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MESSAGE FROM CHIEF OF POLICE
MARGO BENNETT

Thank you for taking the time to review the University of California, Berkeley Annual Security Report (ASR). The UC Berkeley ASR is provided in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The ASR is part of our ongoing efforts to inform you of the safety programs and services available and the crimes that are reported to UCPD, Berkeley local police partners and our Campus Security Authorities (CSAs). It also contains information about proactive steps you can take to help maintain a safe and secure campus for everyone.

This past year, we have taken several steps to enhance our ASR and compliance with other components of the Jeanne Clery Act. As a result of a cross-campus initiative, we hired an external consultant to conduct an audit of our reporting processes. As a result of our efforts to enhance our process, you may notice some changes to the report this year. You will find more in-depth information about crime on campus, including appropriate campus security policy statements. The ASR also explains programs and services UC Berkeley offers to inform students and community members about safety on campus.

Working to keep our campus safe is a top priority for UCPD, Berkeley. We take acts of crimes against members of our campus and the Berkeley community very seriously. It is our obligation to aggressively investigate reported crimes, and we have systems in place to support the survivors of crimes when they happen.

Please consider taking part in the prevention and educational programs offered at UC Berkeley. By acting responsibly, caring for community members, and remaining vigilant, our campus will be a safer place. We encourage everyone to report suspicious and unlawful behavior immediately to UCPD, Berkeley.

We all have an important role in keeping our campus and city safe. We ask for you to work with us to keep Bear Territory safe.

Go Bears!

Margo Bennett
Chief of Police

Notice of Non-Discrimination
The University of California, 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 identity, pregnancy,1 physical or mental disability, medical condition (cancer related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services.2 The University also prohibits sexual harassment. This nondiscrimination policy covers admission, access, and treatment in University programs and activities. Please direct inquiries regarding the University’s nondiscrimination policies to the following:

• Sex discrimination and sexual harassment: Title IX Officer Denise Oldham, tixco@berkeley.edu or (510) 643-7985
• Disability discrimination and access: Assistant Provost Sarah Hawthorne, (510) 642-2795 or acads@berkeley.edu
• All other concerns about discrimination or harassment should be directed to the Office for the Prevention of Harassment and Discrimination, (510) 643-7985 or tixco@berkeley.edu

1Pregnancy includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.
2Service in the uniformed services includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

Retaliation
The University of California, Berkeley prohibits retaliation against individuals for exercising their rights or responsibilities under the Clery Act and/or other UC policies governing sexual harassment and sexual or gender violence. Students, faculty and staff and non-affiliated individuals who report sexual assault, dating or domestic violence, or stalking, assist someone with a report of sexual assault, dating or domestic violence, or stalking, or participate in any manner in an investigation or resolution of a sexual assault, dating or domestic violence, or stalking, are protected from retaliation.

Availability of the Fire Safety Report
In addition to the important safety information in this report, the University of California, Berkeley publishes an Annual Fire Safety Report that can be viewed at http://ehs.berkeley.edu/fire-prevention/annual-fire-safety-reports. A paper copy can be obtained by telephoning 510-642-3073 or visiting Environmental Health and Safety, 2199 Addison, Room 317, University Hall.
ANNUAL SECURITY REPORT

PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The University Police prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by the UC Berkeley Police Department (UCPD, Berkeley), information provided by other University offices such as the Center for Student Conduct, Residential and Student Services Programs and other Campus Security Authorities and information provided by local law enforcement agencies surrounding the main campus. Each of these offices provides updated policy information and crime data.

This report provides statistics for the previous three years (calendar years 2013, 2014, and 2015) concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by the University. This report also includes University policies and procedures about campus security, including policies regarding sexual and gender-based violence, alcohol and drugs, and maintaining a safe campus.

The University distributes a notice of the availability of this Annual Security Report by October 1 of each year to every member of the University community with a link to the report. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the UC Berkeley Police Department (UCPD, Berkeley) at (510) 642-6760.

REPORTING CRIMES AND OTHER EMERGENCIES

The University has a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate University officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire UC Berkeley community that you immediately report all crimes and other emergencies to the UCPD, Berkeley at (510) 642-6760. This will ensure an effective investigation and appropriate follow-up actions, including issuing a Timely Warning or emergency notification.

VOLUNTARY, CONFIDENTIAL REPORTING

If crimes are never reported, little can be done to hold perpetrators accountable. We encourage UC Berkeley community members to report crimes promptly and accurately, and to participate in and support crime prevention and safety awareness efforts. UC Berkeley will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personal identifying information confidential, while taking steps to ensure your safety.
and the safety of others. The confidential reports allow the University to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security Report. Because police reports are public record under California law, 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.

Anyone may call UCPD, Berkeley at (510) 642-6760 to report concerning information. Callers may remain anonymous. If you would like to report a crime or related concern but do not wish to reveal your identity, UCPD, Berkeley offers an anonymous tip line, CalTIPNow, that allows you to leave information about a crime via text, e-mail or a voice message while ensuring your confidentiality: E-mail: cal@tipnow.com, or leave a message or text at (510) 664-8477 for more information, visit http://ucpd.berkeley.edu/campus-safety/report-crime/caltrip. The anonymous tip line is checked routinely, however, it should NOT be used for emergency purposes.

REPORTING TO UCPD, BERKELEY

We encourage all members of the UC Berkeley community to immediately report all crimes and other emergencies to the UCPD Berkeley in a timely manner. We are available by phone at (510) 642-6760 or in person 24 hours per day at 1 Sproul Hall. Although the University offers many support resources, we highly encourage campus community members to report all crimes or concerning behavior or activities to UC Berkeley Police, whether or not they want to pursue a formal investigation, to assure the University can assess security concerns and inform the UC Berkeley community if there is an on-going threat.

