may be limited, but the Title IX Officer shall nonetheless afford such remedies as are consistent with maintaining confidentiality and the absence of an administrative finding.

If the Title IX Officer does not begin an investigation, they will inform the Complainant that this limits possible remedies. The Title IX Officer will nonetheless provide Mitigating Measures as appropriate and consistent with Complainant's privacy and the absence of an investigation. When the Title IX Officer begins an investigation, they will give the parties a written summary of the allegations, an explanation of their rights, the procedures that will be followed, available resources, and this Policy. While the parties have the right to identify evidence and witnesses, the University bears the burden of proof and of gathering evidence sufficient to reach a determination regarding responsibility.

- i. **Timeframe.** The Title IX Officer will complete the investigation promptly, typically within 60 to 90 business days of notifying the parties in writing of the charges. However, the Title IX Officer may extend the timeframe past 90 days for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required depends on the specific circumstances, including the complexity of the matter and the severity and extent of the alleged conduct. The Title IX Officer will consider, approve, and communicate extensions per written guidelines from the Systemwide Title IX Office. If the police are also investigating the alleged conduct, the Title IX Officer will coordinate with the police but must nonetheless act promptly without delaying the investigation until the end of the criminal investigation.
- ii. **Disclosure of Information.** The investigation generally includes interviews with the parties and any witnesses, and a review of evidence. The Title IX Officer will share information with witnesses only as reasonably necessary to conduct a fair and thorough investigation. They will also counsel witnesses about keeping information learned through the investigation private to protect both the people involved and the integrity of the investigation. They will inform witnesses that directly related information they provide and their identities will likely be disclosed to the Complainant and Respondent.
- iii. **Right to an Advisor.** The Complainant and Respondent may have an advisor present when they are interviewed and at meetings. They may have other support persons present under other policies. Other witnesses may have an advisor present at the discretion of the Title IX Officer or as required by University policy or a collective bargaining agreement.
- iv. **Academic Freedom/Merit.** When the investigation implicates academic merit or academic freedom, the Title IX Officer will consult with the appropriate academic officer for relevant academic judgment.
- v. **Initiation of Investigation by University.** The Title IX Officer may choose to begin and conduct an investigation without a Complainant when there is, for example:
  - information indicating an ongoing threat to the University community;
  - a pattern of alleged sexually harassing conduct toward multiple people by the same Respondent that would, in the aggregate, create a hostile environment (as defined in this Policy) for a reasonable person; or
  - allegations of Prohibited Conduct covered by this Policy in the public realm (such as reports in the news or social media).
- vi. **Administrative Closure.** The Title IX Officer may close an investigation before completing it if they determine that a significant change in circumstances has so substantially impaired the investigation that they cannot reach reasonably reliable conclusions about whether the alleged conduct occurred. The Title IX Officer will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. They will also offer as appropriate resources to the parties and Mitigating Measures to the Complainant.

In order to provide a prompt, fair, and impartial investigation and resolution, any investigation of reports of sexual harassment and/or sexual violence shall incorporate the following standards:

- In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused.
- Both parties will be provided with a written summary of the allegations, the procedures that will be followed, resources available to them and a copy of the SVSH Policy.
- The individual(s) conducting the investigation shall be familiar with the Policy, have training or experience in conducting investigations, and as relevant to the investigation, be familiar with policies and procedures specific to students, staff, faculty, academic appointees, and visitors. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on related to dating violence, domestic violence, sexual assault, and stalking and how to conduct trauma-informed investigations. Such training includes how to conduct an investigation and hearing that protects the safety of the complainants and promotes accountability.
- If the alleged conduct is also the subject of a criminal investigation, the location may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to the SVSH Policy. However, the location may need to coordinate its fact-finding efforts with the police investigation.
- The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.
- Both parties will have timely notice for meetings at which the complainant or accused, or both, may be present;
- The complainant, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the accused;



- The University will not limit the choice of advisor or presence for either the complainant or the accused in any meeting or institutional disciplinary proceeding, however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- The investigator shall apply a preponderance of evidence standard to determine whether there has been a violation of Policy.
- Upon request, the complainant and the accused may each have a representative present when he or she is interviewed, and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy or collective bargaining agreement.
- At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of Policy.
- The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the request for formal investigation was filed. This deadline may be extended on approval by a designated University official. Extensions of timeframes will only be made for good cause, with written notice to the complainant and the accused of the delay, and the reason for the delay.
- After the conclusion of the investigation, the parties will be simultaneously informed in writing of: the outcome of the investigation and its rationale; any available appeal rights and procedures; and how to obtain a copy of the Investigation Report, which may be redacted as necessary to protect privacy rights.
- In the event that an investigation is conducted, the investigator will prepare a written report that includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, an explanation why any proffered evidence was not investigated, and findings of fact and an analysis of whether a violation has occurred. When both parties are students, the report will include a recommendation to the Student Conduct Officer regarding whether there are any policy violations. For all other matters the report will include an analysis and determination by the investigator of whether the SVSH Policy has been violated.

- If the report finds prohibited conduct in violation of the SVSH Policy, the University shall take prompt and effective steps reasonably calculated to stop the violation, prevent its recurrence, and, as appropriate, remedy its effects.
- If the matter results in a disciplinary proceeding, at the conclusion of that proceeding the Complainant and the Respondent will be simultaneously informed in writing of:
  - the outcome of the disciplinary proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed, and the rationale for the results;
  - any available appeal rights and procedures; and
  - any subsequent change to the results and when results will become final.
- The complainant and the accused may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information. However, in accordance with University policy, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report.

## Amnesty

To encourage reporting, neither a Complainant nor witness in an investigation of sexual violence will be subject to disciplinary sanctions for a violation of the relevant University conduct policy at or near the time of the incident, unless the violation placed the health or safety of another at risk; involved plagiarism, cheating, or academic dishonesty; or was otherwise egregious.

## Retaliation

In accordance with the SVSH Policy, retaliation against a person who participates in the investigation, report, remedial or disciplinary processes provided for in the SVSH Policy is prohibited. Retaliation is an adverse action against a person based on their report or other disclosure of alleged Prohibited Conduct to a University employee, or their participation in, refusal to participate in, or assistance with the investigation, reporting, remedial, or disciplinary processes provided for in the policy.

An adverse action is conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for the policy such as threats, intimidation, harassment, discrimination and coercion. Good faith actions lawfully pursued in response to a report of Prohibited Conduct (such as gathering evidence) are not, without more, retaliation.

## Privacy

The University will protect the privacy of individuals involved in a report of Prohibited Conduct to the extent permitted by law and by University policy and procedures. However, it should be recognized that

an investigation may involve interviews with a number of persons to inquire if they have relevant evidence, and extremely sensitive information may be gathered. While such information is considered confidential, University policy may also require the disclosure of certain information during or following an investigation.

For more information about these policies and administrative procedures, contact the Title IX Office at 310-206-3417 or [titleix@conet.ucla.edu](mailto:titleix@conet.ucla.edu).

A copy of the SVSH Policy and campus procedures, as well as confidential resources and reporting options are located at [www.sexualharassment.ucla.edu](http://www.sexualharassment.ucla.edu).

## Sex Offender Notice

The State of California requires sex offenders to register with the police in the jurisdiction in which they reside. Information for the UCLA campus community area is available to the public online at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov) or at LAPD's West LA Community Police Station, located at 1663 Butler Avenue, Los Angeles, CA 90025-3003, (310) 575-8404.

Additionally, the Campus Sex Crimes Prevention Act provides for the tracking of convicted sex offenders enrolled at or employed at institutions of higher education. The State of California requires sex offenders already required to register within the state to, within 5 working days, also "register with the Chief of Police of a UC campus if she or he is domiciled upon the campus or any of its facilities" of higher education when the person is employed, carries on a vocation, or is a student (Penal Code § 290). This information is available at the UCLA PD station upon request.

## Disciplinary Action: Students, Staff, & Faculty

### Jurisdiction

The University has jurisdiction over student conduct that occurs on University property, or in connection with official University functions whether on or off University property. The University may, at its sole discretion, exercise jurisdiction over student behavior that occurs off campus and 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 or not to exercise off-campus jurisdiction, the University will consider the seriousness of the alleged misconduct; whether an alleged victim is a member of the campus community; the ability of the University to gather information, including the statements of witnesses; and whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

### Types of Misconduct

Students may be held accountable for the types of misconduct set out below and in the UCLA Student Conduct Code and, in the case of sexual violence, the Sexual Violence and Sexual Harassment (SVSH) Policy. The Title IX Office and the Dean may take action whether or not such misconduct also violates the law, and whether or not proceedings are, have been, or may be brought in the courts involving the same acts. Because of this, students may be involved in University administrative proceedings before, after, or during court proceedings.

Students may be held accountable for committing or attempting to commit a violation of this policy or for assisting, facilitating, or participating in the planning of an act that violates this policy (or an act that would be in violation of this policy if it were carried out by a student). These procedures will apply to alleged misconduct relating to conduct that Threatens Health or Safety, Sexual Harassment, Stalking, or other Violations of Law.

### Conduct that Threatens Health or Safety

Conduct that threatens the health or safety of any person including, but not limited to physical assault, threats that cause a person reasonably to be in sustained fear for one's own safety or the safety of her or his immediate family, incidents involving the use or display of a weapon likely to cause great bodily harm, and intoxication or impairment through the use of alcohol or controlled substances to the point one is unable to exercise care for one's own safety or other conduct that threatens the health or safety of any person.

UCLA prohibits sexual harassment, sexual violence and other prohibited conduct as defined by the University of California Policy on Sexual Violence and Sexual Harassment (SVSH Policy).

Sexual violence is defined in the SVSH Policy as sexual assault, relationship violence, or stalking. Sexual assault is defined as: Penetration: Without the consent of the Complainant, penetration, no matter how slight, of the Complainant's mouth by a penis or other genitalia; or the Complainant's vagina or anus by any body part or object and Contact: Without the consent of the Complainant, intentionally: touching Complainant's intimate body part (genitals, anus, groin, breast, or buttocks); making the Complainant touch another or themselves on any intimate body part; or touching the Complainant with one's intimate body part, whether the intimate body part is clothed or unclothed.

Rape, as defined by the FBI Uniform Crime Reporting Program and used here in the Annual Security & Fire Safety Report is, "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."

Relationship Violence is:

- physical violence toward the Complainant or a person who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child or other relative), or
- intentional or reckless physical or non-physical conduct toward the Complainant or someone who has a close relationship with the Complainant (such as a current or former spouse or

intimate partner, a child or other relative) that would make a reasonable person in the Complainant's position fear physical violence toward themselves or toward the person with whom they have the close relationship, that is by a person who is or has been in a spousal, romantic, or intimate relationship with Complainant, and that is part of a pattern of abusive behavior by the person toward the Complainant

- i. Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.
- ii. Patterns of abusive behavior may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).
- iii. The nature of the relationship between the Complainant and Respondent is determined by the length and type of relationship, and the frequency of interaction between them. Relationship violence includes both "dating violence" and "domestic violence."
- iv. Conduct by a party in defense of self or another is not Relationship Violence under the Policy. If either party asserts that they acted in defense of self or another, the Title IX Officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.

Please note the Sexual Violence Sexual Harassment Policy (SVSH Policy) was revised in 2022 and now includes Sexual Exploitation as Prohibited Conduct. Please see below for definition.

- i. Sexual Exploitation is taking sexual advantage of another, where the conduct is not otherwise addressed in this Policy, in the following circumstances:
  - a. The trafficking or prostituting of another without their consent: Inducing the Complainant to perform a commercial sex act through force, fraud, or coercion, or where the Complainant is under the age of 18;
  - b. Knowingly making a material false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing the Complainant to participate in a specific sexual act or encounter;
  - c. Providing alcohol or drugs to the Complainant with the specific intent and effect of facilitating Prohibited Conduct; or
  - d. Actively facilitating or assisting another person in committing Prohibited Conduct.
- ii. As used in the above definition of Sexual Exploitation:
  - a. Coercion is overcoming the will of Complainant through:
    - i. credible threats of serious physical or non-physical harm to the Complainant or another person;

- ii. a plan intended to make the Complainant believe that failure to perform an act would result in serious physical or non-physical harm to the Complainant or another person; or
  - iii. the abuse or credible threat of abuse of a legal or University policy process
- b. A commercial sex act is any sex act for which anything of value is given to or received by any person.
- c. Force is physical conduct that would reasonably overcome the will of another.
- d. Fraud is intentional deception that would reasonably overcome the will of another.

## Consent

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 during sexual activity. 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).

Consent cannot be given when a person is incapacitated in that the person is: 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

## Sexual Harassment

Sexual Harassment is defined as 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: unwelcome sexual or other sex-based conduct is sufficiently severe, persistent 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. Please note the conduct must be severe, pervasive, *and* objectively offensive under DOE based conduct.

Sexual conduct includes sexual or romantic advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Other sex-based conduct includes acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on gender, gender identity, gender expression, sex-or gender-stereotyping, or sexual orientation.



Sexual harassment may include incidents: between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or nonemployee participants in University programs (e.g., vendors, contractors, visitors, and patients); in hierarchical relationships and between peers; and between individuals of any gender or gender identity

## Stalking

Stalking is defined in the SVSH Policy as repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual, romantic or other sex-based 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.

## Other Prohibited Behavior

The SVSH Policy also prohibits:

- 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.
- Sexual intercourse with a person under the age of 18.
- Exposing one's genitals in a public place for the purpose of sexual gratification.
- Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under this Policy.

## Other Inquiry

When a report is not closed after initial assessment yet is not appropriate for Alternative Resolution, Formal Investigation or a DOE Grievance Process because there is no individual identifiable Respondent over whom the Title IX Officer has jurisdiction, the Title IX Officer will:

- conduct an inquiry to try to determine what occurred, and
- take prompt steps reasonably calculated to stop any substantiated conduct, prevent its recurrence, and, as appropriate, remedy its effects.

Such an inquiry may be appropriate when, for example, the Complainant alleges Prohibited Conduct by an organization, a person whose identity is unknown, or a third party, or alleges conduct by multiple people that rises to the level of Prohibited Conduct only when considered in the aggregate.

The extent of the inquiry and responsive steps will depend on the specific circumstances. This includes, for example:

- the nature and location of the alleged conduct,
- the University's relationship to the Complainant, and
- the University's relationship to and level of control over the organization or person alleged to have engaged in the conduct.

The Title IX Officer will complete the inquiry promptly (typically within 60 days, unless extended for good cause), and notify the Complainant of the outcome.

## Violations of Law

Students may be subject to discipline on the basis of a conviction under any federal, California state, or local criminal law, when the conviction constitutes reasonable cause to believe that the Student poses a threat to the health or safety of any person, or to the security of any property, on University premises or at official University functions, or to the orderly operation of the campus.

Staff members may be subject to discipline or corrective action for the following types of conduct (not inclusive):

- unethical behavior;
- violation of federal or state law;
- theft or misappropriation of University property;
- fighting on the job;
- discrimination,
- harassment, exploitation or intimidation, including sexual;
- acts endangering employees, students, visitors, or other University constituents;
- or any other serious violation of University policies

Faculty members may be subject to discipline or corrective action for the following types of conduct (not inclusive):

- Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University's central functions will be significantly impaired.
- Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities.
- Discrimination, including harassment

- Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty

References to the above policies may be made at [policy.ucop.edu/doc/4010411/PPSM-62](http://policy.ucop.edu/doc/4010411/PPSM-62) for staff appointments and at [senate.universityofcalifornia.edu/bylaws-regulations/index.html](http://senate.universityofcalifornia.edu/bylaws-regulations/index.html) for faculty appointments.

## Conduct Procedures for Allegations of Prohibited Conduct under the UC Policy on Sexual Violence and Sexual Harassment

As soon as practicable after receiving a report, the Title IX Officer will make an initial assessment, including a limited factual inquiry when appropriate, to determine how to proceed.

The Title IX Officer will determine:

- whether the report on its face alleges an act of Prohibited Conduct; and
- if so, whether the Prohibited Conduct is covered by the SVSH Policy.

The Title IX Officer may consult with other offices as necessary. This may include Academic Personnel Offices for complaints involving faculty and other academic appointees, with Student Affairs Offices for complaints involving students, and with Human Resources or Employee and Labor Relations Offices for complaints involving staff. The Title IX Officer, in coordination with the Case Management Team and in consultation with the Complainant when possible, will:

- make an immediate assessment of the health and safety of the Complainant and the campus community,
- determine and oversee Supportive Measures that are immediately necessary (including no contact orders), and
- provide to the Complainant a written explanation of rights and reporting options (including the right to report to the police), and available campus and community resources. The Title IX Officer will also inform the Complainant of the range of possible outcomes of the report, including Supportive and Remedial measures and disciplinary actions, the procedures leading to such outcomes, and their right to make a DOE Formal Complaint or request a Formal Investigation

The Title IX Officer will then assess the report to determine whether the alleged conduct is DOE-Covered Conduct and, if so, whether to begin a DOE Grievance Process or Alternative Resolution.

### Process

A. Initial Assessment. The Title IX Officer will assess the report to determine whether to open a DOE Grievance Process, Alternative Resolution, or other Resolution Process.

1. The Title IX Officer will first determine whether they received a DOE Formal Complaint from a qualified Complainant. To be such, the report must:

- allege conduct that occurred on or after August 14, 2020;
- be in writing;
- be made by the person who allegedly experienced the harassment, and not by a third party;
- be made by a person qualified to make it under the DOE Regulations, meaning someone participating or attempting to participate in a University program or activity;
- be against an identified Respondent;
- request an investigation; and
- allege DOE Sex-Based Misconduct, as defined in the Policy

Yes- DOE Formal Complaint: If the report is a DOE Formal Complaint from a qualified Complainant, the Title IX Officer must next determine whether they are required to “dismiss” it.

No- DOE Formal Complaint: If the report is not a DOE Formal Complaint from a qualified Complainant, the Title IX Officer must still determine whether the alleged conduct is DOE-Covered Conduct; if it is, the Title IX Officer may need to themselves “sign” a DOE Formal Complaint. Note: Before signing themselves, the Title IX Officer will inform a qualified Complainant of how to make a DOE Formal Complaint, and give them that opportunity.

2. Required Dismissal of Formal Complaint. If the report is a DOE Formal Complaint from a qualified Complainant, the Title IX Officer will next determine whether they must “dismiss” the complaint or any of its allegations. They must “dismiss” the complaint if the conduct, even if true, is not DOE-Covered Conduct, as defined below.

This “dismissal” is required by the DOE regulations, and means the Title IX Officer will no longer consider the allegations DOE-Covered Conduct. It does not necessarily mean the Title IX Officer will close the matter. Rather, the Title IX Officer will decide whether and how to continue resolution of the dismissed allegations, as explained below.

No Dismissal: If dismissal is not required, the Title IX Officer will begin either a DOE Grievance Process or Alternative Resolution.

Yes Dismissal: If dismissal is required, the Title IX Officer will “dismiss” the complaint.

3. DOE-Covered Conduct. If the report is not a DOE Formal Complaint from a qualified Complainant, the Title IX Officer will determine whether the report is nonetheless of DOE-Covered Conduct.

No DOE-Covered Conduct: If the conduct is not DOE-Covered Conduct, this is the end of the DOE process. The Title IX Officer will continue their assessment and decide whether to open a different Resolution Process.

Yes DOE-Covered Conduct: If the conduct is DOE-Covered Conduct, the Title IX Officer will decide whether to close the matter or, instead, open a DOE Grievance Process, Alternative Resolution, or Other Inquiry.

4. Decision to Close or Open. If the Title IX Officer did not receive a DOE Formal Complaint from a qualified Complainant, yet the alleged conduct is DOE-Covered Conduct, then they must either:

- close the matter,
- “sign” a DOE Formal Complaint themselves and open either a DOE Grievance Process or Alternative Resolution, or
- open an Other Inquiry (if it applies).

Decision to Close. The Title IX Officer may decide to close the matter when, for example, the Complainant does not want an investigation and the Title IX Officer determines one is not necessary.

Decision to Sign. The Title IX Officer may decide to sign a DOE Formal Complaint themselves when, for example:

- the Complainant does not want an investigation, but the Title IX officer determines one is necessary
- the Complainant does want an investigation, but is not qualified to make a DOE Formal Complaint themselves because they are not participating or attempting to participate in a University program or activity (for example, they are a former employee or student, or third party)
- the Complainant’s identity is unknown (for example, when the Complainant reported anonymously or a third party report did not identify the Complainant)

Decision to Open Other Inquiry. The Title IX Officer may decide to open an Other Inquiry when the University cannot discipline the Respondent—for example, when the Respondent is not an employee or a student.