EMERGENCY “BLUE LIGHT” PHONES

The University has installed more than 130 emergency phones on campus, outlying parking areas and other off campus locations. Phones are located in public areas and are topped with a blue light that remains lit at all times. Pushing the circular button on the panel will directly connect you to UC Police Dispatch and they will know your location and send help. Please visit this link for the Campus Night Map and locations of Emergency Phones: http://ucpd.berkeley.edu/campus-safety/night-safety-tips

ANONYMOUS TIP MESSAGE LINE

If you would like to report a crime or related concern but do not wish to reveal your identity, UCPD, Berkeley offers an anonymous tip line, TipNow, that allows you to leave information about a crime via text, e-mail or a voice message while ensuring your confidentiality: E-mail: cal@tipnow.com, or leave a message or text at (510) 664-8477, for more information, visit http://ucpd.berkeley.edu/campus-safety/report-crime/caltrip. The anonymous tip line is checked routinely, however, it should NOT be used for emergency purposes.

REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES

While the University prefers that community members promptly report all crimes and other emergencies directly to the UC Police Department at (510) 642-6760 or 911, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as Campus Security Authorities (CSAs). These individuals are “officials of an institution who have 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.” CSAs are required to report all crimes to the Campus Clery Coordinator as soon as reasonably possible. The University has an online form to assist CSAs in the prompt reporting of crimes. Please refer to http://ucpd.berkeley.edu/our-divisions/administration/community-outreach/clery-act/csa-report-form for the form.

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

<table>
<thead>
<tr>
<th>OFFICE</th>
<th>CAMPUS ADDRESS</th>
<th>PHONE NUMBER</th>
</tr>
</thead>
</table>
| University of California Berkeley Police (UCPD, Berkeley) | 1 Sproul Hall Berkeley, CA 94720 | Emergency: 911
| | | Emergency from Cell: (510) 642-3333
| | | Non-Emergency: (510)-642-6760 |
| Office for the Prevention of Harassment and Discrimination (Title IX) | 2111 Bancroft Way, Suite 300 Berkeley, CA 94720 | (510) 643-7985 |
| Center for Student Conduct | 205 Sproul Hall Berkeley, CA 94720 | (510) 643-9069 |
| Residential and Student Services Programs | 2610 Channing Way Berkeley, CA 94720 | (510) 642-3213 |
| Dean of Students Office | 326 Sproul Hall Berkeley, CA | (510) 642-6741 |

Hate Crimes can be reported using an on-line Hate Report Form http://stophate.berkeley.edu


Campus Security Authority report should be made at http://ucpd.berkeley.edu/our-divisions/administration/community-outreach/clery-act/csa-report-form
PASTORAL AND PROFESSIONAL COUNSELORS

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by UC Berkeley to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, the University encourages pastoral and professional counselors to notify those whom they are counseling of the many available reporting options, including the voluntary, confidential reporting process.

ABOUT THE UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT, BERKELEY

ROLE, AUTHORITY, AND TRAINING

The University of California Police Department, Berkeley is empowered pursuant to section 830.2 (b) of the California Penal Code and fully subscribes to the standards of the California Commission on Peace Officer Standards and Training (POST). UCPD, Berkeley officers have the authority to conduct criminal investigations and make arrests anywhere in the State of California. Officers receive the same basic training as city and county peace officers throughout the state, plus additional training to meet the unique needs of a campus environment. The primary jurisdiction of the UC Police Department, Berkeley is the University campus and its properties. The Department handles all patrol, investigation, crime prevention education, and related law enforcement duties for the campus community, and operates twenty-four hours a day, seven days a week.

The Department is comprised of:

- 60 Sworn Officers
- 37 Security Patrol Officers, (SPO)
- 27 Community Service Officers, (CSO)
- 12 Records/Dispatch personnel
- 85 Civilian Staff Members

UC BERKELEY’S COMMITMENT TO SAFETY

The University takes great pride in the community here at UC Berkeley and has many advantages for students, faculty and staff. UC Berkeley is a great place to live, learn, work and study, however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities.

Theft is the most common crime on the Berkeley campus. To address this, UCPD, Berkeley actively promotes the practice of community crime prevention with many programs and campaigns developed to help you recognize your own vulnerability to crime, to educate about preventive actions and to encourage communication with UC Police.

By far, the most effective thing you can do to reduce the likelihood of crime is to develop a strong sense of community with others at your residence, living group, or workplace. Exchange information about your schedules and keep an eye on property, living, and work areas.

UC Berkeley takes progressive measures to create and maintain a reasonably safety environment on campus. Though the University is progressive with its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus. Please report suspicious activities to the UCPD, Berkeley at (510) 642-6760 or 911.

WORKING RELATIONSHIP WITH LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT AGENCIES

The University of California Police Department, Berkeley maintains a cooperative relationship with local and surrounding police agencies. This includes inter-operative radio capability, a joint police records computer system, training programs, special events coordination, and investigation of serious incidents.

MEMORANDUM OF UNDERSTANDING BETWEEN UCPD, BERKELEY AND THE CITY OF BERKELEY POLICE DEPARTMENT

University of California Police Department, Berkeley has a memorandum of understanding (MOU) with the City of Berkeley Police Department. The MOU outlines the administrative responsibility, the geographic responsibility, and the operational responsibility. Key topics in the MOU are emergency response to crimes, medical or fire response, alarm response, 9-1-1 response, explosive ordinance response, tactical operations, special events, south campus patrol, and People’s Park. The MOU also addresses ongoing communication and informational exchanges in the form of reports and statistical data.