Complainant Rights. If the Title IX Officer signs the DOE Formal Complaint, they will notify the person who allegedly experienced the conduct, if known, who will be and have all rights of a Complainant in the Resolution Process.

B. DOE-Covered Conduct. Conduct is DOE-Covered Conduct if all of the below are true:

1. Date: The alleged conduct occurred on or after August 14, 2020.
2. Territoriality. The Complainant was in the United States when the conduct allegedly occurred.

3. Program or Activity. The conduct occurred in a University program or activity, meaning the location was either:

- on-campus, or
- off-campus, and the conduct occurred:

in the context of University operations;

at a location, event or circumstance over which the University exercised substantial control over the Respondent and the context in which the conduct occurred; or

at a building owned or controlled by a student organization that is officially recognized by the University.

4. DOE Sex-Based Misconduct. The alleged conduct is DOE Sex-Based Misconduct, meaning it is any of the following:

- a. conduct by an employee that meets the definition of Quid Pro Quo Sexual Harassment
- b. unwelcome sexual or other sex-based conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University's programs or activities;
- c. conduct that meets the definition of Sexual Assault-Penetration;
- d. intentionally touching Complainant's intimate body part (genitals, anus, groin, breast, or buttocks) without the Complainant's consent;
- e. conduct that meets the definition of Relationship Violence;
- f. conduct that meets the definition of Stalking;
- g. sexual intercourse with a person under the age of 18; or
- h. conduct that meets the definition of Invasion of Sexual Privacy in Section II of the Policy, and that a reasonable person would determine was so severe, pervasive, and objectively offensive that it effectively denied the Complainant equal access to the University's programs or activities.

C. Required Dismissal of Allegations. The Title IX Officer must "dismiss" allegations in a DOE Formal Complaint if:

- they determine during the Initial Assessment that the alleged conduct, even if true, is not DOE-Covered Conduct



- they determine during the investigation that the alleged conduct, even if true, did not occur in a University program or activity or that the Complainant was not in the United States at the time of the alleged conduct.

1. Significance of Dismissal. As noted above, “dismissal” means the Title IX Officer will no longer consider the allegations DOE-Covered Conduct. It does not necessarily mean the Title IX Officer will close the matter. Rather, the Title IX Officer will decide whether and how to continue resolution of the dismissed allegations.

If as a result of dismissal there are no allegations of DOE-Covered Conduct, then any further investigation will be as a Formal Investigation.

If after the dismissal there are still other allegations of DOE-Covered Conduct, then the Title IX Officer will continue following the procedures in the DOE Grievance Process for all allegations; that is, the Title IX Officer will notify the parties that the dismissed allegations are not covered by the DOE Regulations, but will still process all allegations under the DOE Grievance Process for clarity and consistency.

If the matter is in Alternative Resolution, the Title IX Officer may continue with that process, but will notify the parties which allegations were dismissed and which (if any) continue to be considered DOE-Covered Conduct.

2. Notice of Dismissal. If the Title IX Officer is required to “dismiss” allegations from a DOE Formal Complaint, they will notify the parties in writing:

- a. of the allegations dismissed and the reasons;
- b. whether they will continue resolution of the dismissed allegations and, if so, under what Resolution Process;
- c. that the parties can appeal the dismissal on the grounds listed below;
- d. that the parties will be notified in writing if the other party appeals;
- e. that the parties will have equal rights during any appeal process, including the opportunity to submit a written statement in support of, or challenging, the dismissal;
- f. that a written decision on the appeal and the rationale will be issued simultaneously to both parties;
- g. contact information for the appeal officer; and
- h. that this Policy prohibits Retaliation.

3. Grounds for Appeal of Dismissal. The appeal should identify the reason the party is challenging the dismissal on one or more of the available grounds:

- a. there was procedural error that affected the decision to dismiss; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;
  - b. there is new evidence that was not reasonably available at the time of the decision to dismiss that could affect the decision; or
  - c. the Title IX Officer or investigator had a conflict of interest or bias that affected the decision.
4. Commencing an Appeal of Dismissal. An appeal must be submitted to the appeal officer within 5 business days after notice of dismissal. The appeal must identify the grounds for appeal and contain specific arguments supporting each ground. The appeal officer will notify the other party of the appeal and that the other party can submit a written statement in response to the appeal, within three business days.
5. Standards for Deliberation. The appeal officer will decide whether the appealing party has proven the asserted grounds for appeal. They will consider the notice of dismissal, the appeal statements of the parties, and any additional information from the Title IX Officer.
6. Decision by Appeal Officer. The appeal officer may:
- a. uphold the dismissal;
  - b. overturn the dismissal; or
  - c. in appeals alleging new evidence, send the case back to the Title IX Officer with a request to determine whether the new evidence affects the dismissal and report back to the appeal officer.
7. Notice of Decision. Within 10 business days of receiving the appeal, the appeal officer will provide their written decision to the parties and the Title IX Officer, to include:
- a. a statement of the grounds identified on appeal;
  - b. a summary of the information considered by the appeal officer; and
  - c. the decision of the appeal officer and the rationale for the decision

### **Notice to the Parties**

If a Formal Investigation will be conducted, the Title IX Officer, after consulting with Student Conduct (in circumstances where the Respondent is a student), will send notice of the charges to the Complainant and Respondent. The written notice will include:

1. A summary of the reported conduct that potentially violated the SVSH Policy and, where applicable, other student conduct policy;

2. The identities of the parties involved;
3. The date, time, and location of the reported incident(s) (to the extent known);
4. The specific provisions of the SVSH Policy and/or any other student conduct policy potentially violated;
5. A statement that the investigative report, when issued, will make factual findings and a preliminary determination regarding whether there has been a violation of the SVSH Policy and/or other student conduct policy;
6. A statement that the parties will each have an opportunity during the investigation to propose questions for the investigator to ask of the other party and witnesses;
7. A statement that the factual findings and preliminary determination will be based on a Preponderance of Evidence standard;
8. A summary of the resolution process, including the possible hearing, and the expected timeline;
9. An admonition against Retaliation; and
10. A summary of rights and resources available to the Complainant and Respondent. At any point during the investigation, the Title IX Officer may amend the notice to add additional charges identified during the investigation. Any amended notice should include all the information described above.

If a DOE Grievance Process is conducted, the Title IX Officer, after consulting with Student Conduct (when the Respondent is a student), will send written notice of the charges to the Complainant and Respondent. The written notice will be sent at least three business days before a party's requested interview date, to allow sufficient time for the party to prepare for the interview. The notice will include:

1. A summary of the reported conduct that potentially violated the SVSH Policy and, where applicable, other student conduct policy;
2. The identities of the parties involved;
3. The date, time, and location of the reported incident(s) (to the extent known);
4. The specific provisions of the SVSH Policy, including the DOE-Covered Conduct and any other Prohibited Conduct, and/or any other student conduct policy potentially violated;
5. A statement that each party may have an advisor and a support person of their choice throughout the process,
6. A statement that the investigative report, when issued, will make factual findings and a preliminary determination regarding whether there has been a violation of the SVSH Policy and/or other student conduct policy;
7. A statement that the parties will each have an opportunity during the investigation to propose questions for the investigator to ask of the other party and witnesses;
8. A statement that it is a violation of University policy to furnish false information to the University, but that an investigative preliminary determination or a hearing officer's determination regarding responsibility that is inconsistent with the information that a party furnished does not, in and of itself, indicate that that information was false;

9. A statement that the parties will each have an opportunity, before the completion of the investigation, to review all the evidence submitted that is directly related to whether a policy violation occurred;
10. A statement that the factual findings and preliminary determination will be based on a Preponderance of Evidence standard;
11. A statement that a determination of whether a policy violation has occurred will be made only after the process is complete and therefore there is, at the outset, no presumption that the Respondent is responsible for a policy violation;
12. When applicable, a statement that if it is preliminarily determined that a DOE-Covered Conduct violation did not occur, the investigator will still make a preliminary determination in the investigative report of whether other violations of the SVSH Policy occurred;
13. A summary of the resolution process, including the possible hearing, and the expected timeline;
14. An admonition against Retaliation; and
15. A summary of rights and resources available to the Complainant and Respondent. At any point during the investigation, the Title IX Officer may amend the notice to add additional charges identified during the investigation. Any amended notice should include all the information described above

### **Formal Investigation or Investigation under DOE Grievance Process**

The Title IX Officer will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation. Absent an extension for good cause, the Title IX Officer will typically complete its investigation within 60 to 90 business days from the date of the Notice of Charges. During the investigation, the Complainant and Respondent will be provided an equal opportunity to meet with the investigator, submit information, and identify witnesses who may have relevant information. The investigator will meet separately with the Complainant, Respondent, and third party witnesses who may have relevant information, and will gather other available and relevant evidence and information. The investigator may follow up with the Complainant or the Respondent as needed to clarify any inconsistencies or new information gathered during the course of the investigation.

The Complainant or Respondent may have an Advisor and Support Person present when personally interviewed and at any related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by University policy or collective bargaining agreement.

### **Formal Investigation: Opportunity to Review and Respond**

Before the investigator concludes the investigation and finalizes a written report, both Complainant and Respondent will have an equal opportunity to review and respond to the evidence that the investigator has deemed relevant, including relevant evidence that weighs against finding a policy violation(s). This is true regardless of whether a party has participated in the investigation. This review will also include a summary of relevant statements made by the parties and any witnesses. The Title IX Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties. The Title IX Officer

will designate a reasonable time for this review and response by the parties that, absent good cause found by the Title IX Officer, will not exceed 5 business days.

### **Investigation under DOE Grievance Process: Opportunity to Review and Respond**

Before the investigator concludes the investigation and finalizes a written report, both Complainant and Respondent will have an equal opportunity to review and respond in writing to the evidence that the investigator has deemed directly related – a standard broader than relevance – including evidence that weighs against finding a policy violation(s) and evidence on which the investigator does not intend to rely, whether obtained from a party or another source. This is true regardless of whether a party has participated in the investigation. This review will also include a summary of directly related statements made by the parties and any witnesses. The Title IX Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties. The Title IX Officer will designate a reasonable time for this review and response by the parties that, absent good cause found by the Title IX Officer, of at least 10 business days.

### **Formal Investigation: Investigation Report**

The investigator will prepare a written report that includes the factual allegations and alleged policy violations, statements of the parties and witnesses, a summary of the evidence the investigator considered, findings of fact, credibility determinations when appropriate, an analysis of whether a policy violation has occurred, and a preliminary determination regarding whether there are any policy violations. The investigator may consult with Student Conduct on the preliminary determinations regarding violations of student conduct policies other than the SVSH Policy. If credibility determinations were not necessary to reach the findings and preliminary policy determinations, the report will so note and explain why. If the Complainant or Respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation of why it was not considered. The investigation report should also indicate when and how the parties were given an opportunity to review the evidence.

### **Investigation under DOE Grievance Process: Investigative Report**

The investigator will prepare a written report that includes the factual allegations and alleged policy violations, statements of the parties and witnesses, a summary of the evidence the investigator considered, findings of fact, credibility determinations when appropriate, an analysis of whether a policy violation has occurred, and a preliminary determination regarding whether there are any policy violations. The investigator may consult with Student Conduct on the preliminary determinations regarding violations of student conduct policies other than the SVSH Policy. If credibility determinations were not necessary to reach the findings and preliminary policy determinations, the report will so note and explain why. If the Complainant or Respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation of why it was not

considered. The investigation report should also indicate when and how the parties were given an opportunity to review the evidence. The investigation report will include an analysis and preliminary determination of each charge included in the notice of charges.

### **Formal Investigation: Issuance of Notice and Report**

1. Upon completion of the Title IX Investigation, the Title IX Officer will provide to the Complainant and the Respondent (a) written notice of the factual findings and preliminary determinations, and (b) the investigation report. The investigation report may be redacted to protect privacy. The Title IX Officer will provide Student Conduct with the written notice and an unredacted copy of the investigation report. For investigations involving Staff and Faculty Respondents, the Title IX Officer will provide written notice and an unredacted copy of the report to the Chancellor's Designee and other appropriate administrative authorities for purposes of determining sanctions/discipline when appropriate.

2. The notice of the factual findings and preliminary determinations will include the following:

- a. A summary statement of the factual findings and preliminary determinations regarding whether the SVSH Policy or other student conduct policies have been violated;
- b. In cases where the investigator preliminarily determines a policy violation(s) occurred, an explanation of how the proposed sanction will be determined, including that each party will have an opportunity to provide input on sanctions through a meeting with Student Conduct and/or written statement;
- c. A statement that if either party contests the investigator's preliminary determinations as to policy violation(s), or is presumed to contest, there will be a factfinding hearing to determine whether the SVSH Policy or other student conduct policies have been violated, after which Student Conduct will determine any sanctions;
- d. An explanation of the procedures and timeline for contesting the preliminary determination;
- e. A statement that if neither party contests the preliminary determination, they still will have the right to appeal the sanction, if any;
- f. An admonition against Retaliation; and
- g. An explanation of any interim/supportive measures that will remain in place.

**Access to Certain Investigation Records.** After issuance of the investigator's written report, the investigation file, consisting of the investigation report and any evidence deemed relevant by the investigator (as documented in the investigation report), must be retained by the Title IX Officer and made available to the parties for inspection upon request. It may be redacted to protect privacy.

### **Investigation under the DOE Grievance Process: Issuance of Notice and Report**

1. Upon completion of the Title IX Investigation, the Title IX Officer will provide to the Complainant and the Respondent (a) written notice of the factual findings and preliminary determinations, and (b) the investigation report. The investigation report may be redacted to protect privacy.
2. The notice of the factual findings and preliminary determinations will include the following:
  - a. A summary statement of the factual findings and preliminary determinations regarding whether the SVSH Policy or other student conduct policies have been violated;
  - b. In cases where the investigator preliminarily determines a policy violation(s) occurred, an explanation of how the proposed sanction will be determined, including that each party will have an opportunity to provide input on sanctions through a meeting with Student Conduct and/or written statement;
  - c. A statement that each party may provide a written response to the investigation report indicating whether they accept or do not accept the preliminary determination;
  - d. A statement that, unless both parties accept the preliminary determination as to policy violation(s), there will be a factfinding hearing to determine whether the SVSH Policy or other student conduct policies have been violated, after which Student Conduct will determine any sanctions;
  - e. An explanation of the procedures and timeline for accepting the preliminary determination;
  - f. A statement that if both parties accept the preliminary determination, they still will have the right to appeal the sanction, if any;
  - g. An admonition against Retaliation; and
  - h. An explanation of any Supportive Measures that will remain in place.

**Access to Certain Investigation Records.** After issuance of the investigator's written report, the investigation file, consisting of the investigation report and any evidence deemed directly related by the investigator (as documented in the investigation report), must be retained by the Title IX Officer and made available to the parties for inspection upon request. It may be redacted to protect privacy

### **Proposed Sanction**

In cases where the investigator preliminarily determines a policy violation occurred:

**A. Party Input.** Either party may schedule a meeting with or submit a written statement to Student Conduct to provide input on sanctions. A party intending to do so will, within three days of receiving the notice of preliminary determination, either contact Student Conduct to schedule the meeting or submit the written statement to that office.

**B. Student Conduct Proposal.** Student Conduct will review the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, respondent's prior conduct record, any comment on sanctions from the parties (received either in person or in writing), and any other information relevant to the policy, and will determine a proposed sanction. Student Conduct will propose a sanction in all cases where there is a preliminary determination that the policy was violated, regardless of whether the preliminary determination is contested.



**C. Notification.** Student Conduct will notify the parties of the proposed sanction and supporting rationale within 15 business days of the notice of investigative findings and preliminary determination.

**D. Student Conduct Meeting.** When possible, a party's meeting with Student Conduct to provide input on sanctions will be combined with the meeting contemplated above.

### **Opportunity to Contest the Preliminary Determination**

If either party contests the investigator's preliminary determinations as to whether or not the policy was violated, there will be a factfinding hearing to determine whether such violations occurred, after which Student Conduct will determine any sanctions.

**A. Opportunity to Discuss Options.** If either party wishes to discuss the possibility of contesting, and the implications of contesting or not contesting the preliminary determination, including the hearing that will result if either party contests, they may discuss their options with Student Conduct (even if the investigator's preliminary determination was that no policy violation occurred). If either party wishes to meet with Student Conduct, they will contact Student Conduct within 3 business days of receiving the notice of preliminary determination to schedule the meeting.

**B. Preliminary Determination That Policy Violation Occurred and Presumption That Respondent Contests in Certain Cases.** When the investigator preliminarily determines that a policy violation(s) occurred:

1. Either party may contest the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. If either party contests within this time period, then the matter will proceed to a hearing to determine if a policy violation occurred.
2. In cases where Student Conduct proposes suspension or dismissal:
  - a. Respondent is presumed to contest the preliminary determination unless Respondent provides Student Conduct with a written acknowledgment stating that Respondent does not contest, accepts the preliminary determination, and waives their right to a hearing.
  - b. If Respondent does not provide Student Conduct the written acknowledgment during the 20 business days, then the matter will proceed to a hearing to determine if a policy violation occurred.
  - c. If Respondent does provide the written acknowledgment, and Complainant does not contest during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and Student Conduct will impose the proposed sanction, and the parties will have the right to appeal the sanction.
  - d. If Respondent does provide the written acknowledgment, and Complainant contests during the 20 business days, then the matter will proceed to a hearing to determine if a policy violation occurred.
3. In cases where Student Conduct does not propose suspension or dismissal:
  - a. If either party informs Student Conduct that they contest during the 20 business days, the matter will proceed to a hearing to determine if a policy violation occurred.

b. If neither party informs Student Conduct that they contest during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and Student Conduct will impose the proposed sanction, and the parties have the right to appeal the sanction.

4. A party wishing to affirmatively contest the preliminary determination must notify Student Conduct of their decision within the 20 business days, even if the other party has already contested or is presumed to contest.

C. Preliminary Determination That No Policy Violation Occurred. When the investigator does not preliminarily determine that there was a policy violation(s):

1. Either party may contest the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. If either party informs Student Conduct that they contest during this time period, then the matter will proceed to a hearing to determine if a policy violation(s) occurred.

2. A party wishing to contest the preliminary determination must notify Student Conduct of their decision within the 20 business days, even if the other party has already contested.

3. If neither party informs Student Conduct that they contest during the 20 business days period, then the preliminary determination that no policy violation occurred becomes final.

D. Consideration of Consolidation of Related Cases. Where a case arises out of substantially the same set of factual allegations as another case in the student resolution process (for example, where multiple Complainants or Respondents are involved in the same incident), or where it involves the same Complainant and Respondent, the Title IX officer has discretion to coordinate or combine the investigation and/or adjudication of those cases.

### **Notice of Hearing or No Hearing**

1. If any party contests the preliminary determination, Student Conduct will notify both parties within 5 business days that there will be a hearing. The other party will still have the remainder of the allotted 20 business days to also contest the determination (or, in a case where the presumption of a hearing applies, to indicate that they do not want a hearing). After the allotted 20 business days for contesting has elapsed, or each party has indicated their position on contesting, whichever comes first, Student Conduct will notify the parties that there will be a hearing. The notice of hearing will indicate each party's position on contesting and include a summary of the hearing procedures.

2. Alternatively, if no party contests or is presumed to contest the preliminary determination, Student Conduct will notify the parties that there will be no hearing. This notice will indicate that the Title IX office's preliminary determination as to policy violation(s) is final, and that Student Conduct is imposing the proposed sanction (if any); and that the parties have the right to appeal the sanction.

### **Hearing to Determine Policy Violations**

**A. Factfinding Hearing.** If either party contests, or is presumed to contest, the investigator's preliminary determinations, there will be a factfinding hearing before a single hearing officer. The hearing is to determine whether a violation of the SVSH Policy (and any non-SVSH Policy violations charged in conjunction with them) occurred. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred. Each hearing will have a Hearing Coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

## **B. Pre-Hearing Procedures**

The Hearing Officer and Hearing Coordinator will hold a separate meeting with each party to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive and fair hearing.

Under the DOE Grievance Process, the Hearing Coordinator will inform the parties of the hearing officer's identity. Within 5 business days after the notification, the parties may request the hearing officer's disqualification on the basis of bias or conflict of interest. Student Conduct will decide any request for disqualification of the hearing officer and inform both parties of their decision and, if they determine to change hearing officers, the name of the new hearing officer.

No later than 5 business days before the pre-hearing meeting, each party will submit to the hearing officer a preliminary statement of what issues, if any, each considers to be disputed and relevant to the determination of whether a policy violation occurred, and the evidence they intend to present on each issue, including all documents to be presented, the names of all requested witnesses, and a brief summary of such witnesses' expected testimony. The parties will later have an additional opportunity to submit proposed evidence.

At the pre-hearing meeting, the hearing officer and party will discuss the evidence the party has provided, to help identify and refine the issues to be decided at the hearing, which will inform the hearing officer's determination of the scope of the hearing.

Any party contesting (or presumed to contest) the investigator's preliminary determination regarding policy violation(s) is required to participate in the pre-hearing meeting.

If a contesting (or presumed to be contesting) party does not participate in the pre-hearing meeting (or does not let the hearing coordinator know they need to reschedule in advance), the hearing coordinator will notify the party that they have 2 business days to contact the hearing coordinator to reschedule. Absent extenuating circumstances, if the party does not contact the hearing coordinator within the 2 business days, they will be presumed to no longer contest the investigator's preliminary determination. If the other party has not contested, there will be no hearing, and Student Conduct will notify the parties that the investigator's preliminary determination is final, and impose the proposed sanction. If the other party has contested, the hearing will proceed but the non-appearing party will be presumed to agree with the definition of the scope of the hearing.

The party who is not contesting is encouraged, but not required, to participate in the pre-hearing meeting.

Within 5 business days after concluding meetings with both parties (or determining that a non-contesting party has decided not to participate in the pre-hearing process), the hearing officer will determine what issues are disputed and relevant to the determination of whether a policy violation(s) occurred, and will notify the parties of the scope of the issues to be addressed at the hearing and the expected witnesses. The hearing officer has discretion to grant or deny, in whole or part, the parties' requests for witnesses. The hearing officer's determination of scope may include issues, evidence, and witnesses that the parties themselves have not provided.

Throughout the pre-hearing process, including in the notice of scope of hearing, the hearing officer will:

- a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive;
- b. Decide any procedural issues for the hearing; and/or
- c. Make any other determinations necessary to promote an orderly, productive, and fair hearing.

Within 5 business days after receiving the hearing officer's definition of scope, the parties may then submit additional information about the evidence, including witness testimony, that they would like to present.

Not less than 10 business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.

The hearing coordinator will ensure that the Title IX investigator (or if not available, a representative from that office) will be available to testify during the hearing. Based on the hearing officer's determination, the hearing coordinator will request the attendance of all witnesses whose testimony is determined to be within the scope of the hearing. The University cannot compel parties or witnesses to testify in the hearing and their decision not to testify will not be a reason to cancel or postpone a hearing.

At least 2 business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence; copies of all the evidence that will be considered at the hearing that the hearing officer has received, including the investigation file and any other documents that will be considered; the names of expected witnesses and a summary of their expected testimony. If the hearing officer has excluded evidence (including witness testimony) that a party has requested to present, they will explain why. The hearing officer will also notify the parties of any procedural determinations they have made regarding the hearing. This material will also be provided to the Title IX Officer.

The parties are encouraged to submit any questions for the other party and any expected witnesses to the hearing coordinator before the hearing, but will not be limited to those questions at the hearing. These questions will not be shared with the other party or witnesses.

In addition, under the DOE Grievance Process, if at any point before the hearing, if a party anticipates that they will not have an advisor available at the hearing to ask their questions for them, they should let the hearing coordinator know, to allow the University to plan for assigning the party a person to ask the party's questions at the hearing ("Reader"). Even without notice or during a hearing in progress, however, the University will provide such a resource if a party does not have one. If any party does not have an advisor available at the hearing for the purpose of asking their questions for them, the hearing coordinator will assign a person to fulfill the sole and specific function of asking the party's questions (and not of serving as their advisor more generally), without cost to the party.

## **Hearing Procedures**

1. The hearing will be conducted in a respectful manner that promotes fairness and accurate factfinding. The parties and witnesses will address only the hearing officer, and not each other. Only the hearing officer may question witnesses and parties.
2. Courtroom rules of evidence and procedure will not apply. The hearing officer will generally consider all evidence they determine to be relevant and reliable. The hearing officer may determine and weigh the relevance of any witness testimony or other evidence to the findings. Throughout the hearing, the hearing officer will:
  - a. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive
  - b. Decide any procedural issues for the hearing, and/or
  - c. Make any other determinations necessary to promote an orderly, productive, and fair hearing.
3. All witnesses other than the parties will attend the hearing only for their own testimony.
4. The investigation file will be entered as evidence at the hearing. The hearing officer generally will rely on any finding in the report that is not disputed.
5. In cases where the credibility of a witness is not central to the determination of a particular disputed issue and the witness does not appear at the hearing, the hearing officer may determine what weight to give to their statements from the investigation report.
6. The Hearing Officer will not draw adverse inferences from a party's decision to not participate in the hearing, or to remain silent during the hearing. However, they may consider a party's selective participation -- such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation -- when assessing credibility.
7. The hearing officer will implement measures they deem appropriate to protect the well-being of parties and witnesses. For example, the hearing officer will allow separation of the parties, breaks, and the participation of support persons in accordance with these procedures.
8. The hearing officer will allow the parties and/or witnesses to be visually or physically separated during the 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. To assess credibility, the hearing officer must have sufficient access to the Complainant, Respondent, and any witnesses

presenting information; if the hearing officer is sighted, then the hearing officer must be able to see them.

9. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the hearing officer. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the hearing officer has discretion to accept or exclude additional evidence presented at the hearing.
10. The parties have the right to hear (or, if deaf or hard of hearing, to access through auxiliary aids for services) testimony of all individuals who testify at the hearing and to propose questions to be asked of all individuals who testify at the hearing. The parties may propose questions at the hearing by submitting them to the hearing officer.
11. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.
12. The hearing officer will determine the order of questioning. Unless they determine re-phrasing is necessary, the hearing officer will ask the questions as they are submitted by the parties and will not change them. The hearing officer may find it necessary to rephrase questions to, for example, prevent them from being harassing or for clarity. The hearing officer may also exclude questions that are unduly repetitive, clearly not relevant, harassing, or unduly time consuming. Whenever practical, the hearing officer will briefly state their reasons for excluding or rephrasing questions submitted by the parties.
13. The University will audio record the hearing.
14. The parties may have their advisors and support persons present throughout the hearing.

Under the DOE Grievance Process, the hearing officer may ask questions of all parties and witnesses that are relevant, including those that are relevant to assessing credibility. Each party's advisor may ask questions of the other party (not their party) and witnesses that are relevant, including those that are relevant to assessing credibility.

### **Sanction**

If the hearing officer decides that any policy violation has occurred, they will send their determination and findings to Student Conduct within 10 business days of the hearing. Based on the hearing officer's findings and determinations, and other information relevant to sanctioning, Student Conduct will determine an appropriate sanction.

**Notice of Determination and Sanction.** Within 15 business days of the hearing, the hearing coordinator will send written notice to the Complainant and Respondent (with a copy to the Title IX Officer and Student Conduct) setting forth the hearing officer's determination on whether the SVSH Policy and/or other student conduct policies have been violated, and, if so, Student Conduct's determination of any sanctions to be imposed. The written notice will include the following:

1. The determinations of whether the SVSH Policy and/or other student conduct policies have been violated;
2. If so, a description of the sanctions;
3. The findings on each disputed, material fact and an analysis of the evidence supporting the findings;
4. A summary of the facts found by the investigator that the parties did not dispute;
5. The rationale for the determination of each charge;
6. The rationale for any sanctions;
7. A statement of the right to appeal, grounds and timeframe for the appeal, the office to which the appeal must be submitted, and the procedure that the University will follow in deciding the appeal; and
8. An explanation that both the parties will receive a copy of any appeal submitted in accordance with these procedures.

**Documentation of Hearing.** Throughout the pre-hearing and hearing process, the hearing coordinator will document the process's compliance with the procedures (including timeframes) in this section. After the notice of policy violation determination and any sanction has been finalized, the hearing coordinator will provide this documentation, along with all documents relating to the hearing, and the recording of the hearing, to the Title IX Officer.

### **Appeals Process**

A. Equal Opportunity to Appeal. The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The University administers the appeal process, but is not a party and does not advocate for or against any appeal.

B. Grounds for Appeal. A party may appeal only on the grounds described in this section. The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the available grounds.

1. In cases where there was a hearing, the following grounds for appeal apply:
  - a. There was procedural error in the hearing process that materially affected the outcome;
  - b. The determination regarding policy violation was unreasonable based on the evidence before the hearing officer; this ground is available only to a party who participated in the hearing; and
  - c. The sanctions were disproportionate to the hearing officer's findings.
  - d. There is new evidence that was not reasonably available at the time of the hearing and that could have materially affected the outcome (DOE Grievance Process)
  - e. The hearing officer had a conflict of interest or bias that affected the outcome (DOE Grievance Process)
2. In cases where there was no hearing, the parties may appeal on only one ground: that the sanctions were disproportionate to the investigator's preliminary determination regarding policy violations.



### C. Commencing an Appeal.

1. In cases where there was a hearing, an appeal must be submitted to the hearing coordinator within 10 business days following issuance of the notice of the hearing officer's determination and, if imposed, the disciplinary sanctions. The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. Student Conduct will notify the other party of the appeal and, if the appeal includes the ground that the sanction is disproportionate, that they have an opportunity to meet with the appeal officer to discuss the proportionality of the sanction.
2. In cases where there was no hearing, an appeal must be submitted in writing to Student Conduct within 10 business days following Student Conduct's notice to the parties that the preliminary determination was final and that Student Conduct would impose the proposed sanction. Student Conduct will notify the other party of the appeal and, if the appeal is on the ground that the sanction is disproportionate, that they have an opportunity to meet with the appeal officer to discuss the proportionality of the sanction.

### D. Appeal Decision

1. Standards for Deliberation. The appeal officer will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented at the hearing, the investigation file, and the appeal statements of the parties. In disproportionate sanction appeals, they may also consider any input parties provide in a meeting. They will not make their own factual findings, nor any witness credibility determinations.
2. Disproportionate Sanction Appeals – Opportunity for Meeting. In cases where a ground of appeal is disproportionate sanction, the parties may meet separately with the appeal officer for the limited purpose of providing input on their desired outcomes as to sanctions only.
3. Decision by Appeal Officer. The appeal officer may:
  - a. Uphold the findings and sanctions;
  - b. Overturn the findings or sanctions;
  - c. Modify the findings or sanctions; or
  - d. In appeals alleging material procedural error (ground (a) above), send the case back to the hearing officer for further factfinding if needed.
4. Written Report. The appeal officer will summarize their decision in a written report that includes the following:
  - a. A statement of the grounds identified on appeal;
  - b. A summary of the information considered by the appeal officer; and
  - c. The decision of the appeal officer 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, or how the procedural error materially affected the outcome.
5. Distribution of Written Decision. Within 10 business days of receiving the appeal, the appeal officer will send their written decision to Complainant and Respondent (with copies sent to the Title IX Officer and Student Conduct).

- a. Unless the appeal officer remands the matter, they will inform the Respondent and the Complainant that the matter is closed with no further right to appeal.
- b. If the appeal officer remands the matter, they will specify what further factfinding should occur or what additional information should be considered and request that the hearing officer report back to the appeal officer on their additional factfinding. After receiving the hearing officer's additional factual findings, the appeal officer will issue their decision within 10 business days. This decision will be final.

### **Sanctioning Options**

1. University sanctions include, but are not limited to:
  - a. Dismissal from the University of California;
  - b. Suspension from the University of California;
  - c. Exclusion from areas of the campus and/or from official University functions;
  - d. Loss of privileges and/or exclusion from activities;
  - e. Restitution;
  - f. Probation;
  - g. Censure/Warning; and/or
  - h. Other actions as set forth in University policy and campus regulations

### **Factors Considered In Determining Sanctions**

1. In all cases, when determining the appropriate and proportionate sanction, the following factors will be taken into account when applicable:
  - a. 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; use of authority to abuse trust or confidence; presence of weapons; use of force or violence; physical injury; menace; duress; deliberately causing or taking advantage of a person's incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.
  - b. Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; planned or predatory conduct; hate or bias based on the Complainant's membership or perceived membership in a protected group.
  - c. Whether the conduct is aggravated, as defined in the SVSH Policy.
  - d. 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.

- e. Disciplinary history: unrelated prior violations; related prior violations.
- f. Impact on others: input from the Complainant; protection or safety of the Complainant or the community.

### **Sanctions for Certain Conduct**

Sanctions will be assigned as follows:

- a. Sexual Assault – Penetration or Sexual Assault – Contact that is aggravated as defined in the SVSH Policy will result in a minimum sanction of suspension for two calendar years.
- b. Sexual Assault – Penetration, Domestic or Dating Violence, or Stalking will result in a minimum sanction of suspension for two calendar years unless there are exceptional circumstances.
- c. Sexual Assault – Contact will result in a minimum sanction of suspension for one calendar year, unless there are exceptional circumstances.
- d. Sexual Harassment and Other Prohibited Behavior, as defined by the SVSH Policy, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified in the policy.

Assigned sanctions for each case will be documented and reported to the Systemwide Title IX Director on a regular basis. The report is to ensure a reasonable level of consistency from campus to campus.

*The complete Student Conduct Procedures for Allegations of Prohibited Conduct under the University of California Policy on Sexual Violence and Sexual Harassment” are found at [www.sexualharassment.ucla.edu](http://www.sexualharassment.ucla.edu).*

### **Faculty/Staff Adjudication Procedures**

The following describes the University’s process for investigating and adjudicating alleged violations of the SVSH Policy for employee (staff and faculty) respondents. Please see ***Investigation and Adjudication Framework for Senate and Non-Senate Faculty*** and ***Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel*** for the University’s complete procedures for resolving both DOE and non-DOE Covered Conduct. Please note the procedures for adjudication in Faculty and Staff Title IX matters are the same with the following exceptions:

- A. At the conclusion of a Formal Investigation by the Title IX Office, the appropriate administrative authority will decide what action to take in response to the findings of the Investigative Report. At the conclusion of a DOE Grievance Process investigation, the parties have the opportunity to accept or not accept the preliminary determination. When the preliminary determination is that the Respondent engaged in DOE-Covered

Conduct, or both DOE-Covered Conduct and other Prohibited Conduct, the appropriate administrative authority will propose a resolution, in consultation with the appropriate office, as described below, and the parties will decide whether to accept the preliminary determination and the proposed resolution. At the conclusion of a DOE Grievance Process investigation of No-Title IX Hearing DOE-Covered Conduct, the parties have the opportunity to appeal. Once any appeal is final or the period for submitting an appeal has lapsed the supervisor or other appropriate administrative authority has the responsibility to propose and implement action in response to the findings. The appropriate administrative authority may consult with the Title IX Office, Human Resources, Academic Personnel Services, or any other appropriate entities at any time during the decision-making process. The Complainant and the Respondent will have an opportunity to respond to the notice of investigation outcome and accompanying Investigative Report through an in-person meeting and/or a written statement submitted to the Chancellor's Designee. The purpose of this response is not to challenge the factual findings in the Investigative Report or present new evidence, but to provide the Complainant and the Respondent with an opportunity to express their perspectives and address what outcome they wish to see.

- B. In the event that an investigation determines or preliminarily determines that a Staff or Non-Faculty Respondent is responsible for violating the University of California *Sexual Violence and Sexual Harassment Policy*, the Respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor's Designee for review and approval. In the event the Chancellor's Designee does not approve the proposed decision, they will send it back to the supervisor or other appropriate administrative authority for reconsideration and submission of a revised proposed decision. In the event the Chancellor's Designee approves the proposed decision, they will inform the supervisor or other appropriate administrative authority who will take steps to implement the approved decision. This proposal and approval process will occur in all cases where the investigation has determined or preliminarily determined the Respondent violated the University of California *Sexual Violence and Sexual Harassment Policy*. Human Resources or Academic Personnel Services will be consulted throughout the process. Additionally, the Chancellor's Designee will consult with the campus Title IX Officer on the appropriateness of the proposed discipline before approving or disapproving it.
- C. In the event that the investigation determines or preliminarily determines that a Senate faculty respondent is responsible for violating the University of California *Sexual Violence and Sexual Harassment Policy*, the Chancellor's Designee will engage the campus Peer Review Committee (PRC) to advise on appropriate resolution. The PRC will advise the Chancellor's Designee regarding how to resolve the matter. At the conclusion of a Formal Investigation or a DOE Grievance Process investigation of No-Title IX Hearing DOE-Covered Conduct, this will include advising on whether the Chancellor's Designee should pursue a formal charge for violation of the Code of Conduct or pursue

an early resolution. In all cases, the PRC should provide advice on the appropriate discipline or other corrective or remedial measures. The PRC will be trained by the Title IX Office on the SVSH Policy and Response Procedures, the application of a trauma-informed approach, and how to analyze the elements of sexual violence or sexual harassment charges. The PRC will be engaged in all cases where the Title IX investigator has determined or preliminarily determined that a Senate faculty respondent has violated the University of California *Sexual Violence and Sexual Harassment Policy*.

- D. In all cases where the investigation determines or preliminarily determines that a Senate or Non-Senate faculty respondent is responsible for violating the University of California *Sexual Violence and Sexual Harassment Policy*, the Chancellor's Designee will consult with the campus Title IX Officer on how to resolve the matter, including the appropriate discipline or other corrective measures.
- E. The DOE Grievance Process (except No-Title IX Hearing DOE-Covered Conduct) may include a factfinding hearing and option to appeal the investigator's finding. Unless both parties accept the preliminary determination there will be a fact-finding hearing to determine whether the University of California *Sexual Violence and Sexual Harassment Policy* was violated.

Either party may accept the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. Unless both parties accept the preliminary determination and proposed resolution within this time period, then the matter will proceed to a hearing to determine if a policy violation occurred. If both parties provide written acknowledgment that they accept the preliminary determination and proposed resolution during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and the appropriate administrative authority will impose a proposed resolution, including any discipline or corrective measures.

Unless both parties accept the preliminary determination and proposed resolution, there will be a fact-finding hearing before a single hearing officer (not the Title IX Officer) to determine whether the University of California *Sexual Violence and Sexual Harassment Policy* was violated. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred. Within 15 business days of the hearing, the Complainant and Respondent will be sent written notice setting forth the hearing officer's determination on whether the University of California *Sexual Violence and Sexual Harassment Policy* has been violated.

The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The University administers the appeal process, but is not a party and does not advocate for or against any appeal.

An appeal must be submitted to the hearing coordinator within 20 business days following issuance of the investigation outcome (in cases of No-Title IX Hearing DOE-Covered Conduct) or of the notice of the hearing officer's determination (in all other cases). The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. The Title IX Officer will notify the other party of the basis for the appeal, and their right to submit a written statement in response to the appeal within 3 business days with supporting documentation, as appropriate.

Within 10 business days of receiving the appeal, the appeal officer will send their written decision to the Complainant and Respondent. Unless the appeal officer remands the matter to the hearing officer, the matter is closed at this point, with no further right to appeal. If the appeal officer remands the matter to the hearing officer, they will issue their decision within 10 business days of receiving the hearing officer's additional factual findings; this decision will be final.

Once any appeal is final or the period for submitting an appeal has lapsed, the Title IX Officer will send the final findings and determination to the respondent's supervisor or appropriate administrative authority, with a summary explanation of any difference between the investigator's determination or preliminary determination (whichever applies) and the final determination and findings. The Respondent's supervisor or appropriate administrative authority has the authority and responsibility to propose and implement any responsive action. They may determine that additional investigation is required to determine whether violations of other policies occurred, but will not reconsider the findings and determinations regarding University of California *Sexual Violence and Sexual Harassment Policy* violations made through the hearing and any appeal. If the final finding is that a Respondent is responsible for violating the University of California *Sexual Violence and Sexual Harassment Policy*, then the Respondent's supervisor or other appropriate administrative authority will, if they did not already do so, consult with the Title IX Officer, as described in the section above. The Respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor's Designee for review and approval. In the event the Chancellor's Designee does not approve the proposed decision, they will send it back to the supervisor or other appropriate administrative authority for reconsideration and submission of a revised proposed decision. In the event the Chancellor's Designee approves the proposed decision, they will inform the supervisor or other appropriate administrative authority who will take steps to implement the approved decision. The Chancellor's Designee will consult with the campus Title IX Officer on the appropriateness of the proposed decision before approving or disapproving it.