CRIMES INVOLVING STUDENT ORGANIZATIONS AT OFF-CAMPUS LOCATIONS

The University of California Police Department, Berkeley does not routinely provide law enforcement services to off-campus residences of student organizations. Criminal activity at off-campus locations would normally be reported to the local law enforcement jurisdiction. UCPD, Berkeley relies on its close working relationships with local law enforcement agencies to receive information about incidents involving our students and recognized student organizations, on and off campus. An addendum to the MOU between the University Police and the City of Berkeley Police Department is a policy, which addresses the collaboration between the two departments to enhance the reporting, investigation, and appropriate response to crimes in each other’s jurisdiction. When the University Police learns of criminal activity by students or student organizations, it will coordinate with the appropriate external law enforcement agency of criminal activity to forward information about the situation to the Center for Student Conduct, as appropriate.
The University requires all recognized student organizations to abide by federal, state, and local laws, and University regulations. The University may become involved in the off-campus conduct of recognized student organizations when such conduct is determined to affect a substantial university interest (as defined in the University Conduct Policy at http://sa.berkeley.edu/code-of-conduct).

CLERY TIMELY WARNINGS

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, the University Police issues “Clery Timely Warnings.” The University Police will generally issue these warnings for the following crimes: criminal homicide; sexual assaults; robbery; aggravated assault; arson; burglary; and hate crimes. University Police will post these warnings through a variety of ways, including but not limited to e-mails, posters or bulletins, and social media.

The purpose of these warnings is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. UCPD, Berkeley will issue these warnings whenever the following criteria are met:

1. A crime is committed;
2. The perpetrator has not been apprehended; and
3. There is a substantial and on-going risk to the physical safety of other members of the campus community because of this crime.

Such crimes include, but are not limited to: Clery Act crimes that are reported to any campus security authority or the local police; or when the University determines that the incident represents an on-going threat to the campus community.

Additionally, the University Police may, in some circumstances, issue warnings when there is a pattern of crimes against persons or property. The UC Berkeley Chief of Police or designee will generally make the determination, in consultation with other University offices, if a WarnMe is required. However, in emergency situations, any police supervisor may authorize a Clery Timely Warning. For incidents involving off-campus crimes, the University may issue a Crime Advisory if the crime occurred in a location used and frequented by the University population.

Clery Timely Warnings are sent out to the campus community via the Nixle email system. If you have an official Berkeley email address, you are automatically enrolled in the crime alert notification system. These messages are a very effective way to send important information to the campus community about safety and congestion in the campus areas.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

EMERGENCY MANAGEMENT AT UC BERKELEY

The Office of Emergency Management (OEM) is responsible for the campus Emergency Operations Plan (EOP). This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for Higher Education that includes planning, mitigation, response, and recovery actions.

You can find more information on the UC Berkeley Emergency Operations Plan and other preparedness information at http://oem.berkeley.edu/.

DRILLS, EXERCISES AND TRAINING

Annually, the University conducts emergency management exercises to test emergency procedures. The scenarios for these exercises change from year-to-year, and include several departments from across the campus. These exercises may include drills, tabletop exercises, emergency operations center exercises, or campus-wide emergency response exercises. The University conducts after-action reviews of all emergency management exercises.

In conjunction with at least one emergency exercise each year, the University will notify the community of the exercise and remind the community of the information included in the University's publicly available information regarding emergency response procedures http://oem.berkeley.edu/.

EMERGENCY NOTIFICATION

The University of California, Berkeley is committed to ensuring that our campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. UC Berkeley uses the emergency notification system WarnMe/Nixle. WarnMe/Nixle is an emergency notification service that proactively

SUBSCRIBING TO UC POLICE NEWS

• Email ucb_police_news-join@lists.berkeley.edu
• Click the link to open an email program
• Press send
• You do not need to type in a subject or a message, CallMail’s Mailman will take it from there. You will then receive an e-mail asking you to confirm your request to belong to the list. Reply to that mail message to confirm your email address, and you will be subscribed to the mailing list.
contacts students, staff and faculty at their CalNet Directory e-mail. WarnMe/Nixle can be used to send emergency messages within minutes of the occurrence of an incident. Messages are sent by multiple methods to contact information listed in the campus directory as well as confidential contact information registered by users. The system can send simultaneous messages to the university community by e-mail and SMS text. Campus community members can visit https://warnme.berkeley.edu to update or change their contact information and are encouraged to list “SMS Text” as their primary contact method. UC Berkeley performs a monthly test of the system to ensure its readiness.

Although the alert system is designed to provide lifesaving information to those in harm’s way and to an overly large user population, surrounding community members and parents may opt in to Nixle.

CONFIRMING THE EXISTENCE OF A SIGNIFICANT EMERGENCY OR DANGEROUS SITUATION AND INITIATING THE EMERGENCY NOTIFICATION SYSTEM

The Police and/or other campus stakeholders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to the Police or upon discovery during patrol or other assignments.

In the event of an emergency, the University will notify affected members of the campus community without delay, taking into account the safety of the community unless issuing a notification will, in the professional judgment of the Police Chief or their designees, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the University may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the University will issue the emergency notification to the campus community.

DETERMINING THE APPROPRIATE SEGMENT OR SEGMENTS OF THE CAMPUS COMMUNITY TO RECEIVE AN EMERGENCY NOTIFICATION

University and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the University community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e. the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The University may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the University mass notification system, the University will also post applicable messages about the dangerous condition on the University homepage to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, University officials will distribute the notification to the entire campus community.

DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION

The UCPD, Berkeley will determine the contents of the notification based on each situation. The University has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where there are no predetermined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure that individuals are aware of the situation and they know the steps to take to safeguard their personal and community safety.

PROCEDURES FOR DISSEMINATING EMERGENCY INFORMATION TO THE GREATER COMMUNITY

In the event of a situation that poses an immediate threat to members of the campus community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of emergency notification to all or a segment of the campus community. These methods of communication include the mass notification system WarnMe/Nixle, Alert & Warning Siren System, the University’s email system, and verbal announcement within a building and via the public address systems on police cars and on several campus building rooftops. The University will post updates during a critical incident on the homepage. If the situation warrants, the University will establish a telephone call-in center to communicate with the University community during an emergency situation.