Once any appeal is final or the period for submitting an appeal has lapsed, the Title IX Officer will send the final findings and determination to the Chancellor's Designee, with a summary explanation of any difference between the investigator's determination or preliminary determination (whichever applies) and the final determination and findings.

The Chancellor or Chancellor's designee has the authority and responsibility to decide what action to take in response to the final determination and findings.

- F. The below provisions apply when a Staff or Non-Faculty Academic Personnel Respondent is found in violation of the SVSH Policy following a Formal Investigation, following an investigation and any appeal in a DOE Grievance Process addressing No-Title IX Hearing DOE-Covered Conduct, or following a hearing and any appeal in any other DOE Grievance Process.

Following approval by the Chancellor's Designee (in a Formal Investigation) or final adjudication (in a DOE Grievance Process), the Respondent's supervisor will implement the approved decision in accordance with applicable CBAs or PPSMs, including PPSM-62 and PPSM-64.

- **No Further Action:** The supervisor may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's Designee for approval.

- **Action Not Requiring Notice of Intent:** The supervisor may propose corrective or remedial actions that do not amount to corrective action or termination. The proposed actions will be reviewed by the Chancellor's designee for approval.

- **Notice of Intent:** The supervisor may propose to issue a Notice of Intent to institute corrective action or Notice of Intent to terminate. The proposed terms of the Notice of Intent will be reviewed by the Chancellor's Designee for approval. In the event it is approved, the decision will be implemented by the supervisor and the Notice of Intent will be issued. Following the provision of a Notice of Intent, corrective action will be taken and/or actions to terminate will be taken.

- G. The supervisor or other appropriate administrative authority should implement their approved decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying Investigative Report. Extensions to this timeline may be granted by the Chancellor's Designee for good cause with written notice to the complainant and the respondent stating the reason for the extension and the projected new timeline.

- H. The steps outlined below apply when a Senate faculty respondent is found in violation of the University of California *Sexual Violence and Sexual Harassment Policy* following a Formal Investigation or following a hearing and any appeal in a DOE Grievance Process.

- **No Formal Discipline:** The Chancellor's Designee may determine to resolve the matter without taking any formal disciplinary action.



- **Early Resolution:** The Chancellor or Chancellor's designee can enter into an early resolution with the Respondent. An early resolution can be achieved at any time prior to the final imposition of discipline.

- **Charge Filed with Academic Senate Committee on Privilege & Tenure:** The Chancellor's Designee can take steps to propose discipline and file a charge with the Academic Senate's Committee on Privilege & Tenure without first pursuing early resolution, or if the Respondent does not agree to early resolution. The Chancellor's Designee should implement their decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying Investigative Report. If the matter has not been otherwise resolved within forty (40) business days, a charge will be filed with the Academic Senate's Committee on Privilege & Tenure. A charge will not be held in abeyance or suspended while an early resolution is being pursued or finalized. Extensions to this timeline may be granted by the Chancellor's Designee for good cause with written notice to the Complainant and Respondent stating the reason for the extension and the projected new timeline.

The Investigative Report and hearing officer's notice of determination (if any) will be accepted as evidence in the Privilege & Tenure hearing. The Chancellor's Designee will ensure that the Complainant and Respondent receive regular updates regarding the status of the proceedings. Within fourteen (14) calendar days of receiving the recommendation from the Academic Senate's Committee on Privilege & Tenure, the Chancellor's Designee will make a final decision regarding discipline, unless the decision involves dismissal for a faculty member who has tenure or security of employment. Authority for dismissal of a faculty member who has tenure or security of employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor. Authority for the denial or curtailment of emeritus status of a faculty member rests with the President, on recommendation of the Chancellor.

- I. The below provisions apply when a non-Senate faculty respondent is found in violation of the University of California *Sexual Violence and Sexual Harassment Policy* following a Formal Investigation or following a hearing and any appeal in a DOE Grievance Process.

- **No Disciplinary Action:** The Chancellor's Designee may determine to resolve the matter without taking any formal disciplinary action.

- **Informal Resolution:** The Chancellor's Designee can pursue an informal resolution, which may include discipline and/or other corrective or remedial measures. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

- **Notice of Intent:** The Chancellor's Designee can issue a Notice of Intent instituting dismissal or other corrective action in accordance with APM-150. The Chancellor's Designee should implement their decision promptly and simultaneously, typically within forty (40) business days of receipt of the notice of investigation outcome and

accompanying Investigative Report. Extensions to this timeline may be granted by the Chancellor's Designee for good cause with written notice to the Complainant and Respondent stating the reason for the extension and the projected new timeline. Should the Respondent submit a grievance under APM-140 alleging a violation of APM-150 or otherwise challenging an administrative decision, the Chancellor's Designee will ensure that both the Complainant and Respondent receive regular updates regarding the status of the grievance. When a non-Senate faculty member receives notice of termination before the expiration of their appointment, they may select as a grievance mechanism either APM-140 or Section 103.9 of the Standing Orders of The Regents.

- J. The Faculty Code of Conduct (APM-015) establishes the ethical and professional standards which University faculty are expected to observe. Because the forms of unacceptable behavior listed in the *Faculty Code of Conduct* also apply to Sexual Violence or Sexual Harassment, a violation of the *University of California Sexual Violence and Sexual Harassment Policy* may constitute a violation of the *Faculty Code of Conduct*. The University Policy on Faculty Conduct and the Administration of Discipline (APM-016) outlines sanctions and disciplinary procedures for faculty. The types of discipline that may be imposed on a member of the faculty are as follows, in order of increasing severity:

- **Written Censure:** A formal written expression of institutional rebuke that contains a brief description of the censured conduct, conveyed by the Chancellor. Written censure is to be distinguished from an informal written or spoken warning, and must be delivered confidentially to the recipient and maintained in a designated personnel file or files indefinitely or for a lesser period of time specified in the writing. Informal written or spoken warning is not an official disciplinary action.

- **Reduction in Salary:** Reduction to lower salary without change in rank or step. The authority to reduce the salary of any faculty member rests with the Chancellor. This authority may not be re-delegated. The amount and duration of the reduced salary shall be specified.

- **Demotion:** Reduction to lower rank or step with corresponding reduction in salary. Demotion as a disciplinary action should be imposed in a manner consistent with the merit based system for advancement. Generally, demotion is an appropriate sanction when the misconduct is relevant to the academic advancement process of the faculty member. The authority to reduce the rank of a faculty member who does not have tenure or security of employment rests with the Chancellor. The authority to reduce, within rank, the step of any faculty member to a lower step rests with the Chancellor. This authority may not be re-delegated. Authority for demoting a faculty member with tenure or with security of employment to a lower rank, also with tenure or with security of employment, rests with the President, on recommendation of the Chancellor. Demotion of a faculty member with tenure or with security of employment to a lower rank without tenure or security of employment is not an option.

- **Suspension:** Suspension of a faculty member without pay for some stated period of time from the continuance of the appointment on its normal terms. Unless otherwise noted, the terms of a suspension will include loss of normal faculty privileges such as access to University property, participation in departmental governance, voting rights, administration of grants, supervision of graduate students, and use of University administrative staff, and may include loss of other campus privileges such as parking and library privileges. The degree and duration of the suspension shall be specified. Authority for the suspension of a faculty member rests with the Chancellor and may not be re-delegated. Suspension as a disciplinary action is to be distinguished from involuntary leave, which is a precautionary action.

- **Denial or Curtailment of Emeritus Status:** Denial or curtailment of current or future emeritus status of a faculty member, including the privileges associated with the emeritus status. The denial or curtailment of emeritus status does not affect the faculty member's entitlement to earned retirement benefits. Authority for the denial or curtailment of emeritus status of a faculty member rests with the President, on recommendation of the Chancellor.

- **Dismissal from the Employ of the University:** The Chancellor has authority to dismiss a faculty member who does not have tenure or security of employment. This authority may not be re-delegated. Authority for dismissal of a faculty member who has tenure or security of employment rests with The Regents, on recommendation of the President, following consultation with the Chancellor. Prior to the imposition of any disciplinary sanction(s) as described above, the Chancellor may waive or limit any or all disciplinary sanction(s) on the condition that the respondent faculty member performs some specified action(s) designed to address the harm and/or to prevent future harm. Such actions may include, but are not limited to, monetary restitution, repayment of misappropriated resources, compliance with a commitment not to repeat the misconduct, or other act to make whole injury caused by the faculty member's professional misconduct or to prevent future misconduct. If the imposition of a disciplinary sanction is waived, the subsequent failure to perform the required act or otherwise comply with the conditions of the waiver will immediately subject the faculty member to the implementation of the underlying sanction without an additional hearing. The authority to determine whether the faculty member has complied with the conditions of the waiver rests with the Chancellor. The Chancellor may designate a fixed time period for compliance with the terms of the waiver, after which the authority to impose discipline will lapse. If a faculty member disputes the Chancellor's determination, the faculty member may grieve under applicable faculty grievance procedures. A Chancellor is authorized to initiate involuntary leave with pay prior to the initiation of a disciplinary action if it is found that there is a strong risk that the respondent faculty member's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the University community or impede the investigation of

their wrongdoing, or in situations where the faculty member's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency. When such action is necessary, it must be possible to impose the involuntary leave swiftly, without resorting to normal disciplinary procedures. In rare and egregious cases, a Chancellor may be authorized by special action of The Regents to suspend the pay of a faculty member on involuntary leave pending a disciplinary action. This is in addition to the Chancellor's power to suspend the pay of a faculty member who is absent without authorization and fails to perform their duties for an extended period of time, pending the resolution of the faculty member's employment status with the University. Thereafter, the faculty member may grieve the decision to place them on involuntary leave pursuant to applicable faculty grievance procedures. The Divisional Committee on Privilege and Tenure shall handle such grievances on an expedited basis and may recommend reinstatement of pay and back pay in cases where pay status was suspended. Within five (5) working days after the imposition of involuntary leave, the Chancellor must explain to the faculty member in writing the reasons for the involuntary leave and initiate disciplinary procedures by bringing charges against the faculty member on leave.

The *Faculty Code of Conduct* applies to all faculty members, Senate and non-Senate. For members of the Academic Senate, the procedures for disciplinary actions are governed by Senate Bylaws and Divisional rules. For academic appointees who are not members of the Academic Senate (and this group includes certain categories of faculty members), there are procedures for disciplinary actions separate from that of the Senate's committees. Those procedures are found in the *Faculty Code of Conduct* and relevant collective bargaining agreements or Memoranda of Understanding. A disciplinary action against a faculty member holding an administrative title may proceed in two parts. One part involves the removal of an administrative title or other administrative action under procedures established by The Regents and the administration. Such action need not adhere to the disciplinary procedures set forth in this policy. The other part involves the proposed imposition of any type of disciplinary sanction set forth in this policy, which must proceed in accordance with the procedures for discipline outlined in the *Faculty Code of Conduct* and the applicable Senate Bylaws and Divisional rules. The removal of the administrative title or other administrative action does not preclude or require the imposition of a disciplinary sanction under this policy. Administrative incompetence does not in itself constitute a violation of the *Faculty Code of Conduct*.

- K. APM-150 applies to all academic appointees who are not members of the Academic Senate. Student academic appointees not covered by an MOU are subject to this policy to the extent that corrective action or dismissal are based solely upon their employment relationship with the University. Non-Senate faculty appointees are also subject to the standards set forth in the *Faculty Code of Conduct*. Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, dereliction of duty, or violation of University policy. Corrective action or dismissal may be instituted and implemented by the department chair, unit head, supervisor, or other appropriate administrative authority in accordance with campus procedures. Campus procedures shall outline appropriate consultation requirements for

corrective action and dismissal. The types of corrective action and dismissal that may be imposed are as follows:

- **Written Warning:** A communication that informs the appointee of the nature of the misconduct or deficiency, the method of correction, and the probable consequence of continued misconduct or deficiency. A written warning is to be distinguished from an informal spoken warning. An informal spoken warning or a letter outlining performance expectations is not an official corrective action.
- **Written Censure:** A formal written expression of institutional rebuke which contains a description of the censured conduct. A written censure must be delivered to the recipient and a copy must be maintained in a designated file or files, or for the period of time specified in the writing.
- **Suspension without Pay:** Debarment without pay from appointment responsibilities for stated period of time. Unless otherwise noted, the terms of a suspension will include loss of normal employee privileges such as access to University property and parking and library privileges.
- **Reduction in Salary:** A reduction to a lower salary without a change in rank or step. The amount and duration of the reduced salary shall be specified.
- **Demotion:** A reduction to a lower rank or step with a corresponding reduction in salary.
- **Dismissal:** The termination of an appointment for good cause initiated by the University prior to the ending date of appointment. Good cause includes, but is not limited to, misconduct, continued unsatisfactory work performance, dereliction of duty, or serious violation of University policy. The procedures for corrective action are as follows:
  - **Informal Resolution:** Prior to instituting corrective action or dismissal, efforts to resolve the issue(s) informally should be attempted where appropriate.
  - **Investigatory Leave:** An appointee may be placed on immediate investigatory leave with pay, without prior written notice, for the purpose of reviewing or investigating conduct which in the judgment of the Chancellor requires removing the appointee from University premises. While on such leave, the appointee's return to University premises without written permission may create independent grounds for dismissal. Such investigatory leave must be documented in writing after it is instituted.
  - **Written Notice of Intent:** The University shall provide a written Notice of Intent to the appointee prior to initiating the actions of written censure, suspension without pay, reduction in salary, demotion, or 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 either orally or in writing within fourteen (14) calendar days of the date of issuance of the written Notice of Intent; and the name of the person to whom the appointee should respond. No Notice of Intent is required for a written warning. Prior to instituting the dismissal of a non-Senate faculty member, the appointee should be apprised of the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate.

- **Response to Written Notice of Intent:** The appointee who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the administration.

- **Written Notice of Action:** If the University determines to institute the corrective action or dismissal following the review of a timely response, if any, from the appointee, and within thirty (30) calendar days of the date of issuance of the written Notice of Intent, the University shall issue a written Notice of Action to the appointee of the corrective action or dismissal to be taken and its effective date. The Notice of Action also shall notify the appointee of the right to grieve the action. The Notice of Action may not include an action more severe than that described in the Notice of Intent. A copy of the Notice of Action also shall be placed in the employee's personnel file(s).

- **Representation:** Appointees may represent themselves or may be represented by another person at any stage of the corrective action or dismissal process.

- **Extension of Time:** Upon written request and prior to the expiration of any time limit stated in this policy, the Chancellor may grant extensions, as appropriate.

The procedures for dismissal of a non-Senate faculty appointee are as follows: Termination of the appointment of any member of the faculty before the expiration of their appointment shall be only for good cause, after the opportunity for a hearing before the properly constituted advisory committee of the Academic Senate, except as otherwise provided in a MOU for faculty who are not members of the Academic Senate. A non-Senate faculty appointee is entitled to select only one grievance review mechanism. If a non-Senate faculty appointee elects an Academic Senate hearing, good cause shall be defined. For a non-Senate faculty appointee with a term appointment if the hearing has not commenced by the ending date of the appointment, the dismissal becomes a non-reappointment effective at the end of the appointment. The appointee has thirty (30) calendar days from the ending date of the appointment to grieve the non-reappointment.

- L. The following policies for staff address responding to conduct that violates the University of California *Sexual Violence and Sexual Harassment Policy*.

- **PPSM-62: Corrective Action**

Prior to taking any corrective action, managers and supervisors shall review the need for corrective action with Employee & Labor Relations. The types of corrective action that can be used to provide an opportunity for an employee to correct conduct or work performance standards are written warning, corrective salary decrease, suspension, and demotion. These four types of corrective action can be used in the progressive discipline process; however, corrective action does not need to follow a specific order. As appropriate, the corrective action taken should correspond to the severity and circumstances of the situation.

**Written Warning:** Generally, at least one written warning will be given to an employee prior to proceeding with any other corrective action; however, no written warning will be needed if the corrective action is a result of misconduct or work performance that an employee knows or reasonably should have known was unacceptable. The written warning must describe how the employee failed to meet acceptable conduct or work performance standards.

**Corrective Salary Decrease:** An employee may be subject to a temporary or permanent corrective salary decrease when removal from the workplace is not appropriate, yet discipline is warranted.

**Suspension:** An employee may be subject to removal from the workplace and suspended for a defined period of time without pay. For exempt employees, suspension without pay must be imposed in a minimum increment of one workday.

**Demotion:** An employee may be subject to a temporary or permanent demotion for disciplinary reasons.

- **PPSM-63: Investigatory Leave**

An employee may be placed on an investigatory leave, with or without prior written notice, to permit the University to review or investigate actions including, but not limited to dishonesty; theft or misappropriation of University property; insubordination; violation of federal or state law; exploitation, intimidation, discrimination, or harassment; acts endangering employees, students, visitors, or other University constituents; sexual violence, sexual harassment, or other prohibited behavior; or any other conduct which warrants removing the employee from the work site to conduct a University investigation. Employees placed on investigatory leave must be notified in writing no later than three (3) working days after commencement of the leave if the written notice is not provided when the leave commenced. The written notice must include the reason(s) for the leave and the expected duration. Such leaves may be extended by written notice to the employee. It should also direct the employee to remain available to speak with and provide information to the University investigator upon request. Such leaves may be extended by written notice to the employee. Upon conclusion of the University's investigation, the employee must be notified in writing of the outcome of the



investigation and whether the investigation's findings will result in continued employment, corrective action, or termination of employment.

#### **PPSM-64: Termination of Career Employees**

**Professional and Support Staff:** Regular status professional and support staff may be terminated from employment because of misconduct or failure to maintain appropriate work performance standards. Normally, termination is preceded by corrective action unless immediate dismissal is warranted.

**Managers & Senior Professionals:** Managers and senior professionals (Manager 3 and Below and Equivalent Positions) who hold career appointments may be terminated when, in management's judgment, the needs or resources of the department or the performance or conduct of the employee do not justify the continuation of the employee's appointment.

**Managers & Senior Professionals:** Managers and senior professionals (above Manager 3 and Equivalent Positions) who hold career appointments serve at the discretion of the Chancellor and may be terminated at will and at any time with or without cause.

#### **Sanctioning and Investigatory Leave for Represented Employees**

The bargaining units for employees represented by a union have separate employment contracts that include provisions covering corrective action and discipline, as well as investigatory leave.

#### **M. Policies for Faculty and Staff:**

Sexual Violence and Sexual Harassment Policy

<https://policy.ucop.edu/doc/4000385/SVSH>

University of California Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel Interim Revisions

<https://www.ucop.edu/title-ix/ files/staff-nfap-framework-flowcharts-final-english.pdf>

University of California Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Senate and Non-Senate Faculty Interim Revisions

<https://www.ucop.edu/title-ix/ files/faculty-nfap-framework-flowcharts-final-english.pdf>

The Faculty Code of Conduct (APM – 015)

<https://www.ucop.edu/academic-personnel-programs/ files/apm/apm-015.pdf>

University Policy on Faculty Conduct and the Administration of Discipline (APM 016)

<https://www.ucop.edu/academic-personnel-programs/ files/apm/apm-016.pdf>

Non-Senate Academic Appointees/Corrective Action and Dismissal (APM 150)  
<https://www.ucop.edu/academic-personnel-programs/ files/apm/apm-150.pdf>

University Policy on Non-Senate Academic Appointees/ Grievances (APM 140)  
<https://www.ucop.edu/academic-personnel-programs/ files/apm/apm-140.pdf>

Corrective Action (PPSM-62):  
<https://policy.ucop.edu/doc/4010411/PPSM-62>

Investigatory Leave (PPSM-63):  
<https://policy.ucop.edu/doc/4010412/PPSM-63>

Termination of Career Employees (PPSM-64):  
<https://policy.ucop.edu/doc/4010413/PPSM-64>

Termination of Appointment – Senior Management Group (PPSM II-64):  
<https://policy.ucop.edu/doc/4010578/PPSM-II-64>

Complaint Resolution (PPSM-70)  
<https://policy.ucop.edu/doc/4010417/PPSM-70>

- N. When the Respondent is a physician or other health care provider credentialed and privileged by hospital medical staff, or a health professional training program student, resident or fellow, then in addition to the above frameworks they may be subject to investigation and adjudication of professional misconduct under other rules and policies (e.g., medical staff bylaws and school-based policies) potentially resulting in corrective action or termination.
- O. Incident Response Team – Medical Centers:  
On December 9, 2019, the University of California Office of the President issued guidelines and directives collectively entitled *Prevention, Detection, and Response to Sexual Violence and Sexual Harassment in the Context of Patient Care*. As part of that issuance, and in response to the *Guidelines on Investigating Prohibited Conduct in the Context of Patient Care*, UCLA has established an Incident Response Team (IRT) to help coordinate a trauma-informed, fair, effective and timely response to reports of Prohibited Conduct in the context of patient care; review trends; and identify areas of concern and recommend action to address them within our medical centers and clinical locations. The IRT is chaired by the Title IX Officer, and includes but is not limited to the Chief Medical Officer, the Chief Nursing Officer and the President of the UCLA Health Faculty Practice Group.