If the University activates its emergency notification system in response to a situation that poses an immediate threat to members of the campus community, several offices at the University are responsible for notifying the larger community, such as parents, the local community, alumni, etc., about the situation and steps the University has taken to address the emergency. Primarily, Public Information (a unit of University Relations) is responsible for crisis communications and for maintaining communications with national, regional, and local news and radio outlets.

ENROLLING IN THE UNIVERSITY’S EMERGENCY NOTIFICATION SYSTEM

While all campus members, (students, staff & faculty), are enrolled in the WarnMe/Nixle system, we encourage everyone to visit the website and provide SMS Text information. https://warnme.berkeley.edu/.
SECURITY OF AND ACCESS TO UC BERKELEY FACILITIES

The UCPD, Berkeley maintains control of access to campus facilities, monitors the issuance of keys and administers alarm systems. It is important to understand, however, that the Berkeley campus is generally open to the public. Administrative buildings are open from 8:00 a.m. until 5:00 p.m., Monday through Friday, and academic buildings generally are open from 7:00 a.m. until 10:00 p.m. Academic buildings are scheduled to be open on weekends, only as needed. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program or otherwise authorized access.

Many cultural and athletic events held in University facilities are open to the public. Other facilities such as the bookstore, library, and performance center are likewise open to the public. Only those who have demonstrated a need are issued keys to a building.

SPECIAL CONSIDERATIONS FOR RESIDENCE HALL ACCESS

The residence halls are locked 24 hours a day, with entry controlled by a mechanical and/or card key system. Auxiliary staff members are responsible for checking and securing doors, when needed.

All residence hall and apartment exterior doors are equipped with locks and with crash bars to ensure a quick emergency exit. Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident’s responsibility to ensure that his/her guest is aware of the University and residence hall policies. Guests are not provided with room keys or door access cards. A resident of the building must escort all guest at all times. It is the responsibility of residents and staff members to challenge or report individuals who cannot be identified as residents or the guests of residents. When University Police receive a report of a suspicious person in the residence halls, a police officer is dispatched to identify that person.

The UCPD Berkeley encourages students to take personal responsibility for keeping themselves, their belongings and everyone they live with, safe.

SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF CAMPUS FACILITIES

UC Berkeley is committed to a safe and healthy campus environment and commits resources, such as the Campus Architect, Campus Landscape Architect, Campus Real Estate, Campus Construction & Design, and Facility Services to address safety and security of the physical plant. Locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Grounds keeping personnel trim shrubs from sidewalks, walkways, and building entrances to make sure routes to buildings are in good repair. All campus walkways are inspected at least twice per year to ensure adequate lighting. Burned-out lights are replaced promptly. Representatives from several campus departments, including the Police Department, conduct an annual survey of University property to evaluate campus lighting.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to the UC Berkeley Police Department at (510) 642-6760. You can visit a map showing campus buildings and pathways at http://berkeley.edu/map/googlemap/.

SPECIAL PROVISIONS FOR THE UNIVERSITY OF CALIFORNIA WASHINGTON CENTER (UCDC)

POLICY STATEMENTS FOR UCDC

UCDC is a system-wide academic and residential program providing experiential learning opportunities to students in Washington, D.C. UCDC is located at 1608 Rhode Island Ave, NW Washington, DC 20036. You can reach the center’s main desk at (202) 974-6200. For all inquiries, please reach out to Joshua Brimmeier, Director of Student Services at (202) 974-6214 or Mac Hamlett, Manager of Building Services at (202) 974-6365.

REPORTING CRIMES AND OTHER EMERGENCIES

Crimes can be reported directly to Metropolitan Police Department (MPDC) (Emergency: 911 or Non-Emergency: (202) 727-9099). Alternatively, you may contact the Director of Student Services, Joshua Brimmeier at (202) 974-6214 or josh.brimmeier@ucdc.edu to report incidents.

SAFETY & SECURITY AT THE UNIVERSITY OF CALIFORNIA’S WASHINGTON CENTER

The UC Washington Center has security on site at all times. Our security team is committed to maintaining a space that is safe and protected. All students, staff, faculty, and guests are required to show identification upon entering the center.

The Security Desk in the lobby is staffed 24 hours a day and everyone entering the Center is required to show identification every time they enter the building.

You can also visit http://www.ucdc.edu/our-building/safety to learn more information about safety, security and other important information.

SURVEILLANCE CAMERAS

Surveillance cameras are located in the common areas of the building. Exterior cameras monitor outside areas of the UC Washington Center.

Please visit http://www.ucdc.edu/residential-life safety-security for additional information.
TIMELY WARNINGS
When a crime is reported which qualifies for a timely warning response, we post timely warnings on our buildings front doors, in the elevators, and send an email alert to our students.

EMERGENCY NOTIFICATION
UCDC uses the Regroup notification system. Students that are registered and accepted into the UCDC program are automatically opted in through our Student Information System. The student data is imported and exported at the start/end of each term.

CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS
Safety and Security (as well as access control and other topics) are covered at mandatory Residential Orientation at the beginning of each term (3 semesters, 4 quarters). The topics can be seen here: http://www.ucdc.edu/residential-life/residential-life-orientation.

Faculty/Staff safety information is provided through a link to the UCOP EH&S page: http://www.ucop.edu/environment-health-safety/resources/safety-spotlight.html

PREVENTION AND RESPONSE TO SEXUAL AND GENDER VIOLENCE, DATING AND DOMESTIC VIOLENCE STALKING
The policies and procedures outlined elsewhere in this Report apply to all aspects of UC Berkeley response to sexual and gender violence at UCDC.

ALCOHOL AND DRUG POLICIES

ALCOHOL
The possession, sale, manufacturing, distribution, or consumption of alcohol by persons under the age of 21 is prohibited and illegal under state and federal laws, and University of California policy. Violators are subject to disciplinary action, criminal prosecution and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21.