## Student Conduct Procedures (for allegations not involving the SVSH Policy)

Complaints involving alleged misconduct by students may be submitted in writing to the Office of Student Conduct. Prompt reporting better enables the University to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report may impede the University's ability to conduct administrative review and/or to take appropriate remedial actions.

### **Initial Review**

Upon receiving a report regarding alleged violation(s), the Dean will consider information acquired from the reporting party and will conduct further review to augment that information. If the Dean determines that there is sufficient information to proceed with the student conduct process, the Dean will give written Notice to the Student of the alleged violation(s).

### **Notice to the Accused Student**

Notice to the accused Student shall include the following:

1. The nature of the conduct in question and the basis for the allegation, including a brief statement of the basis of the charges, the date or period of time and the location of the alleged incident.
2. The University policy(ies) and/or campus regulation(s) allegedly violated; and information on how to access a full version of the *UCLA Student Conduct Code*;
3. That the Student has five Days from the date Notice was given to contact the Office of Student Conduct for the purpose of scheduling an initial meeting;
4. That if the Student does not contact the Office of Student Conduct within the five-day period, or fails to keep any scheduled appointment, a Hold may be placed on the Student's University records. The placement of a Hold on the Student's University records may, for example, prevent the Student from registering and from obtaining transcripts, verifications, or a degree from the University. The Hold will be removed only when the Student either attends a scheduled meeting at the Office of Student Conduct, or requests in writing that the case be referred to the Student Conduct Committee for a hearing; and
5. That no degree may be conferred on a Student until all allegations against a Student and any assigned sanctions and conditions have been fully resolved. The Dean may place a Hold on that Student's University records to prevent the Student from receiving a degree or diploma.

In addition, the Dean may include language directing the Student to act or refrain from acting in a manner specified by the Dean. These directions may include directing the Student not to intentionally approach, telephone, send anything via campus mail, regular mail, e-mail or text message, or otherwise contact or communicate with another specified individual, including through a third party or social media until the matter is resolved. These directions will not terminate the Student's status as a student, and will not be construed as an allegation of misconduct nor a finding of responsibility on the part of any student. Violation of these direction

may be a violation of Section 102.16 (*Failure to Comply*), Section 102.27 (*Unwanted Personal Contact*) and/or other applicable sections of the *UCLA Student Conduct Code*.

In cases involving an active police investigation, if the Dean, in conjunction with the University of California Police Department (UCPD), determines that Notice to the Student may interfere with the criminal investigation, the Dean may delay Notice to the Student for a reasonable period of time, for example, when the investigation involves the safety of a member of the campus community.

### **Meeting(s) with the Dean**

Meeting with the Dean provides the Student an opportunity to resolve the matter. At the initial meeting with the Student, the Dean will:

- Ensure that the Student has been provided information on how to access the UCLA Student Conduct Code;
- Discuss confidentiality; inform the Student that the content of this and all subsequent communication with the Office regarding information not relevant to the case will, insofar as allowed by law, be treated confidentially, unless such confidentiality is waived by the Student; and that information relevant to the case may be divulged to those who have a legitimate educational interest, including but not limited to the Student Conduct Committee;
- Describe to the Student the nature of the conduct in question, and the University policy(s) and/or campus regulation(s) allegedly violated, hear the Student's response to such allegations, and counsel the Student as appropriate; and;
- Provide the Student with information about the right to inspect all documents relevant to the case which are in the possession of the Office of Student Conduct; (Note: all documents will be redacted to comply with state and federal laws and regulations and University policies.)

If a student believes that a reasonable accommodation is required to assist them in meeting with the Dean, the student must contact and register with the Center for Accessible Education (CAE). CAE will provide the Dean with recommended accommodations. The Dean will either provide the recommended accommodation or work directly with CAE to discuss alternatives to the recommended accommodation.

At the Dean's discretion, another staff member may be present in the meeting to provide administrative or procedural support. The assigned Dean will remain the primary point of contact for the Student.

### **Decisions in Absentia**

If a Student fails to participate in the disciplinary process, or has withdrawn from the University while subject to pending disciplinary action, the Dean may move forward to resolve the matter without the Student's participation.

## Resolution by the Dean

At the conclusion of the review, the Dean may take one of several actions listed below. In cases of alleged physical assault, the victim will receive written notification of the outcome of any disciplinary action or Agreement of Resolution by the University.

1. **Letter of Admonition**—The Dean may provide Notice to a Student that the alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior may be subject to the disciplinary process.
2. **Imposing Sanctions**—If the Student acknowledges behavior that is prohibited by the *UCLA Student Conduct Code*, the Dean may impose one or more of the sanctions listed in Section III.G of the *UCLA Student Conduct Code*.
3. **Referral to the Student Conduct Committee**—A case is referred to the Student Conduct Committee for a hearing when the Student does not acknowledge engaging in behavior prohibited by the *UCLA Student Conduct Code*, but the Dean concludes from the available information that the Student Conduct Committee may find that it is more likely than not that a violation of the *UCLA Student Conduct Code* has occurred.

At any time before the student conduct hearing occurs, if the Dean receives new information that leads the Dean to the conclusion that a violation of the Code has not occurred, then the Dean may withdraw the case from the Student Conduct Committee. This disposition is binding and terminates that Student Conduct Committee proceeding.

4. **Insufficient Information**—If the Dean concludes there is insufficient information on the basis of a preponderance of the evidence to issue a finding of responsibility for the alleged policy violation(s), then the matter will be closed with no further action taken.
5. **Agreement of Resolution**—When the Dean and the Student agree that the above dispositions are not appropriate, an Agreement of Resolution may be used to conclude the matter. This Resolution, while not considered to be a finding of responsibility, is binding. If the Student fails to abide by the terms of the Agreement of Resolution, that failure may be regarded as actionable misconduct and may subject the Student to disciplinary action by the University. An Agreement of Resolution may include such terms as:
  - Agreement by the Student to refrain from specific behavior, and/or refrain from contacting others involved in the case;
  - Agreement by the Student to participate in specified educational programs and/or reconciliation processes such as mediation; and/or
  - Agreement by the Student to participate in specified community service activities.

The Agreement of Resolution is not a formal disciplinary action but will be retained in the case file in the Office of Student Conduct in compliance with Section V. During that time, should the Dean have

a reasonable basis to believe the Student has engaged in misconduct related in nature to the conduct which occasioned the Agreement, both cases may be subject of University disciplinary action.

### **Sanctions and Additional University Actions**

When it is determined that a Student's behavior is in violation of University policy(ies), the Dean will consider the context and seriousness of the violation in determining the appropriate sanction(s). In addition to the sanctions listed below in G.1-7, the Dean may also impose additional conditions, included but not limited to one or more of the following conditions:

- Exclusion from Areas of the Campus or from Official University Functions
- Loss of Privileges and Exclusion from Activities
- Community Service
- Restitution
- Participation in designated educational programs, services, or activities
- Letter of Apology
- Participation in a Restorative Justice conference
- Housing Exclusion
- Withholding of diploma or awarding of degree otherwise earned until the completion of all sanctions and conditions imposed by the Dean.

Failure to comply with the above conditions imposed by the Dean may subject the Student to additional disciplinary action including but not limited to, suspension and dismissal. In addition, a Hold on the Student's University records may prevent the Student from registering; and from obtaining transcripts, University services, or a diploma; and prevent the awarding of a degree from the University.

Sanctions (for any violations of Section II.C, Prohibited Behavior) may be increased where an individual was selected because of the individual's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

1. **Warning**—Notice or reprimand to the Student that a violation of specified University policies or campus regulations has occurred and that further violations of the *UCLA Student Conduct Code* or failure to complete any assigned condition(s) may result in additional disciplinary action including, but not limited to, suspension or dismissal.
2. **Disciplinary Probation**—A status imposed for a specific period of time in which a Student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the Student's privileges or eligibility for activities may be imposed. Further violations of the *UCLA Student Conduct Code*, or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, suspension or dismissal.
3. **Deferred Suspension**—A status imposed for a specific period of time in which the Student must successfully complete conditions outlined by the Dean. Further violations of the *UCLA Student*

*Conduct Code* or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, suspension or dismissal. A student on Deferred Suspension is considered not in good conduct standing for the duration of the Deferred Suspension period.

4. **Deferred Dismissal**—A status imposed for a specific period of time in which the Student must successfully complete conditions outlined by the Dean. Further violations of the *UCLA Student Conduct Code*, or failure to complete any assigned conditions will result in additional disciplinary action including but not limited to suspension or dismissal. A student in dismissal is considered not in good standing for the duration of the Deferred Dismissal period.
5. **Suspension**—Suspension is the termination of UCLA student status for a specified academic term or terms, to take effect at such time as the Dean or the Vice Chancellor of Student Affairs determines. A suspended student will be ineligible to enroll in UCLA Extension concurrent courses during the period of suspension. During the period of suspension, the Dean may place a Hold on the Student's University records which may prevent the Student from registering and from obtaining transcripts, verifications, or a degree from the University. Suspension may include a prohibition against entering specified areas of the campus. Further violations of the Code or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited, to additional suspension, or dismissal. A student on Suspension is considered not in good conduct standing for the duration of the Suspension period. A student may not transfer or register for courses at another campus or location of the University of California during the period of Suspension.

After the period of Suspension, the Student will be reinstated if:

- a. The Student has complied with all conditions imposed as part of the Suspension;
- b. The Student is academically eligible;
- c. The Student meets all requirements for reinstatement including, but not limited to, removal of Holds on records, and payment of restitution where payment is a requirement of reinstatement; and
- d. The Student meets the deadlines for filing all necessary applications, including those for readmission, registration, and enrollment.
- e. Graduate and professional students are required to apply for readmission following a suspension, and must meet all requirements for readmission.

No Suspension from the University will become official until five Days from the date of Notice of the Dean's disposition or the completion of a Student's appeal

6. **Dismissal**—Dismissal is the termination of University of California student status for an indefinite period and may include an exclusion from specified areas of the campus.



Readmission to any campus of the University of California after Dismissal may be granted only under exceptional circumstances and requires the specific approval of the Chancellor of the campus to which a dismissed Student has applied.

No Dismissal from the University will become official until five Days from the date of Notice of the Dean's disposition or the completion of a Student's appeal. A student on Dismissal is considered not in good conduct standing for the duration of the Dismissal period.

7. **Revocation of Awarding of Degree** — If, after a degree has been awarded, a degree recipient is found responsible for a violation of the UCLA Student Conduct Code involving academic dishonesty or fraud committed while a Student, then the Dean of Students\* may impose, as a sanction, a revocation of the degree, subject to certain procedures.

### **Limits on Sanctions**

The loss of University employment will not be a form of sanction under this policy. However, when student status is a condition of employment, the loss of student status will result in termination of the Student's employment. This section is not intended to preclude the disclosure to other appropriate University officials of information relating to any student's conduct records if that information may be reasonably construed to have bearing on the Student's suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student's employment outside the disciplinary process.

In imposing sanctions other than Suspension or Dismissal, access to housing and health services will not be restricted unless the nature of the act that occasioned the sanction is appropriately related to the restriction.

### **Posting of Suspension or Dismissal on Academic Transcript**

When, as a result of violations of this policy, a student is suspended or dismissed, the fact that the sanction was imposed must be posted on the academic transcript for the duration of the Suspension or Dismissal.

### **Appeal of the Sanction**

If the Dean imposes a sanction of Deferred Suspension, Deferred Dismissal, Suspension, or Dismissal, the Student may appeal the sanction, to the Vice Chancellor of Student Affairs, on the grounds that the sanction assigned is substantially disproportionate to the severity of the violation. All appeals must be written and should clearly articulate and support the grounds for appeal. Appeals must be received within five Days of the date of Notice from the Dean of her or his action. Appeals may be submitted directly to the Vice Chancellor by e-mail sent from the Student's official University email account, or may be submitted in writing to the Campus Hearing Coordinator, signed by the Student.

The Vice Chancellor of Student Affairs or designee will have ten Days after the receipt of the appeal to deliver a written decision unless an extension is granted. The decision of the Vice Chancellor of Student Affairs is final. A letter containing the decision will be delivered to the Student and to the Dean. In cases

of alleged physical assault, notice of outcome including the decision will also be delivered to the alleged victim.

The Vice Chancellor of Student Affairs is not limited to those sanctions imposed by the Dean and may impose any one or more of the sanctions listed above, even though such decision may result in the imposition of more severe disciplinary action. The decision of the Vice Chancellor of Student Affairs is final. A letter containing the decision will be delivered to the Dean, and the Student.

## Hearing Procedures



The accused Student will have the opportunity to present documents and witnesses, and to address all information being presented in the hearing. Specifically, the accused Student will have the opportunity to propose questions to be asked of witnesses who appear at the hearing in person, or by telephone or other electronic means, and to propose questions to be asked about documents and written statements presented in the hearing.

The accused Student is responsible for presenting their information and may choose to be assisted by an Advisor of their own choosing.

## Standard of Proof

The Standard of Proof which will be used in hearings is that the University must prove that it is more likely than not that the Student committed the misconduct of which the student is accused of. The student Conduct Committee will deliberate in private and reach a decision based upon this standard. The Committee shall attempt to reach a unanimous decision, but the majority shall make the decision if the Committee cannot reach a unanimous decision.

## Continuing Resolution between the Student and the Dean

Until the Student Conduct Committee makes its report to the Dean of Students, the accused Student may make an admission of responsibility to the Dean assigned to the case. This disposition of the matter will bind all parties and terminate all proceedings.

## Student Conduct Committee's Report and Recommendations from the Office of Student Conduct

At the conclusion of a hearing, the Student Conduct Committee Chair will provide the Hearing Administrator with:

- a. A summary of the allegations;
- b. A summary of the information presented;
- c. Whether, in the opinion of a majority of the Student Conduct Committee Panel, the accused Student has violated one or more of the University policies or campus regulations the accused

Student has been charged with violating, or whether there has been insufficient information to sustain such a finding and the basis for that opinion; and

The Hearing Administrator will prepare a report to be provided to the Dean of Students which includes this information. This report will also include the recommended sanctions from the assigned Dean in cases where the Student Conduct Committee concludes that the accused Student has violated the Code. The assigned Dean will not recommend sanctions in cases where the Student Conduct Committees concludes that there is Insufficient Information that a violation occurred.

### Decision by the Dean of Students or Designee

The decision regarding a case that has been heard by the Student of Conduct Committee will be made by the Dean of Students or designee.

### Appeal by the Accused Student

The accused Student will have five Days from the date of the letter of the Dean of Students' written notice of decision, unless an extension is granted, in which the Student may submit a written appeal to the Vice Chancellor of Student Affairs or designee, challenging the Dean of Students' decision.

Student conduct records are confidential and may only be released pursuant the California Information Practices Act and the Family Educational Rights and Privacy Act (FERPA).

Additional questions concerning student conduct can be answered by calling (310) 825-**3871** or visiting [www.deanofstudents.ucla.edu](http://www.deanofstudents.ucla.edu).

UCLA staff and faculty members may be subject to disciplinary action under applicable personnel policies. Staff misconduct can be reported to Campus Human Resources Employee Relations, (310) 794-**0860**; faculty misconduct can be reported to the Academic Senate Grievance and Disciplinary Procedures Committee, (310) 825-**3851**.

Options exist for the complainant or victim to gain assistance from the university to change or modify academic, living, transportation and working situations if so requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to UCPD or local law enforcement.

### Results of Student Disciplinary Proceedings Will Be Provided to the Alleged Victim

In cases of alleged physical assault, the alleged victim will receive written notification of the outcome of any disciplinary action or Agreement of Resolution by the University.

## University of California Policy on Substance Abuse

The University strives to maintain campus communities and work sites free from the illegal use, possession, or distribution of alcohol or controlled substances, as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code 812 (21 USC 812), and by regulation of 21 Code of

Federal Regulations 1308 (21 CFR 1308). Unlawful manufacture, distribution, dispensing, possession, use, or sale of alcohol or controlled substances by University employees and students in the workplace, on University premises, at official University functions, or on University business is prohibited. In addition, employees and students shall not use illegal substances that impair their work performance, scholarly activities, or student life. UCLA PD has primary responsibility for the enforcement of California underage drinking laws as well as the enforcement of Federal and State drug laws.

Any student found violating university policies or local, state or federal regulations related to alcohol or illegal substances will be subject to review and potential disciplinary action through the Office of Student Conduct. Employees found to be in violation of this policy (including student employees if the circumstances warrant) may be subject to corrective action up to and including dismissal, under applicable University policies and labor contracts.

Employees and students are encouraged to seek assistance, as appropriate, from Employee Support Programs, health centers, and counseling and psychological services available at University locations or through referrals. Information obtained regarding an employee or student during participation in such programs or services will be treated as confidential in accordance with Federal and State laws. Additional campus alcohol policies can be found at: [www.deanofstudents.ucla.edu/Alcohol-Policies](http://www.deanofstudents.ucla.edu/Alcohol-Policies)

### Legal Sanctions, Federal and State

Numerous Federal, State and local statutes and ordinances relate to the manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol, and they impose legal sanctions for both felony and misdemeanor convictions for violations. Detailed information regarding these statutes, which may change over time, is available from UCLA PD, Student Legal Services and the Law and Bio Medical Libraries. Drugs considered to be controlled substances are listed in Schedules I through V of the Controlled Substance Act (21 USC 812) and are further defined by regulations 21 CFR 1308.15 through 1038.15.

Copies of the Act and Regulations are available for review from the Office of Campus Counsel (3149 Murphy Hall) and the Law and Biomedical libraries.

No officer, employee, or agent of the university, participating in any program under this title shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

### Substance Abuse and Harm Reduction Education

In compliance with the Drug Free Schools and Communities Act, UCLA publishes information regarding the University's prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and

local laws and University policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for UCLA students and employees. A complete description of these topics, as provided in the University's Drug Free Schools and Communities Act, can be requested by contacting the Clery Act Office at (310) 893-9147.

Students with alcohol or substance abuse problems create safety and health risks for themselves and others. Such abuses also can result in a wide range of emotional and behavioral problems. Therefore, UCLA makes available to every student a variety of alcohol and substance abuse awareness programs that are designed to discourage the abuse of substances and to educate students on the merits of legal and responsible alcohol consumption.

Programs include the following:

- Student Health Education and Promotion provides services to students on topics of alcohol and substance abuse, acquaintance rape and rape education (as it is often related to alcohol use).
- Office of Residential Life (ORL) provides workshops for residents throughout the year. Examples of past workshops include the following:
  - Why Do You Drink?!?
  - How Much is One Drink
  - Alcohol and Your Body
  - Pick Your Poison
  - Drink, Drink, Drink, or Should You?
  - Blame It on the A-A-A-A Alcohol
  - Alcohol Mythology

UCLA Student Affairs is one of many campus departments that work in partnership with student groups to empower students who want to promote a healthy and safe campus environment around the issues of alcohol and other drug (AOD) use. Student Affairs oversees the following:

- Oversight of the UCLA Drug-Free Schools Committee which guides and develops campus AOD policy.
- Training student leaders to conduct ongoing alcohol harm reduction programs.
- Facilitation of training workshops to staff and student groups.
- Presentation of courses and opportunities for independent study (through the School of Public Health), which incorporate content on harm reduction.

- Referrals to UCLA Counseling and Psychological Services (CAPS) and treatment programs.
- Collaboration on research and evaluation.
- Collaborates with public agency (and LA Dept. of Public Health contractor) “Institute for Public Strategies,” in a committee made up of both campus and community stakeholders, to develop harm reduction programming on campus and in the Westwood area.

"Counseling and Psychological Services (CAPS) provides brief assessment/triage, crisis services, short-term individual counseling and psychiatry services to assist registered UCLA students who are troubled by alcohol or other drug use problems. CAPS also offers clinical coordination, case management and insurance referral assistance for students interested in longer term or more intensive treatment in the community, including but not limited detoxification and intensive outpatient treatment.