• A resident who is at least 21 years of age and elects to consume alcohol may do so in his/her own apartment with the door closed.

• No possession, transportation (in plain view), or consumption of open containers will be allowed in common or public areas by any person, regardless of age. Common/public areas are defined as all facility areas that are not part of the private confines of a resident apartment. In such a case where the Resident Apartment door is propped open, the apartment will be considered common/public space.

• Possession of large quantities of alcohol is prohibited. Large quantities can include kegs, pony kegs, party balls, tap systems, keg taps, trashcans, funnels, surgical tubing etc., and similar large volume containers.

• The inability to exercise care for one’s own safety or the safety of others due in whole or in part to alcohol consumption is considered a violation of policy.

• Any disruptive or abusive behavior or damage resulting from the use of alcoholic beverages shall not limit the responsibility of the individual for his/her activity. Such behavior and/or violation will result in disciplinary sanctions and possible eviction.

• Violation of any other policy while under the influence of alcohol is considered an additional violation.

CONTROLLED SUBSTANCES
• Possession, use, manufacture, sale, distribution, or consumption of illegal and/or dangerous drugs is prohibited and illegal under state and federal laws, and a violation of University of California policy.

• Possession of paraphernalia containing controlled substances, or residue of controlled substances, is prohibited.

• Violation of any other policy while under the influence of a controlled substance is considered an additional violation.

• The inability to exercise care for one’s safety or the safety of others due in whole or in part to being under the influence of a controlled substance is considered a violation of policy.

• Residents in violation of any of the above drug policies will immediately have his/her housing contract terminated without refund and could also be subject to additional disciplinary action, and could also be subject to criminal prosecution and imprisonment. Additionally, a report of the incident will be forwarded to the appropriate campus academic program or judicial office for review. Further sanctions may be imposed upon the student’s home campus.

DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS
Information about drug and alcohol education programs can be viewed at:

ALCOHOL AND DRUGS: MEDICAL, COUNSELING, AND EDUCATIONAL SERVICES
https://uhs.berkeley.edu/health-topics/alcohol-and-other-drugs
http://uhs.berkeley.edu/psafe/

RESOURCES FOR FACULTY AND STAFF
Be Well at Work: Employee Assistance
https://uhs.berkeley.edu/bewellatwork/employee-assistance

UC BERKELEY’S SEXUAL AND GENDER VIOLENCE PREVENTION & RESPONSE POLICIES, SUPPORT, AND EDUCATION
The University of California is committed to providing a safe learning and working environment, and in compliance with federal law has adopted policies and procedures to prevent and respond to incidents of sexual violence including sexual assault, domestic
violence, dating violence and stalking. These guidelines apply to all students, faculty, staff, contractors and visitors.

OUR EFFORTS TO PREVENT AND RESPOND TO SEXUAL AND GENDER VIOLENCE, INCLUDING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

All forms of sexual violence and harassment, including the acts described and defined in this Report, violate the University of California policy on Sexual Violence and Sexual Harassment, Student Code of Conduct, Faculty Code of Conduct and other University policies and may violate federal and state laws. Violations of these policies are subject to disciplinary sanctions through the applicable University policy. Please visit http://survorsupport.berkeley.edu/ for additional information.

When an incident is disclosed to any University official, the person to whom the report is made shall inform the individual of their option to notify local law enforcement authorities, including the UC Police, Berkeley or the City of Berkeley Police. The official will also notify the reporting party of institutional personnel who can assist the individual in notifying the authorities of the incident, if and when the survivor elects to report the incident to law enforcement. The survivor also retains the right to not report to law enforcement at all points during the reporting process. The individual shall be informed of the importance of preserving evidence required for proof of possible criminal activity. The individual shall also be informed of the resources such as on and off-campus counseling, mental health, and other student services. On-campus counseling services are available to students through University Health Services https://uhs.berkeley.edu/counseling and for employees through https://uhs.berkeley.edu/facstaff/worklife/counseling-and-mediation-services; (510) 643-7754.

Finally, the individual receiving the report will provide the reporting party the Survivor Support Handout (https://ophd.berkeley.edu/sites/default/files/SurvivorSupportHandout.pdf) and review it with the individual.

PRESEVERING EVIDENCE FOLLOWING AN INCIDENT OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING

When an incident of sexual assault, dating violence, domestic violence, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. In cases of sexual assault avoid washing, douching, using the toilet, or changing clothing prior to a medical exam. Any clothing removed should be placed in a paper bag.

- Evidence of violence, such as bruising or other visible injuries, should be documented including through photographic evidence.
- Evidence of stalking including any communication, such as written notes, voice mail, social media postings, or other electronic communications should be saved and not altered in any way.

REPORTING OPTIONS

In the case of an emergency or ongoing threat, if possible get to a safe location and please report the incident by calling 911 or (510) 642-3333 from your cell phone. Berkeley City Police may be contacted at (510) 981-5900 or at 2100 Martin Luther King, Jr. Way, Berkeley, CA.

If a student, faculty, staff or visitor has experienced an incident of sexual violence, dating violence, domestic violence, or stalking, they should immediately report it to the UCPD, Berkeley by calling (510) 642-6760, or visiting the UC Berkeley Police Department at 1 Sproul Hall.

University of California, Berkeley officials can assist the survivor in notifying UCPD, Berkeley or the local police, if a survivor elects to do so. Survivors or victims of crimes have the right to not report to law enforcement.

Any person impacted by sexual harassment, sexual violence, including sexual assault, dating violence, domestic violence, or stalking may also report to the Office for the Prevention of Harassment and Discrimination, (510) 643-7985, 2111 Bancroft Way or the Center for Student Conduct at (510) 643-9069, 205 Sproul Hall.

WHAT TO DO IF YOU OR A FRIEND EXPERIENCE SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING?