CAPS services are confidential, in accordance with University Policies and State and Federal Laws. Any decision to seek assistance is not used in connection with any academic determination or as a basis for disciplinary proceedings. CAPS may be contacted at 310-825-0768, in person at John Wooden Center West at 221 Westwood Blvd on the UCLA Campus or at [www.counseling.ucla.edu](http://www.counseling.ucla.edu).

By request, CAPS can provide preventative education presentations, including the following:

- Alcohol & Marijuana: Making Informed Choices
- Motivational Interview Training (for Staff and Trainees)
- Referral & Treatment Training (for Staff)

CAPS collaborates with multiple campus partners to support students struggling with alcohol and other drug use problems. CAPS hosts Semel’s Integrated Substance Abuse Program (ISAP), in providing for students with first time legal offenses, a once a quarter 2-hour alcohol diversion workshop entitled Booze and Drugs, which aims to provide psychoeducation on the impact of alcohol and drug use and abuse. Additionally, CAPS provides consultation and liaises with UCLA’s Collegiate Recovery Program (<https://www.collegiaterecovery.ucla.edu/>), in supporting the student group, Bruins 4 Recovery, which hosts traditional AA-meetings in addition to community building and affirming meeting spaces for students in recovery from alcohol and other drug use problems.

## Health Risks Associated with Substance Abuse

Substance abuse may result in a wide array of serious health and behavioral problems. Substance abuse has both long and short-term effects on the body and the mind. Alcohol and drugs may be toxic to the human body. In addition to toxicity, contaminant poisonings often occur with drug use. HIV infection with intravenous drug use is a one such hazard.

Acute or long-term health problems may include heart attack, stroke, and sudden death, which can occur for first time cocaine users. Long-lasting effects caused by drug and alcohol abuse can cause disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells, possible memory loss, infertility, impotency, immune system impairment, and kidney failure, cirrhosis of the liver and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties.

### Where to Get Help – Drug & Alcohol Programs

Students who are struggling with symptoms related to their own or someone else's alcohol or drug use may contact Counseling and Psychological Services (CAPS) at John Wooden Center West or by calling (310) 825-0168.

Staff and faculty who are experiencing symptoms associated with their own or someone else's alcohol or drug use are encouraged to seek help. Staff and faculty can call the Staff and Faculty Counseling Center at (310) 794-0245.

### Clery Act Crime Definitions

The Clery Act applies the crime definitions from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program when classifying and counting Clery crimes. The definitions for murder/non-negligent manslaughter, manslaughter by negligence, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug law violations, and liquor law violations are derived from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program. The definitions of fondling, incest and statutory rape are from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program. The definitions of larceny-theft (except motor-vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program. The definitions of dating violence, domestic violence, and stalking (for purposes of Clery crime statistics) are from the Code of Federal Regulations (Clery Regulations) section 668.46(a). It should be noted that Clery crime definitions used in compiling Clery crime statistics are different than California state crime definitions that may be used by law enforcement authorities and prosecutorial agencies as well as UCLA administrative policy definitions of certain crimes. Current crime information is available in the Daily Crime and Fire Log located at the front counter of the police station as well as on the UCLA PD web page. The UCLA PD Crime Analyst can also assist with specific statistical requests.

The Clery Act crime definitions are as follows (in hierarchical order):

**Murder/Non-Negligent Manslaughter:** The willful killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.



**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- a. Rape: 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, including when the victim is incapable of giving consent. This offense includes the rape of both males and females.
- b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

**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 in fear.

**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 accomplished by the use of weapons or by means likely to produce death or great bodily harm.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft.

An incident must meet three conditions to be classified as a burglary:

1. There must be evidence of unlawful entry (trespass).
2. The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
3. (The structure was unlawfully entered to commit a felony or theft. If the intent was not to commit a felony or theft, the incident is not a burglary.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**Arson:** Any 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.

**Weapons: Carrying, Possessing, Etc., Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations:**

- The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.
- The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.
- Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

## Violence Against Women Act

UCLA prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, UCLA issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

The Violence Against Women Reauthorization Act of 2014 (VAWA) definitions are as follows:

**Domestic Violence:** The term “domestic violence” is defined as a felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim, (b) by a person with whom the victim shares a child in common, (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Dating Violence:** The term “dating violence” is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking:** The term “stalking” is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.

For the purposes of this definition, “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

For the purposes of this definition, “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

For the purposes of this definition, “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

VAWA offenses as defined by the state of California can be found in the appendix of this report.

## Hate Crime Definitions

The Hate Crime definitions are as follows:

**Hate Crime:** A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias:

- Murder and Non-negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

- **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.
- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

There are eight categories of bias under the Clery Act:

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## Other Definitions

**Awareness Programs:** 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.

**Business Day:** Monday through Friday, excluding any day when the institution is closed.

**Bystander Intervention:** 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.

**On-Campus:** (i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) 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).

**Consent (California Penal Code §261.6):** (a) Positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. (b) A current or previous dating or marital relationship is not sufficient to constitute consent if consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a. (c) This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent. (Amended by Stats. 2021, Ch. 626, Sec. 18. (AB 1171) Effective January 1, 2022.)

**Consent (UCLA Administrative Policy Definition, UC Sexual Harassment & Sexual Violence Policy):** Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately. Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment. For purposes of this Policy, the age of consent is consistent with California Penal Code Section 261.5. This definition of consent is primarily used as an elemental standard in conjunction with policies within investigations.

**Federal Bureau of Investigation's ("FBI") Uniform Crime Reporting ("UCR") Program:** Nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in the Clery Act and the requirements for classifying Clery Act crimes.

**Hierarchy Rule:** A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

**Noncampus Buildings or Property:** (i) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) 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.

**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.

**Pastoral Counselor:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

**Primary Prevention Programs:** 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:** A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

**Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking:** (i) Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that— (A) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and (B) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. (ii) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in paragraph (j)(2) of this section.

**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.

**Risk Reduction:** 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.

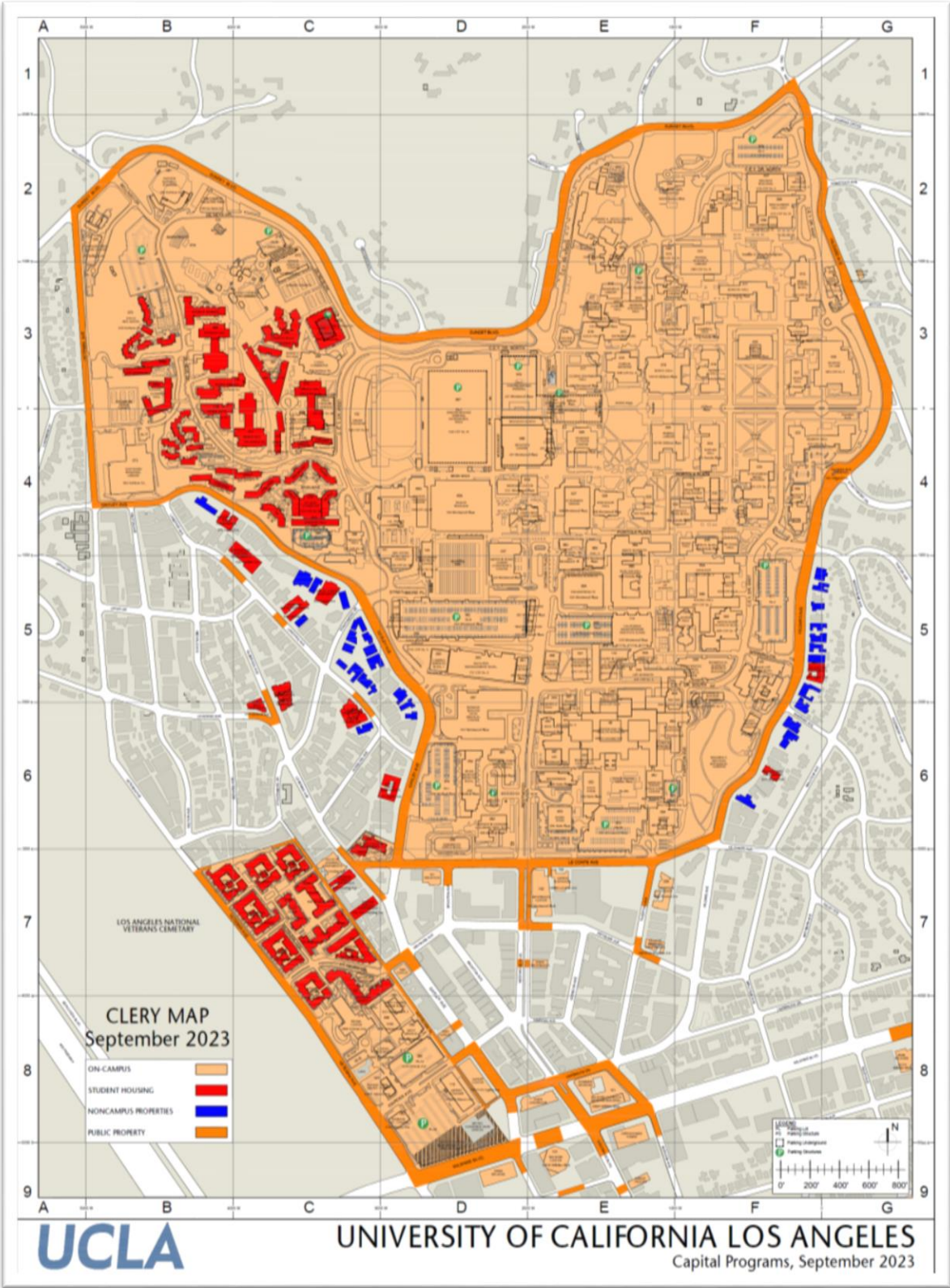
**Referred for Campus Disciplinary Action:** The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**Test:** Regularly scheduled drills, exercises, and appropriate follow through activities, designed for assessment and evaluation of emergency plans and capabilities.

**UCLA Clery Act Geography:** (i) For the purpose of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution's annual security report, Clery geography includes— (A) Buildings and property that are part of the institution's campus; (B) The institution's non-campus buildings and property; and (C) Public property within or immediately adjacent to and accessible from the campus. (ii) For the purposes of maintaining the crime log required in paragraph (f) of this section, Clery geography includes, in addition to the locations in paragraph (i) of this definition, areas within the patrol jurisdiction of the campus police or the campus security department.



Clery Crime Map



## Clery Crime Statistics

UNIVERSITY OF CALIFORNIA LOS ANGELES CLERY ACT CRIME STATISTICS															
	On-Campus Property			Noncampus Property			Public Property			TOTALS			On-Campus Student Housing Facilities		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021*	2020	2022	2021	2020
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEXUAL ASSAULT	26	54	55	17	20	16	2	1	7	45	75	78	8	17	20
Rape	11	26	28	11	11	7	1	0	0	23	37	35	2	15	16
Fondling	15	28	27	6	9	9	1	1	7	22	38	43	6	2	4
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	3	2	1	1	2	0	1	3	1	5	7	2	0	1	0
AGGRAVATED ASSAULT	11	8	12	4	6	4	5	8	4	20	22	20	3	4	3
BURGLARY	67	66	64	37	27	43	0	0	0	104	93	107	37	19	26
MOTOR VEHICLE THEFT**	92	8	2	21	9	4	0	0	1	113	17	7	1	0	0
ARSON	4	0	6	0	1	2	3	2	0	7	3	8	0	0	1
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.	4	15	10	1	3	3	2	1	1	7	19	14	0	0	1
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2	0	0	0	0	0	0	0	0	2	0	0	2	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	51	62	60	12	22	18	19	9	9	82	93	87	2	4	3
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	62	43	30	0	0	1	0	0	0	62	43	31	61	43	30
ARRESTS: LIQUOR LAW VIOLATIONS	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	302	163	209	0	0	0	8	0	0	310	163	209	301	163	209
DOMESTIC VIOLENCE	5	9	4	7	6	11	1	3	0	13	18	15	1	6	3
DATING VIOLENCE	0	3	3	0	0	1	0	0	1	0	3	5	0	3	1
STALKING	9	7	12	2	0	3	0	0	0	11	7	15	0	1	6
"On Campus Student Housing Facilities" crimes are a subset of the "On-Campus" totals.															
HATE CRIMES															
2022: One on-campus battery characterized by racial bias, one on-campus battery characterized by sexual orientation bias, one noncampus intimidation characterized by sexual orientation bias, two on-campus intimidations characterized by racial bias, one on-campus intimidation characterized by religious bias, one on-campus intimidation characterized by sexual orientation bias.															
2021: Two on-campus intimidations characterized by racial bias, two on-campus student housing facility vandalisms characterized by religious bias, two noncampus intimidations characterized by racial bias, and one noncampus intimidation characterized by national origin bias.															
2020: One on-campus intimidation characterized by religious bias, one on-campus vandalism characterized by religious bias, one on-campus intimidation characterized by racial bias, two on-campus simple assaults characterized by racial bias, and one noncampus vandalism characterized by religious bias.															
UNFOUNDED CRIMES															
2022: No unfounded crimes.															
2021: No unfounded crimes.															
2020: No unfounded crimes.															
NOTES															
*Due to a delay in reporting, corrections have been made to the 2021 statistics.															
**UCLA PD reported a sharp increase in motor vehicle thefts due to increased theft reports of electric-propelled versions of bikes, scooters, and skateboards, which are now classified by the Department of Justice as "motorized vehicles".															

## On-Campus Resource List

Arthur Ashe Student Health and Wellness Center

(310) 825-4073

[www.studenthealth.ucla.edu](http://www.studenthealth.ucla.edu)

Bruin Resource Center

(310) 825-3945

[www.brc.ucla.edu](http://www.brc.ucla.edu)

Campus Climate

(310) 825-3871

[www.reportincidents.ucla.edu](http://www.reportincidents.ucla.edu)

Campus Assault Resources and Education (CARE)

310-206-2465

[care@careprogram.ucla.edu](mailto:care@careprogram.ucla.edu)

Counseling and Psychological Services (CAPS)

(310) 825-0768

[www.counseling.ucla.edu](http://www.counseling.ucla.edu)

Human Resources - Campus

(310) 794-0800

[www.chr.ucla.edu](http://www.chr.ucla.edu)

Human Resources – Medical Centers

(310) 794-0506

[www.uclahealth.org/hr](http://www.uclahealth.org/hr)

Consultation and Response Team (Student Care Managers)

(310) 825-0628 or (310) 825-7291

[www.studentincrisis.ucla.edu](http://www.studentincrisis.ucla.edu)

Lesbian, Gay, Bisexual, Transgender Resources Office

(310) 206-3628

[www.lgbt.ucla.edu](http://www.lgbt.ucla.edu)

Center for Accessible Education

(310) 825-1501 (Voice)

(310) 206-6083 (TTY/TDD)

[www.cae.ucla.edu](http://www.cae.ucla.edu)

Financial Aid & Scholarships

(310) 206-0400

<https://financialaid.ucla.edu/>



Office of Residential Life (ORL)  
ORL, (310) 825-3401  
University Apartments, (310) 398-4692  
[reslife.ucla.edu](http://reslife.ucla.edu)

Office of the Dean of Students  
(310) 825-3871  
[www.deanofstudents.ucla.edu](http://www.deanofstudents.ucla.edu)

Ombuds Office  
(310) 825-7627  
[www.ombuds.ucla.edu](http://www.ombuds.ucla.edu)

Dashew Center for International Students & Scholars  
(310) 825-1681 (voicemail only)  
[oissassi@saonet.ucla.edu](mailto:oissassi@saonet.ucla.edu)

Staff and Faculty Counseling Center  
(310) 794-0245  
[www.chr.ucla.edu/employee-counseling](http://www.chr.ucla.edu/employee-counseling)

Student Legal Services  
(310) 825-9894  
[www.studentlegal.ucla.edu](http://www.studentlegal.ucla.edu)

Title IX Office  
(310) 206-3417  
[www.sexualharassment.ucla.edu](http://www.sexualharassment.ucla.edu)

UCLA Police Department  
(310) 825-1491  
[police.ucla.edu](http://police.ucla.edu)

Campus Assault Resources & Education (CARE)  
(310) 206-2465  
[careprogram.ucla.edu](http://careprogram.ucla.edu)

Respondent Support Services  
(424) 322-0251  
[campuslife.ucla.edu/RSS](http://campuslife.ucla.edu/RSS)

## Off-Campus Resource List

Rape Treatment Center at Santa Monica-UCLA Medical Center

(310) 319-4000

[www.uclahealth.org/santa-monica/rape-treatment](http://www.uclahealth.org/santa-monica/rape-treatment)

Los Angeles Rape and Battering Hotline

(310) 392-8381

[www.peaceoverviolence.org/emergency](http://www.peaceoverviolence.org/emergency)

Info Line of Los Angeles (LA County Comprehensive Community Services)

(310) 551-2929

[www.laalmanac.com/social/so01z.htm](http://www.laalmanac.com/social/so01z.htm)

## Hate Crimes Resource List

LA City Human Relations Commission

(213) 978-1660

[hcidla.lacity.org/human-relations-commission](http://hcidla.lacity.org/human-relations-commission)

LA County Human Relations Commission

(213) 974-7611

[humanrelations.co.la.ca.us](http://humanrelations.co.la.ca.us)

# 2023 Annual Fire Safety Report



University of California  
Campus Fire Marshals

**University of California  
Los Angeles**

## **HIGHER EDUCATION OPPORTUNITY ACT**

The Higher Education Opportunity Act (HEOA) requires that certain information pertaining to the Fire Safety in Student Housing Buildings of current or perspective students and employees be reported on, and readily available for viewing by, any interested party.

## **HIGHER EDUCATION OPPORTUNITY ACT INTRODUCTION**

Fire Safety is an essential tool in protecting a campus community from injuries, deaths, business interruption, and property damage resulting from fires and related perils. Fire Safety includes education, training, and policies designed to ensure all students, staff and faculty of these institutions are aware of, and understand, the elements that help to ensure the safety of us all.

In an effort to standardize the information that an institution publishes in regards to their own fire safety, the Department of Education developed the Higher Education Opportunity Act (HEOA). HEOA is intended to ensure a reasonable and consistent notification of fire related incidents on University of California, Los Angeles administered housing units.

### **OVERVIEW**

In August of 2008, the Department of Education passed a law (Public Law 110-315) stating that all Title IV eligible institutions that participate in any Title IV program, and that maintain on-campus student housing facilities, publish an annual fire safety report, maintain a fire log, and report fire statistics to the Secretary of Education. Beginning in October 2010, the report must be publicly disclosed.



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**HIGHER EDUCATION OPPORTUNITY ACT ANNUAL FIRE SAFETY REPORT  
SUMMARY OF FIRE DEPARTMENT/EH&S REPORTING REQUIREMENTS**

**UNIVERSITY OF CALIFORNIA, LOS ANGELES**

The Higher Education Opportunity Act (HEOA, Code Reference DOE 34 CRF 600, 668, 675 Final Rule) requires that certain information pertaining to the Fire Safety in UC administered housing units of current or prospective students and employees for the previous calendar year be reported, and readily available for viewing, by any interested party. This document will address the following:

**I. Definition of Terms (§668.49(a))**

- a. Cause of Fire
- b. Fire
- c. Fire Drill
- d. Fire-related Injury
- e. Fire-related Death
- f. Fire Safety Systems
- g. Value of Property Damage

**II. Additional Terms**

- a. Residential /Student Housing Facility

**III. Policies (§668.49(b))**

- a. Safety Policies (§668.49(b)(4))
  - i. Use of Electrical Appliances
  - ii. Smoking
  - iii. Open Flames
- b. Fire Evacuation Procedures (§668.49(b)(5))
- c. Fire Safety Education and Training (§668.49(b)(6))

**IV. Fire Drills (§668.49(b)(3))**

- a. Number of Fire Drills held during the previous year

**V. Campus Facility Evacuation Procedures**

- a. Student Housing
- b. Other Campus Facilities

**VI. Future Improvements (§668.49(b)(8))**

- a. Fire Safety Systems

**VII. Statistics (§668.49(c))**

- a. Number of fires

- b. Cause of each fire
- c. Number of injuries
- d. Number of deaths
- e. Value of property damage

**VIII. Fire Log (§668.49(d))**

- a. Must be for the most recent 60-day period
- b. Open to the public
- c. Contain the following
  - i. Date and Time the fire was reported
  - ii. Nature of the fire
  - iii. General location of the fire

**IX. Disclosure of Information**

- a. Fire Log (§668.49(d))
- b. Annual Safety Report
- c. Access to annual security report

## I. DEFINITION OF TERMS (§668.49(a))

- a. **Cause of Fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.
- b. **Fire:** Any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner.
- c. **Fire Drill:** A supervised practice of a mandatory evacuation of a building for a fire.
- d. **Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.
- e. **Fire-related death:** Any instance in which a person
  - i. Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
  - ii. Dies within one year of injuries sustained as a result of the fire.
- f. **Fire Safety System:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system may include sprinkler systems or other fire extinguishing systems, fire detection devices, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights, smoke control and reduction mechanisms, and fire doors and walls that reduce the spread of a fire.
- g. **Value of Property Damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water and overhaul; however, it does not include indirect loss, such as business interruption.

## II. ADDITIONAL TERMS

### a. **Residential/Student Housing Facility**

- i. **Regulatory Language (§668.46(b)):** The institution maintains an on-campus student housing facility.

**UC Fire Marshal's Definition:** The HEOA applies to all residential facilities owned or controlled by an institution within the same reasonably contiguous geographic area, including privately operated

residential housing, provided the building is owned by the University or on the main campus. If the residential housing facility is privately operated, not owned by the University, or not located on the main campus, then the facility is not included in this report. If the residential housing facility is privately operated, not owned by the University but located on the land owned by the Regents of the University of California, the facility is also not included.

### **III. POLICIES (§668.49(b))**

The University of California, Los Angeles (UCLA) Office of Residential Life (ORL) has established and published regulations addressing the fire and life safety issues identified in HEOA. Excerpts from the Housing regulations appear below the HEOA reporting category. The complete UCLA On-Campus Housing Regulations can be found at their website link: <http://www.orl.ucla.edu/regulations>

Per federal law, UCLA is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911. Once the emergency has passed, you should notify UCLA Police at (310) 825-1491 to investigate and document the incident for disclosure in the University's annual fire statistics.

If a member of the UCLA community finds evidence of a fire that has been extinguished, and the person is not sure whether UCLA Fire has already responded, the community member should immediately notify UCLA Police at (310) 825-1491 to investigate and document the incident for disclosure in the University's annual fire statistics.

#### **a. Safety Policies (§668.49(b)(4))**

##### **i. Use of Electrical Appliances**

*Excerpt: Electrical heating/cooking appliances such as coffee makers, hot pots, hot plates, toasters, toaster ovens, immersible heating coils, and microwave ovens are not permitted. Microfridges are permitted. Full-sized refrigerators are not permitted. No cooking other than use of a microfridge unit is allowed. Electrical heating appliances, such as space heaters, as well as portable air conditioning units are also prohibited. Halogen lamps are not permitted for fire safety purposes.*

##### **ii. Smoking**

*Excerpt: Smoking is not permitted inside the buildings or breezeways or within twenty-five (25) feet of all residence halls/suites. Smoking is not permitted in the courtyards of Sunset Village residential buildings or the outdoor seating areas of the residential dining facilities. All outdoor smoking must be confined to designated smoking areas.*

##### **iii. Open Flames**

*Excerpt: Open flames (including candles and incense), combustible decorations and chemicals, multiple ("octopus") electrical adapters and ungrounded electrical appliances are prohibited in student rooms.*

**b. Fire Evacuation Procedures (§668.49(b)(5))**

*Excerpt: Students are required to evacuate any On-Campus Housing facility immediately upon the sound of an alarm and may not reenter until authorized by University personnel. Room doors, fire doors, hallways and stairwells may not be obstructed. Activating false fire alarms or misusing or tampering with fire or safety equipment is strictly prohibited.*

**c. Fire Safety Education and Training (§668.49(b)(6))**

The UCLA On-Campus Housing Regulations define acceptable and unacceptable living and use conditions in order to create the safest possible environment on campus. Please refer to the Regulations for specific guidance.

All residence halls are equipped with portable fire extinguishers, and Resident Assistants complete both live-fire extinguisher training, and "Smoke School" structure fire evacuation simulation.

**IV. FIRE DRILLS (§668.49(b)(3))**

UCLA Fire conducted 25 residential fire drills in 2022. Fire drills are unannounced and occur at varying days and times.

**V. CAMPUS FACILITY EVACUATION PROCEDURES**

**a. Student Housing**

When a fire alarm is sounding/in the event of a fire:

- If you hear the fire alarm immediately evacuate the building using the nearest available exit. Do not attempt to fight a fire unless you have been trained to do so.
- Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Residential Life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.

- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- **DO NOT USE ELEVATORS.** Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- Each resident should report to their assigned assembly area. Residential Life staff should report to their assigned assembly area and make sure that students have cleared the building. Do not allow re-entry into the building until directed to do so by emergency personnel.

#### b. Other Campus Facilities

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if possible):

- Remove anyone in the immediate area and close, don't lock, all doors as you leave.
- Activate the nearest fire alarm pull station to evacuate the building and to notify the Fire Department.
- Call the UCLA Police Department at 911 from any campus phone. Tell them where the fire is and give them any other information they ask for. They will dispatch the Fire Department.
- Attempt to extinguish the fire only if it is safe to do so.
- If there is smoke or heat, stay low. Crawl to the nearest exit if need be.
- Use stairways, **DO NOT USE AN ELEVATOR.**
- Before opening any door, feel it with the back of your hand near the top. If it is hot, do not open it. Use another exit.

## VI. FUTURE IMPROVEMENTS (§668.49(b)(8))

The University does not have any planned improvements in fire safety at this time.

#### a. Fire Safety Systems

- The Office of Residential Life coordinates the fire and life safety improvement of on-campus residential buildings. Below is a list of residential buildings and their current fire and life safety status.

Proposed Fire and Life Safety Upgrades	Status	Building Name / Address	Occupancy	Fire Alarm	Fire Sprinklers
None	Complete	<b>720 Hilgard Apts.</b> 720 Hilgard Ave.	R-2	X	X
None	Complete	<b>824 Hilgard Apts.</b> 824 Hilgard Ave.	R-2	X	X



None	Complete	<b>Acacia Res. Bldg.</b> 341 Charles E. Young Dr. West	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Aloe Court</b> 740 Weyburn Terrace	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Birch Res. Bldg.</b> 361 Charles E. Young Dr. West	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Canyon Point</b> 200 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Carnesale Commons</b> 251 Charles E. Young Dr. West	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Cedar Res. Bldg.</b> 301 Charles E. Young Dr. West	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Centennial Hall</b> 265 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Courtside</b> 200 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Cypress Court</b> 725 Weyburn Terrace	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Delta Terrace</b> 200 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>De Neve Commons Bldg.</b> 351 Charles E. Young Dr. West	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Dogwood Res. Bldg.</b> 321 Charles E. Young Dr. West	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Dykstra Hall</b> 401 Charles E. Young Dr. West	R-2/R-1	<b>X</b>	<b>X</b>

None	Complete	<b>Evergreen Res. Bldg.</b> 331 Charles E. Young Dr. West	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Firgrove Res. Bldg.</b> 381 Charles E. Young Dr. West	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Gayley Court Apts.</b> 715 Gayley Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Gayley Heights Apts.</b> 10995 Le Conte Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Gayley Towers</b> 565 Gayley Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Glenrock Apts.</b> 558 Glenrock Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Glenrock West Apts.</b> 555 Glenrock Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Hedrick Hall</b> 250 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Hedrick Summit</b> 240 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Hitch Commons</b> 275 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Hitch Suites</b> 245 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Holly Res. Bldg.</b> 345 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Gardenia Res. Bldg.</b> 470 Gayley Ave.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Jacaranda Court</b> 785 Weyburn Terrace	R-2	<b>X</b>	<b>X</b>

None	Complete	<b>Landfair Apts.</b> 625 Landfair Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Landfair Vista Apts.</b> 510 Landfair Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Laurel Apts.</b> 920 Weyburn Place N.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Levering Terrace Apts.</b> 885 Levering Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Magnolia Court</b> 765 Weyburn Terrace	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Olive Court</b> 825 Weyburn Terrace	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Olympic Hall</b> 267 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Palm Court</b> 945 Weyburn Terrace	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Palo Verde</b> 910 Weyburn Place N.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Rieber Hall</b> 310 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Rieber Terrace</b> 270 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Rieber Vista</b> 280 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Saxon Suites</b> 325 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Sproul Cove</b> 330 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>

None	Complete	<b>Sproul Hall</b> 350 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Sproul Landing</b> 380 De Neve Dr.	R-2/R-1	<b>X</b>	<b>X</b>
None	Complete	<b>Sycamore Court Apts.</b> 925 Weyburn Place	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Tipuana</b> 900 Weyburn Place N.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Westwood Chateau</b> 456 Landfair Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Westwood Palm</b> 475 Gayley Ave.	R-2	<b>X</b>	<b>X</b>
None	Complete	<b>Weyburn Paseo</b> 11000 Weyburn Dr.	R-2/R-1	<b>X</b>	<b>X</b>

## VI. STATISTICS (§668.49(c))

The institution must report fire statistics for each on-campus student housing facility for the three most recent calendar years which data are available. For UCLA, the information will come from the University of California Los Angeles Campus, Los Angeles Police Department, which will provide the data based on the previously mentioned definitions.

The required statistics are:

- a. Number of fires
- b. Cause of each fire
- c. Number of injuries
- d. Number of deaths
- e. Value of property damage

### a. Statistics and Related Information Regarding Fires in Residential Facilities: Calendar Year 2022

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number (If more than one fire/building)</b>	<b>Category and Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
720 Hilgard Apts. <b>720 Hilgard Ave.</b>	0	0	N/A	N/A	N/A	N/A
824 Hilgard Apts. <b>824 Hilgard Ave.</b>	0	0	N/A	N/A	N/A	N/A
Acacia Res. Bldg. <b>341 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Aloe Court <b>740 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Birch Res. Bldg. <b>361 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Canyon Point <b>200 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Carnesale	0	0	N/A	N/A	N/A	N/A

Commons <b>251 Charles E. Young Dr. West</b>						
Cedar Res. Bldg. <b>301 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Centennial Hall <b>265 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Courtside <b>200 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Cypress Court <b>725 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Delta Terrace <b>200 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
De Neve Commons Bldg. <b>351 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Dogwood Res. Bldg. <b>321 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Dykstra Hall <b>401 Charles E. Young Dr. West</b>	1	1	Unintentional: Machinery (Clothes dryer)	0	0	\$1,000- \$9,999
Evergreen Res. Bldg. <b>331 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Firgrove Res. Bldg. <b>381 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Gayley Court Apts. <b>715 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A
Gayley Heights Apts. <b>10995 Le Conte Ave.</b>	0	0	N/A	N/A	N/A	N/A
Gayley	0	0	N/A	N/A	N/A	N/A

Towers <b>565 Gayley Ave.</b>						
Glenrock Apts. <b>558 Glenrock Ave.</b>	0	0	N/A	N/A	N/A	N/A
Glenrock West Apts. <b>555 Glenrock Ave.</b>	0	0	N/A	N/A	N/A	N/A
Hedrick Hall <b>250 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Hedrick Summit <b>240 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Hitch Commons <b>275 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Hitch Suites <b>245 De Neve Dr.</b>	1	1	Unintentional: Machinery (Clothes dryer)	0	0	\$1,000- \$9,999
Holly Res. Bldg. <b>345 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Gardenia Res. Bldg. <b>470 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A
Jacaranda Court <b>785 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Landfair Apts. <b>625 Landfair Ave.</b>	0	0	N/A	N/A	N/A	N/A
Landfair Vista Apts. <b>510 Landfair Ave.</b>	0	0	N/A	N/A	N/A	N/A
Laurel Apts. <b>920 Weyburn Place North</b>	0	0	N/A	N/A	N/A	N/A
Levering Terrace Apts. <b>885 Levering Ave.</b>	0	0	N/A	N/A	N/A	N/A
Magnolia Court <b>765 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A



Olive Court <b>825 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Olympic Hall <b>267 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Palm Court <b>945 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Palo Verde <b>910 Weyburn Place North</b>	0	0	N/A	N/A	N/A	N/A
Rieber Hall <b>310 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Rieber Terrace <b>270 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Rieber Vista <b>280 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Saxon Suites <b>325 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Cove <b>330 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Hall <b>350 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Landing <b>380 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sycamore Court Apts. <b>925 Weyburn Place</b>	0	0	N/A	N/A	N/A	N/A
Tipuana <b>900 Weyburn Place North</b>	0	0	N/A	N/A	N/A	N/A
Westwood Chateau <b>456 Landfair Ave.</b>	0	0	N/A	N/A	N/A	N/A
Westwood Palm <b>475 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A
Weyburn Paseo <b>11000 Weyburn Dr.</b>	0	0	N/A	N/A	N/A	N/A

b. **Statistics and Related Information Regarding Fires in Residential Facilities: Calendar Year 2021**

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number (If more than one fire/building)</b>	<b>Category and Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
720 Hilgard Apts. <b>720 Hilgard Ave.</b>	0	0	N/A	N/A	N/A	N/A
824 Hilgard Apts. <b>824 Hilgard Ave.</b>	0	0	N/A	N/A	N/A	N/A
Acacia Res. Bldg. <b>341 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Aloe Court <b>740 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Birch Res. Bldg. <b>361 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Canyon Point <b>200 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Cedar Res. Bldg. <b>301 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Centennial Hall <b>265 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Courtside <b>200 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Cypress Court <b>725 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Delta Terrace <b>200 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
De Neve Commons Bldg.	0	0	N/A	N/A	N/A	N/A

<b>351 Charles E. Young Dr. West</b>						
Dogwood Res. Bldg. <b>321 Charles E. Young Dr. West</b>	1	1	Unintentional: Machinery (Clothes dryer)	0	0	\$1,000-\$9,999
Dykstra Hall <b>401 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Evergreen Res. Bldg. <b>331 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Firgrove Res. Bldg. <b>381 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Gayley Court Apts. <b>715 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A
Gayley Towers <b>565 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A
Glenrock Apts. <b>558 Glenrock Ave.</b>	0	0	N/A	N/A	N/A	N/A
Glenrock West Apts. <b>555 Glenrock Ave.</b>	0	0	N/A	N/A	N/A	N/A
Hedrick Hall <b>250 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Hedrick Summit <b>240 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Hitch Suites <b>245 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Holly Res. Bldg. <b>345 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Gardenia Res. Bldg. <b>470 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A
Jacaranda Court <b>785 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A

Landfair Apts. <b>625 Landfair Ave.</b>	0	0	N/A	N/A	N/A	N/A
Landfair Vista Apts. <b>510 Landfair Ave.</b>	0	0	N/A	N/A	N/A	N/A
Magnolia Court <b>765 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Olive Court <b>825 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Olympic Hall <b>267 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Palm Court <b>945 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Rieber Hall <b>310 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Rieber Terrace <b>270 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Rieber Vista <b>280 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Saxon Suites <b>325 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Cove <b>330 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Hall <b>350 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Landing <b>380 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Presidio <b>251 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Sycamore Court Apts. <b>925 Weyburn Place</b>	0	0	N/A	N/A	N/A	N/A
Westwood Chateau <b>456 Landfair Ave.</b>	0	0	N/A	N/A	N/A	N/A
Westwood Palm <b>475 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A

Weyburn Terrace (Paseo) <b>11000 Weyburn Dr.</b>	1	1	Unintentional: Cooking	0	0	\$0-\$99
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c. **Statistics and Related Information Regarding Fires in Residential Facilities: Calendar Year 2020**

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number (If more than one fire/building)</b>	<b>Category and Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
720 Hilgard Apts. <b>720 Hilgard Ave.</b>	0	0	N/A	N/A	N/A	N/A
824 Hilgard Apts. <b>824 Hilgard Ave.</b>	0	0	N/A	N/A	N/A	N/A
Acacia Res. Bldg. <b>341 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Aloe Court <b>740 Weyburn Terrace</b>	1	1	Unintentional: Cooking	0	0	\$0-99
Birch Res. Bldg. <b>361 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Canyon Point <b>200 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Cedar Res. Bldg. <b>301 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Courtside <b>200 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Cypress Court <b>725 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Delta Terrace	0	0	N/A	N/A	N/A	N/A

<b>200 De Neve Dr.</b>						
De Neve Commons Bldg. <b>351 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Dogwood Res. Bldg. <b>321 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Dykstra Hall <b>401 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Evergreen Res. Bldg. <b>331 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Firgrove Res. Bldg. <b>381 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Gayley Court Apts. <b>715 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A
Gayley Towers <b>565 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A
Glenrock Apts. <b>558 Glenrock Ave.</b>	0	0	N/A	N/A	N/A	N/A
Glenrock West Apts. <b>555 Glenrock Ave.</b>	0	0	N/A	N/A	N/A	N/A
Hedrick Hall <b>250 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Hedrick Summit <b>240 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Hitch Suites <b>245 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Holly Res. Bldg. <b>345 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Gardenia Res. Bldg.	0	0	N/A	N/A	N/A	N/A

<b>470 Gayley Ave.</b>						
Jacaranda Court <b>785 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Landfair Apts. <b>625 Landfair Ave.</b>	0	0	N/A	N/A	N/A	N/A
Landfair Vista Apts. <b>510 Landfair Ave.</b>	0	0	N/A	N/A	N/A	N/A
Magnolia Court <b>765 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Olive Court <b>825 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Palm Court <b>945 Weyburn Terrace</b>	0	0	N/A	N/A	N/A	N/A
Rieber Hall <b>310 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Rieber Terrace <b>270 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Rieber Vista <b>280 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Saxon Suites <b>325 De Neve Dr.</b>	1	1	Intentional: Arson (textbook)	0	0	\$0-99
Sproul Cove <b>330 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Hall <b>350 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Landing <b>380 De Neve Dr.</b>	0	0	N/A	N/A	N/A	N/A
Sproul Presidio <b>251 Charles E. Young Dr. West</b>	0	0	N/A	N/A	N/A	N/A
Sycamore Court Apts. <b>925 Weyburn Place</b>	0	0	N/A	N/A	N/A	N/A
Westwood Chateau	0	0	N/A	N/A	N/A	N/A



<b>456 Landfair Ave.</b>						
Westwood Palm <b>475 Gayley Ave.</b>	0	0	N/A	N/A	N/A	N/A
Weyburn Terrace <b>11000 Weyburn Dr.</b>	0	0	N/A	N/A	N/A	N/A

## VII. FIRE LOG (§668.49(d))

The UCLA Police Department dispatch center maintains Computer-Aided Dispatch (CAD) records that serve as the HEOA Fire Log. Records are available to the public during normal business hours.

The following must be logged for any fire that occurred in an on-campus student housing facility:

- Must be for the most recent 60-day period
- Open to the public
- Date and time the fire was reported
- Nature of the fire
- General location of the fire

## VIII. DISCLOSURE OF INFORMATION

### a. Fire Log (§668.49(d))

- i. Must maintain a written, easily understood fire log.
- ii. Must make an entry or an addition to an entry within two business days of receipt of information
- iii. Must make the fire log for the most recent 60-day period open to public inspection during normal business hours, and older logs available within two business days of request.
- iv. Must be reported to the campus community on an annual basis through the annual fire safety report statistics log.

### b. Annual Fire Safety Report (§668.41):

- i. Must be distributed to enrolled students through appropriate publications and mailings or internet or intranet web sites
- ii. Must be distributed in brief form to current employees through notice of exact electronic address for internet or intranet web sites with a statement that paper copies of full report available upon request.
- iii. Must provide a notice to prospective students or prospective employees of the availability of the report, a description of the report contents and an opportunity to request a copy. The notice must also include the exact electronic address if the report is posted on an internet web site, and also include a statement that paper copies of full report available upon request.

c. **Access to Annual Security Report (§668.41(6))**

- i. UCLA publishes the Annual Fire Safety report and Annual Security Report simultaneously as one document, and it is maintained jointly between the Administrative Policies & Compliance Office and UCLA PD.

**NONDISCRIMINATION POLICY STATEMENT**

UCLA, 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 UCLA programs and activities, and employment. UCLA 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: [policy.ucop.edu/doc/1100171/Whistleblower](http://policy.ucop.edu/doc/1100171/Whistleblower).

Title IX prohibits sex or gender discrimination in any education program or activity receiving federal financial assistance. Inquiries regarding the application of Title IX may be directed to the Title IX Coordinator Mohammed Cato ([titleix@conet.ucla.edu](mailto:titleix@conet.ucla.edu)) at (310) 206-3417.