- Go to a safe place as soon as you can.
- Contact the UCPD, Berkeley Emergency: 911; Emergency from Cell: (510) 642-3333; Non-Emergency: (510)-642-6760 or Berkeley Police Department at 911 or (510) 981-5900.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence for possible legal action.
- Speak with the Confidential CARE Advocate to help explain your options, give you information, and provide emotional support. Please contact (510) 642-1988 (Office) or the On-Call Advocate from 9am-5pm: (510) 703-7594 or visit http://sa.berkeley.edu/dean/confidential-care-advocate.
SUPPORT & REPORTING OPTIONS

Confidential

The following offices offer CONFIDENTIAL support for individuals who have been impacted by sexual harassment, sexual assault, dating violence, domestic violence or stalking.

At the PATH to Care Center confidential Advocates provide affirming, empowering, and confidential support for those that have experienced sexual and gender violence, including sexual harassment, emotional abuse, dating and intimate partner violence, sexual assault, stalking, and sexual exploitation. Advocates bring a non-judgmental, caring approach to exploring all options, rights, and resources. Please contact (510) 642-1988 (Office appointment) or the CARE line (urgent support (510) 643-2005 or visit care.berkeley.edu.

Confidential Counseling Services for students at Tang Social Services provides immediate and ongoing counseling, groups and consultation: (510) 642-6074; uhs.berkeley.edu/students/counseling

Employee Assistance Services for Faculty and Staff include counseling, consultation and referrals: (510) 643-7754

Non-Confidential

• Incidents of sexual harassment, sexual assault, dating violence, domestic violence and stalking may be reported to the Office for the Prevention of Harassment and Discrimination (OPHD): ask_ophd@berkeley.edu or (510) 643-7985.

• Reports involving students may also be made to the Center for Student Conduct: studentconduct@berkeley.edu or (510) 643-9069.

NOTICE OF RIGHTS & OPTIONS

Any student, faculty or staff member who reports sexual or gender violence, including sexual assault, domestic or dating violence, or stalking, whether the offense occurred on or off campus, shall receive a written explanation of their rights and options (https://ophd.berkeley.edu/sites/default/files/SurvivorSupportHandout.pdf). This written explanation identifies existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the institution and in the community. It describes options for available assistance and indicates how to get help with requesting changes to academic, living, transportation, and working situations or protective measures. UC Berkeley will make such accommodations or provide such protective measures if the survivor requests them and if they are reasonably available, regardless of whether the survivor chooses to report the incident to UCPD, Berkeley or local law enforcement.

ACCOMMODATIONS AND INTERIM & PROTECTIVE MEASURES

Whether or not a student or employee reports to law enforcement and/or pursues any formal action, if they report an incident of sexual or gender-based violence, UC Berkeley is committed to providing them as safe learning or working environment as possible. Upon request, UC Berkeley will make any reasonably available change to a victim’s academic, living, transportation, and or working situation.

Survivors or others impacted by sexual or gender violence may contact the PATH to CARE Center’s confidential advocate to discuss options or for an appointment at (510) 642-1988 or the CARE Line (for urgent support) at (510) 643-2005 for visit http://sa.berkeley.edu/dean/confidential-care-advocate/. Students may also choose to contact Social Services located at The Tang Center, 2nd Floor Room 2280. (510) 642-6074.

Employees may contact Human Resources, 2199 Addison Street, Room 192, Berkeley, CA, (510) 642-7053 or the Staff Ombuds Office for assistance; Fox Cottage, 2350 Bowditch Street, Berkeley, CA, (510) 642-7823.

If a survivor reports to law enforcement, including UCPD, Berkeley or the City of Berkeley Police, they may assist survivors in obtaining an emergency protective order. Confidential advocates can assist in exploring further protection orders options.

UC Berkeley is committed to ensuring that any such order is fully upheld on all property owned or controlled by UC Berkeley. UC Berkeley is also committed to protecting victims from any
further harm, and the Office for the Prevention of Harassment and Discrimination (OPHD) and the Center for Student Conduct may issue a temporary no-contact order pending the outcome of any conduct proceeding.

CONFIDENTIALITY

The University of California Berkeley recognizes the sensitive nature of sexual violence and is committed to protecting the privacy of any individual who reports an incident of sexual violence, dating violence, domestic violence or stalking. Different officials on campus are, however, able to offer varying levels of privacy protection to complainants. Reports made to law enforcement, including if criminal prosecution is pursued, may be made public and shared with the respondent, unless the report is subject to victim confidentiality per California Penal Code section 293 and Government Code sections 6253 and 6254.

Concerns about sexual misconduct or gender violence can be brought to certain UC Berkeley offices listed above as Confidential Reporting Options.

Reports made to certain UC Berkeley officials will be kept confidential, and identifying information about the victim shall not be made public per California Penal Code section 293. Information can be requested through the Office of the Chancellor via the California Public Records Act, but some details may be redacted. Reports made to the Confidential Advocate’s Office, medical professionals, licensed mental health counselors, and staff within the Ombuds Office will not be shared with third parties except in cases of imminent danger to the victim or a third party.

CONFIDENTIALITY IN THE COMPLETION OF PUBLICLY AVAILABLE RECORDKEEPING

UCPD, Berkeley will not release the names of survivors in its Timely Warning notices, Campus Alerts or "Emergency Notifications," nor in the “Daily Crime Log,” each of which are required by the Clery Act.

CONFIDENTIALITY OF ACCOMMODATIONS AND PROTECTIVE MEASURES

UC Berkeley will maintain the confidentiality of any accommodation or protective measure unless it substantially interferes with the measure’s implementation.

SUPPORT RESOURCES ON & OFF CAMPUS

Both the University of California Berkeley and the City of Berkeley offer other important resources to the survivors of sexual and gender violence including medical treatment, counseling and advocacy they may wish to utilize.

The PATH to Care Center and the UCPD, Berkeley both have personnel available that can assist any student or employee free of charge and will help them consider their options and navigate through any resources or recourse they elect to pursue. A survivor need not make a formal report to law enforcement or UC Berkeley to access these resources that include the following.

CONFIDENTIAL SUPPORT, ADVOCACY, AND COUNSELING SERVICES

Confidential Advocates, PATH to Care Center (510) 642-1988 care.berkeley.edu

Social Services (SOS) at Berkeley (510) 642-6074 Tang Center, 2nd floor, Room 2280 2222 Bancroft Way #4300 https://uhs.berkeley.edu/social-services

ADDITIONAL RESOURCES

In addition to the campus services listed here, several community service organizations can provide counseling, mental health, and other related services to sexual assault victims. PATH to Care Center, or the Director of Women’s Resources, Sexual Harassment Assault Resources at the Gender Equity Resource Center can assist with connecting victims to these services.

UC Berkeley Gender Equity Resource Center (510) 642-4786 or geneq@berkeley.edu
202 César E. Chávez Center Resources and support (510) 643-5727 or ambrosio@berkeley.edu

UCPD, Berkeley Survivor Resource Specialist (510) 642-9113 1 Sproul Hall Survivor_Resources@berkeley.edu

University Health Services (510) 642-2000 Tang Center, 2222 Bancroft Way http://www.uhs.berkeley.edu/

Student Advocate’s Office (SAO) (510) 642-6912 114B Hearst Gym

Bay Area Women Against Rape (510) 430-1298 24 hr. hot line (510) 845-7273 470 27th Street, Oakland, CA http://www.bawar.org/

Family Violence Law Center 24 hr. crisis line (800) 947-8301 (510) 208-0220 470 27th Street, Oakland, CA http://fvlc.org/

Highland Hospital (Evidence Collection) (510) 437-4800 1411 East 31st Street, Oakland, CA.
PREVENTION AND EDUCATIONAL PROGRAMS REGARDING SEXUAL ASSAULT, DATING AND DOMESTIC VIOLENCE AND STALKING

UC Berkeley is committed to increasing the awareness of and prevention of sexual violence. All incoming students and new employees are provided with information intended to prevent sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches; that includes a clear statement that UC Berkeley prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. Ongoing prevention and awareness campaigns are also offered throughout the year.

The University of California, Berkeley employs a multifaceted approach to preventing sexual assault, dating violence, domestic violence, and stalking. To prevent these incidents from occurring in the first place, the fundamental causes of the violence must be addressed. These are not isolated crimes committed by people on the fringe of societal norms. These crimes are committed by individuals who are part of our society and who have learned behaviors of power and control, and use these strategies in their relationships.

Preventing sexual and gender violence is not the responsibility of the survivor of the violence. Preventing sexual violence cannot be achieved by recommending that people restrict their activities in order to avoid being victimized. Risk reduction is not prevention. Instead, all of us can take a stand to prevent violence by confronting violent beliefs, attitudes, and acts before the violent actions occur.

If you experience sexual assault or other forms of gender-based violence, it is important that you seek help immediately. UC Berkeley has provided a number of ways for you to get immediate assistance, and you can choose the ones with which you feel most comfortable. These resources are outlined above.

Bystander Intervention and Risk Reduction

Together we will prevent violence and harm by becoming active bystanders who care for one another. Being an active bystander means that you TAKE ACTION when you see a situation that could be potentially harmful to another person. Every step counts no matter how small you think it is.

The CARE (Confront, Alert, Re-Direct, and Engage) Model equips UC Berkeley community members with strategies for taking action. Depending on the situation at hand and your personal style for intervening, there is always an option for taking action while keeping yourself safe. You can become part of the solution in making the UC Berkeley community safer and more inclusive for everyone. Bystander intervention is a great tool and has the power to transform our campus. For more information, please visit http://sa.berkeley.edu/btc.

CAMPUS PREVENTION APPROACHES

Multiple student groups and units on campus collaborate on prevention programs to:

- Educate the campus community about sexual violence in the context of a university setting and engage people in a commitment to get involved when they observe risky situations
- Confront the oppressive stereotypes that are the basis for the disrespect that leads to interpersonal violence
- Talk about healthy relationships and healthy sexuality, emphasizing the importance of communication and respecting personal boundaries
- Coordinate campus-wide awareness efforts, such as town hall meetings, lectures, and other open spaces for dialogue on sexual violence.

LINKS TO PROGRAM DESCRIPTIONS

- PATH to Care Center http://care.berkeley.edu
- Survivor Support & Education: http://survivorsupport.berkeley.edu/
- Gender Equity Resource Center: http://geneq.berkeley.edu/
- University Health Services Health Promotion: http://uhs.berkeley.edu/students/healthpromotion/
- Bear Pact: A mandatory presentation which teaches students about important issues faced by college students: sexual violence and harassment, mental health, and alcohol use.
- The LEAD Center provides numerous prevention activities, including training for fraternities and sororities and other University-affiliated student groups. 102 Hearst Gym, (510) 642-5171
- Residential and Student Service Program (RSSP) also organizes a variety of prevention activities for their residents, including residence hall staff training. 2610 Channing Way, (510) 642-3213

DISCIPLINARY PROCEEDINGS

UC Berkeley strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal action, students, employees and other affiliates may also face disciplinary action by the University. Employees found responsible for having committed such a violation face discipline up to and including termination of employment, and students face disciplinary action up to, and including dismissal from the university. Other sanctions may include a period of suspension, No Contact Directives, or participation in workshops. The Center for Student Conduct handles incidents involving accused students and the Office of Human Resources handles incidents involving accused employees/affiliates. The Faculty Code of Conduct governs matters involving faculty accused of misconduct.
STUDENT PROCEEDINGS

All conduct and disciplinary proceedings involving students and employees, whether the conduct is reported to have occurred on or off campus, as appropriate, shall provide a prompt, fair and impartial investigation and resolution by officials who have received annual training on the nature of the types of cases they are handling, on how to conduct a trauma-informed investigation and hearing in a manner that protects the safety of victims and promotes accountability. Determination of responsibility for violating the Code of Student Conduct is made using the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred).