## Jurisdictional Crime Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking:

*Definitions are shortened for brevity, full definitions can be found at [leginfo.ca.gov](http://leginfo.ca.gov)*

### **Consent:**

#### **(California Penal Code 261.6 & 261.7)**

##### **261.6. PENAL CODE - PEN**

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

(a) Consent is positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

(b) A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a.

(c) This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

(Amended by Stats. 2021, Ch. 626, Sec. 19. (AB 1171) Effective January 1, 2022.)

##### **261.7. PENAL CODE - PEN**

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.) TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

**Domestic Violence:**

**(California Penal Code 243 & 273.5)**

**(California Family Code 6203, 6209, & 6211)**

**243. PENAL CODE - PEN**

**PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)**

**TITLE 8. OF CRIMES AGAINST THE PERSON [187 - 248] (Title 8 enacted 1872.)**

(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

(2) Upon conviction of a violation of this subdivision, if probation is granted, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(A) That the defendant make payments to a domestic violence shelter-based program, up to a maximum of five thousand dollars (\$5,000).

(B) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. For any order to pay a fine, make payments to a domestic violence shelter-based program, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a domestic violence shelter-based program be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. If the injury to a married person is caused in whole or in part by the criminal acts of their spouse in violation of this section, the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

(3) Upon conviction of a violation of this subdivision, if probation is granted or the execution or imposition of the sentence is suspended and the person has been previously convicted of a violation of this subdivision or Section 273.5, the person shall be imprisoned for not less than 48 hours in addition to the conditions in paragraph (1). However, the court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment as required by this subdivision and may, under these circumstances, grant probation or order the suspension of the execution or imposition of the sentence.

(4) The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence so as to display society's condemnation for these crimes of violence upon victims with whom a close relationship has been formed.

(5) If a peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of this section, the peace officer is not required to inform the victim of their right to make a citizen's arrest pursuant to subdivision (b) of Section 836.

(f) As used in this section:

(4) "Serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(5) "Injury" means any physical injury which requires professional medical treatment.

(10) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

#### 273.5. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2. )

CHAPTER 2. Abandonment and Neglect of Children [270 - 273.75] ( Chapter 2 enacted 1872. )

(a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following: (1) The offender's spouse or former spouse. (2) The offender's cohabitant or former cohabitant. (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243. (4) The mother or father of the offender's child.

(c) Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.

(d) As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

(e) For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

#### 6203. FAMILY CODE - FAM

DIVISION 10. PREVENTION OF DOMESTIC VIOLENCE [6200 - 6460] ( Division 10 repealed and added by Stats. 1993, Ch. 219, Sec. 154. )

PART 1. SHORT TITLE AND DEFINITIONS [6200 - 6219] ( Part 1 added by Stats. 1993, Ch. 219, Sec. 154. )

(a) For purposes of this act, “abuse” means any of the following: (1) To intentionally or recklessly cause or attempt to cause bodily injury. (2) Sexual assault. (3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another. (4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

(b) Abuse is not limited to the actual infliction of physical injury or assault.

6209. FAMILY CODE - FAM

DIVISION 10. PREVENTION OF DOMESTIC VIOLENCE [6200 - 6460] ( Division 10 repealed and added by Stats. 1993, Ch. 219, Sec. 154. )

PART 1. SHORT TITLE AND DEFINITIONS [6200 - 6219] ( Part 1 added by Stats. 1993, Ch. 219, Sec. 154. )

“Cohabitant” means a person who regularly resides in the household.

“Former cohabitant” means a person who formerly regularly resided in the household.

6211. FAM CODE - FAM

DIVISION 10. PREVENTION OF DOMESTIC VIOLENCE [6200 - 6460] ( Division 10 repealed and added by Stats. 1993, Ch. 219, Sec. 154. )

PART 1. SHORT TITLE AND DEFINITIONS [6200 - 6219] ( Part 1 added by Stats. 1993, Ch. 219, Sec. 154. )

“Domestic violence” is abuse perpetrated against any of the following persons:

(a) A spouse or former spouse.

(b) A cohabitant or former cohabitant, as defined in Section 6209.

(c) A person with whom the respondent is having or has had a dating or engagement relationship.

(d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).

(e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.

(f) Any other person related by consanguinity or affinity within the second degree.

### **Stalking:**

**(California Penal Code 646.9 & 653m)**

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] (Title 15 enacted 1872.)

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] (Chapter 2 enacted 1872.)

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

(e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(g) For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."

(h) For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the



victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household. (m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

#### 653m. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] (Title 15 enacted 1872.)

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] (Chapter 2 enacted 1872.)

(a) Every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed or any member of his or her family, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith. (b) Every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person is, whether or not conversation ensues from making the telephone call or contact by means of an electronic communication device, guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith or during the ordinary course and scope of business. (c) Any offense committed by use of a telephone may be deemed to have been committed when and where the telephone call or calls were made or received. Any offense committed by use of an electronic communication device or medium, including the Internet, may be deemed to have been committed when and where the electronic communication or communications were originally sent or first viewed by the recipient. (d) Subdivision (a) or (b) is violated when the person acting with intent to annoy makes a telephone call or contact by means of an electronic communication device requesting a return call and performs the acts prohibited under subdivision (a) or (b) upon receiving the return call. (e) Subdivision (a) or (b) is violated when a person knowingly permits any telephone or electronic communication under the person's control to be used for the purposes prohibited by those subdivisions. (f) If probation is granted, or the execution or imposition of sentence is suspended, for any person convicted under this section, the court may order as a condition of probation that the person participate in counseling. (g) For

purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, facsimile machines, pagers, personal digital assistants, smartphones, and any other device that transfers signs, signals, writing, images, sounds, or data. “Electronic communication device” also includes, but is not limited to, videophones, TTY/TDD devices, and all other devices used to aid or assist communication to or from deaf or disabled persons. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

**Rape:**

**(California Penal Code 261, 261.5, 261.9, 263, 263.1, 264, 264.1, 264.2, 266c, 269, 286, 287, 288.5, 288.7, 289, & 647)**

261 PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances: (1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.

(2) If it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions: (A) Was unconscious or asleep. (B) Was not aware, knowing, perceiving, or cognizant that the act occurred. (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact. (D) Was not aware, knowing,

perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. (b) For purposes of this section, the following definitions apply:

(1) "Duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim's relationship to the defendant, are factors to consider in appraising the existence of duress. (2) "Menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

#### 261.5. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age. (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor. (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170. (d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a

felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. (e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts: (A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000). (B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000). (C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000). (D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000). (2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature. (3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

#### 261.9. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

(a) Any person convicted of seeking to procure or procuring the sexual services of a prostitute in violation of subdivision (b) of Section 647, if the prostitute is under 18 years of age, shall be ordered by the court, in addition to any other penalty or fine imposed, to pay an additional fine in an amount not to exceed twenty-five thousand dollars (\$25,000).

(b) Every fine imposed and collected pursuant to this section shall, upon appropriation by the Legislature, be available to fund programs and services for commercially sexually exploited minors in the counties where the underlying offenses are committed.

#### 263. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

<p>TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.) CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)</p> <p>The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.</p>
<p>263.1. PENAL CODE - PEN</p> <p>PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)</p> <p>TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)</p> <p>CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)</p> <p>(a) The Legislature finds and declares that all forms of nonconsensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors. (b) This section is declarative of existing law.</p>
<p>264. PENAL CODE - PEN</p> <p>PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)</p> <p>TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)</p> <p>CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)</p> <p>(a) Except as provided in subdivision (c), rape, as defined in Section 261 or former Section 262, is punishable by imprisonment in the state prison for three, six, or eight years. (b) In addition to any punishment imposed under this section the judge may assess a fine not to exceed seventy dollars (\$70) against a person who violates Section 261 or former Section 262 with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of the defendant's inability to pay the fine permitted under this subdivision. (c) (1) A person who commits rape in violation of paragraph (2) of subdivision (a) of Section 261 upon a child who is under 14 years of age shall be punished by imprisonment in the state prison for 9, 11, or 13 years. (2) A person who commits rape in violation of paragraph (2) of subdivision (a) of Section 261 upon a minor who is 14 years of age or older shall be punished by imprisonment in the state prison for 7, 9, or 11 years. (3) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other law.</p>
<p>264.1. PENAL CODE - PEN</p> <p>PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.) TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC</p>

DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

(a) The provisions of Section 264 notwithstanding, when the defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim, committed an act described in Section 261 or 289, either personally or by aiding and abetting the other person, that fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, the defendant shall suffer confinement in the state prison for five, seven, or nine years. (b) (1) If the victim of an offense described in subdivision (a) is a child who is under 14 years of age, the defendant shall be punished by imprisonment in the state prison for 10, 12, or 14 years. (2) If the victim of an offense described in subdivision (a) is a minor who is 14 years of age or older, the defendant shall be punished by imprisonment in the state prison for 7, 9, or 11 years. (3) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other law.

264.2. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

(a) When there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 273.5, 286, 287, or 289, the law enforcement officer assigned to the case shall immediately provide the victim of the crime with the "Victims of Domestic Violence" card, as specified in subparagraph (H) of paragraph (9) of subdivision (c) of Section 13701, or with the card described in subdivision (a) of Section 680.2, whichever is more applicable. (b) (1) The law enforcement officer, or the law enforcement officer's agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 286, 287, or 289 is transported to a hospital for a medical evidentiary or physical examination. The hospital may notify the local rape victim counseling center, when the victim of the alleged violation of Section 261, 261.5, 286, 287, or 289 is presented to the hospital for the medical or evidentiary physical examination, upon approval of the victim. The victim has the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim's choosing present at any medical evidentiary or physical examination. (2) Prior to the commencement of an initial medical evidentiary or physical examination arising out of a sexual assault, the medical provider shall give the victim the card described in subdivision (a) of Section 680.2. This requirement shall apply only if the law enforcement agency has provided the card to the medical provider in a language understood by the victim. (3) The hospital may verify with the law enforcement officer, or the law enforcement officer's agency, whether the local rape victim counseling center has been notified, upon the approval of the victim. (4) A support



person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination. (5) After conducting the medical evidentiary or physical examination, the medical provider shall give the victim the opportunity to shower or bathe at no cost to the victim, unless a showering or bathing facility is not available. (6) A medical provider shall, within 24 hours of obtaining sexual assault forensic evidence from the victim, notify the law enforcement agency having jurisdiction over the alleged violation if the medical provider knows the appropriate jurisdiction. If the medical provider does not know the appropriate jurisdiction, the medical provider shall notify the local law enforcement agency.

266c. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years. As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family.

269. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

(a) Any person who commits any of the following acts upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child: (1) Rape, in violation of paragraph (2) or (6) of subdivision (a) of Section 261. (2) Rape or sexual penetration, in concert, in violation of Section (3) Sodomy, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286. (4) Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 287 or former Section 288a. (5) Sexual penetration, in violation of subdivision (a) of Section 289. (b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for 15 years to life. (c) The court shall impose a consecutive sentence for each

offense that results in a conviction under this section if the crimes involve separate victims or involve the same victim on separate occasions as defined in subdivision (d) of Section 667.6.

286. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. - OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2. )

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. ) (a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. (2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years. (2) (A) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (B) Any person who commits an act of sodomy with another person who is under 14 years of age when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years. (C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years. (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. (3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years. (2) Any person



who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years. (3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years. (4) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (1) Was unconscious or asleep. (2) Was not aware, knowing, perceiving, or cognizant that the act occurred. (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental

disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.

(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) Any person who commits an act of sodomy, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court, however, shall take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

## 287. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2. )

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

(b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.

(c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years. (2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by

means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years. (C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years. (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. (c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years. (2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years. (C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years. (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. (3) Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years. (d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical

disability rendered the alleged victim incapable of giving legal consent. (2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years. (3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years. (4) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (1) Was unconscious or asleep. (2) Was not aware, knowing, perceiving, or cognizant that the act occurred. (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(i) Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(j) Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(k) Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

## 288.5. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Any person who either resides in the same home with the minor child or has recurring access to the child, who over a period of time, not less than three months in duration, engages in three or more acts of substantial sexual conduct with a child under the age of 14 years at the time of the commission of the offense, as defined in subdivision (b) of Section 1203.066, or three or more acts of lewd or lascivious conduct, as defined in Section 288, with a child under the age of 14 years at the time of the commission of the offense is guilty of the offense of continuous sexual abuse of a child and shall be punished by imprisonment in the state prison for a term of 6, 12, or 16 years.

(b) To convict under this section the trier of fact, if a jury, need unanimously agree only that the requisite number of acts occurred not on which acts constitute the requisite number.

(c) No other act of substantial sexual conduct, as defined in subdivision (b) of Section 1203.066, with a child under 14 years of age at the time of the commission of the offenses, or lewd and lascivious acts, as defined in Section 288, involving the same victim may be charged

in the same proceeding with a charge under this section unless the other charged offense occurred outside the time period charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section unless more than one victim is involved in which case a separate count may be charged for each victim.

288.7. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. - OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2. )

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Any person 18 years of age or older who engages in sexual intercourse or sodomy with a child who is 10 years of age or younger is guilty of a felony and shall be punished by imprisonment in the state prison for a term of 25 years to life.

(a) Any person 18 years of age or older who engages in sexual intercourse or sodomy with a child who is 10 years of age or younger is guilty of a felony and shall be punished by imprisonment in the state prison for a term of 25 years to life.

289. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2. )

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years. (C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years. (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. (2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.



(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years.

Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (1) Was unconscious or asleep. (2) Was not aware, knowing, perceiving, or cognizant that the act occurred. (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in this section: (1) "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object. (2) "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ. (3) "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.

(m) As used in this section, "victim" includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

#### 647. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] ( Title 15 enacted 1872. )

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] ( Chapter 2 enacted 1872. )

Except as provided in paragraph (5) of subdivision (b) and subdivision (k), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(b)(1) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with the intent to receive compensation, money, or anything of value from another person. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by



another person to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in an act of prostitution.

(2) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with another person who is 18 years of age or older in exchange for the individual providing compensation, money, or anything of value to the other person. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by another person who is 18 years of age or older to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in an act of prostitution.

(3) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by someone who is a minor to so engage, regardless of whether the offer or solicitation was made by a minor who also possessed the specific intent to engage in an act of prostitution.

(4) A manifestation of acceptance of an offer or solicitation to engage in an act of prostitution does not constitute a violation of this subdivision unless some act, in addition to the manifestation of acceptance, is done within this state in furtherance of the commission of the act of prostitution by the person manifesting an acceptance of an offer or solicitation to engage in that act. As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration.

(5) Notwithstanding paragraphs (1) to (3), inclusive, this subdivision does not apply to a child under 18 years of age who is alleged to have engaged in conduct to receive money or other consideration that would, if committed by an adult, violate this subdivision. A commercially exploited child under this paragraph may be adjudged a dependent child of the court pursuant to paragraph (2) of subdivision (b) of Section 300 of the Welfare and Institutions Code and may be taken into temporary custody pursuant to subdivision (a) of Section 305 of the Welfare and Institutions Code, if the conditions allowing temporary custody without warrant are met.

#### **Fondling: (Sexual Battery)**

**(California Penal Code 243.4, 288, 288.5, 647.6)**

#### **243.4. PENAL CODE - PEN**

**PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)**

**TITLE 8. OF CRIMES AGAINST THE PERSON [187 - 248] (Title 8 enacted 1872.)**

**CHAPTER 9. Assault and Battery [240 - 248] (Chapter 9 enacted 1872.)**

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by

imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full. (2) As used in this subdivision, "touches" means physical contact with another

person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings: (1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female. (2) “Sexual battery” does not include the crimes defined in Section 261 or 289. (3) “Seriously disabled” means a person with severe physical or sensory disabilities (4)

“Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication. (5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital. (6) “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

## 288. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2. )

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) (1) A person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years. (2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

(c) (1) A person who commits an act described in subdivision (a) with the intent described in that subdivision, and the victim is a child of 14 or 15 years, and that person is at least 10 years older than the child, is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year. In determining whether the person is at least 10 years older than the child, the difference in age shall be measured from the birth date of the person to the birth date of the child. (2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person, with the intent described in subdivision (a), is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year.

(d) In any arrest or prosecution under this section or Section 288.5, the peace officer, district attorney, and the court shall consider the needs of the child victim or dependent person and shall do whatever is necessary, within existing budgetary resources, and constitutionally permissible to prevent psychological harm to the child victim or to prevent psychological harm to the dependent person victim resulting from participation in the court process.

(e) (1) Upon the conviction of a person for a violation of subdivision (a) or (b), the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed ten thousand dollars (\$10,000). In setting the amount of the fine, the court shall consider any relevant factors, including, but not limited to, the seriousness and gravity of the offense, the circumstances of its commission, whether the defendant derived any economic gain as a result of the crime, and the extent to which the victim suffered economic losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs pursuant to Section 13837. (2) If the court orders a fine imposed pursuant to this subdivision, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

(f) For purposes of paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c), the following definitions apply: (1) "Caretaker" means an owner, operator, administrator, employee, independent contractor, agent, or volunteer of any of the following public or private facilities when the facilities provide care for elder or dependent persons: (A) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. (B) Clinics. (C) Home health agencies. (D) Adult day health care centers. (E) Secondary schools that serve dependent persons and postsecondary educational institutions that serve dependent persons or elders. (F) Sheltered workshops. (G) Camps. (H) Community care facilities, as defined by Section 1402 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code. (I) Respite care facilities. (J) Foster homes. (K) Regional centers for persons with developmental disabilities. (L) A home health agency licensed in accordance with Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code. (M) An agency that supplies in-home supportive services. (N) Board and care facilities. (O) Any other protective or public assistance agency that provides health services or social services to elder or dependent persons, including, but not limited to, in-home supportive services, as defined in Section

14005.14 of the Welfare and Institutions Code. (P) Private residences. (2) "Board and care facilities" means licensed or unlicensed facilities that provide assistance with one or more of the following activities: (A) Bathing. (B) Dressing. (C) Grooming. (D) Medication storage. (E) Medical dispensation. (F) Money management. (3) "Dependent person" means a person, regardless of whether the person lives independently, who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. "Dependent person" includes a person who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. (g) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) apply to the owners, operators, administrators, employees, independent contractors, agents, or volunteers working at these public or private facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c). (h) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) do not apply to a caretaker who is a spouse of, or who is in an equivalent domestic relationship with, the dependent person under care. (i) (1) A person convicted of a violation of subdivision (a) shall be imprisoned in the state prison for life with the possibility of parole if the defendant personally inflicted bodily harm upon the victim. (2) The penalty provided in this subdivision shall only apply if the fact that the defendant personally inflicted bodily harm upon the victim is pled and proved. (3) As used in this subdivision, "bodily harm" means any substantial physical injury resulting from the use of force that is more than the force necessary to commit the offense.

#### 288.5. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Any person who either resides in the same home with the minor child or has recurring access to the child, who over a period of time, not less than three months in duration, engages in three or more acts of substantial sexual conduct with a child under the age of 14 years at the time of the commission of the offense, as defined in subdivision (b) of Section 1203.066, or three or more acts of lewd or lascivious conduct, as defined in Section 288, with a child under the age of 14 years at the time of the commission of the offense is guilty of the offense of continuous sexual abuse of a child and shall be punished by imprisonment in the state prison for a term of 6, 12, or 16 years.

(b) To convict under this section the trier of fact, if a jury, need unanimously agree only that the requisite number of acts occurred not on which acts constitute the requisite number.

(c) No other act of substantial sexual conduct, as defined in subdivision (b) of Section 1203.066, with a child under 14 years of age at the time of the commission of the offenses, or

lewd and lascivious acts, as defined in Section 288, involving the same victim may be charged in the same proceeding with a charge under this section unless the other charged offense occurred outside the time period charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section unless more than one victim is involved in which case a separate count may be charged for each victim.

647.6. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] ( Title 15 enacted 1872. )

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] ( Chapter 2 enacted 1872. )

(a) (1) Every person who annoys or molests any child under 18 years of age shall be punished by a fine not exceeding five thousand dollars (\$5,000), by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment. (2) Every person who, motivated by an unnatural or abnormal sexual interest in children, engages in conduct with an adult whom he or she believes to be a child under 18 years of age, which conduct, if directed toward a child under 18 years of age, would be a violation of this section, shall be punished by a fine not exceeding five thousand dollars (\$5,000), by imprisonment in a county jail for up to one year, or by both that fine and imprisonment.

**Incest:**

**(California Penal Code 285)**

285. PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] (Chapter 5 enacted 1872.)

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.