In all student proceedings, including any related meetings, both the respondent and the complainant are entitled to the same opportunities to have others present including the right to be accompanied by an advisor of their choice. Both the respondent and complainant shall simultaneously be informed in writing of the outcome of the proceedings, the procedures for appealing the results, and of case progression through the conduct process. Disclosure of the outcome shall be made to both parties unconditionally, simultaneously, and each shall be free to share or not share the details with any third parties.

For additional information about student conduct proceedings, please consult the Code of Student Conduct available at http://sa.berkeley.edu/conduct.

FACULTY AND STAFF PROCEEDINGS

All disciplinary proceedings involving staff and faculty shall follow a prompt, fair and impartial investigation and resolution by officials who have received annual training on the nature of the types of cases they are handling, on how to conduct an investigation, and shall follow the specific personnel policies or academic code of conduct policies that govern that individual’s employment or academic appointment status. As in the disciplinary process for students, individuals accused of sexual misconduct or gender violence can bring representatives or support persons to their interviews and disciplinary meetings. As is the case with students, complainants shall be informed of the outcome of the disciplinary process, as required by UC system-wide policy.

FILING A COMPLAINT WITH THE UNIVERSITY

Cases involving a complaint of sexual assault, sexual harassment and/or gender discrimination are first assessed and explored for possible policy violations by the Office for the Prevention of Harassment and Discrimination (OPHD).

OFFICE FOR THE PREVENTION OF HARASSMENT AND DISCRIMINATION (OPHD)

- Who? OPHD is responsible for ensuring the University provides an environment for faculty, staff and students that is free from discrimination and harassment on the basis of protected categories including race, color, national origin, gender, age and sexual orientation/identity and pregnancy.

- What? OPHD oversees the process for the investigation and resolution of sexual harassment and sexual violence complaints against faculty, staff and students pursuant to the UC Policy on Sexual Harassment and Sexual Violence.

- Where? You can reach OPHD at (510) 643-7985, ask_ophd@berkeley.edu, and/or http://ophd.berkeley.edu 2111 Bancroft Way. At the conclusion of an OPHD inquiry involving student behavior, the Center for Student Conduct (CSC) determines if/what charges should be brought.

CENTER FOR STUDENT CONDUCT (CSC)

- Who? The CSC determines if a student or student organization engaged in behavior that violates the Code of Student Conduct. Students, faculty, staff and community members can report an incident to the Center for Student Conduct.

- What? CSC reviews information reported to the office and will contact the student or student organization if there is reason to believe that the Code of Student Conduct may have been violated. The student or student organization charged with violating the Code has the option to resolve the case by meeting with CSC or by having a hearing. During a meeting with CSC, a CSC staff member listens to the student’s side of the story and determines whether the student did indeed violate the Code. If the student is found responsible for violating policy, the CSC staff member proposes sanctions. If the student agrees with the proposal, the case is resolved. If the student does not agree with the proposal, the case goes to a hearing. During a hearing, either a panel or the Independent Hearing Officer makes the determination of responsibility and recommends sanctions. Regardless of whether a case is resolved through a meeting with CSC or by going to a hearing, disciplinary action is based on a combination of factors, including the circumstances of the particular case and past conduct history. Sanctions include a range of outcomes, including suspension and dismissal from the university.

- Where? You can reach CSC at (510) 643-9069, studentconduct@berkeley.edu, 205 Sproul Hall or http://studentconduct.berkeley.edu.

UNIVERSITY DISCIPLINARY PROCEDURES IN SEXUAL AND GENDER VIOLENCE INCIDENTS

The University’s disciplinary processes for students and employees are designed to afford a complainant (the person who is bringing a charge) and a respondent (the person who is answering a charge) a fair, prompt, and appropriate resolution process. The protocol for how the University responds to sexual assault, dating and domestic violence and stalking complaints through the campus conduct process can be found at Sexual Harassment & Violence Support & Education website: http://survivorsupport.berkeley.edu/.
The University of California Policy on Sexual Violence and Sexual Harassment, which applies to students, faculty and staff employees, states that complainants and respondents may have an adviser present when personally interviewed and at any related meeting during the investigation process. Other support persons may be allowed under other policies, e.g., personnel policies or collective bargaining agreement. Other witnesses in the investigation may have an adviser present at the discretion of the investigator or as required by University policy or collective bargaining agreement.

Full text of this policy is available at the Office for the Prevention of Harassment and Discrimination (OPHD) website at http://ophd.berkeley.edu/.

In determining whether the alleged conduct constitutes sexual harassment or assault, dating or domestic violence or stalking, the full context in which the alleged incident occurred must be considered. In all cases, both the complainant and the respondent are entitled to the same opportunities to have others present during any disciplinary proceeding. Both the complainant and the respondent will be informed of the outcome of any proceeding, including any changes to the outcome as a result of an appeal.
## EXPLANATION OF DISCIPLINARY PROCEEDINGS FOR REPORTED INCIDENTS OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING

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<th>PROCESS</th>
<th>OFFICES RESPONSIBLE</th>
<th>AVAILABLE SANCTIONS</th>
<th>ANTICIPATED TIMELINES</th>
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<td><strong>Undergraduate &amp; Graduate Students</strong></td>
<td><strong>OPHD</strong>&lt;br&gt;<strong>Center for Student Conduct</strong>&lt;br&gt;<strong>Dean of Students</strong>&lt;br&gt;<strong>Independent Hearing Officer</strong>&lt;br&gt;<strong>Vice Chancellor of Student Affairs</strong>&lt;br&gt;<strong>CARE Advocate Office</strong>&lt;br&gt;<strong>University Health Services</strong>&lt;br&gt;<strong>UCPD, Berkeley</strong></td>
<td>The following sanctions are available depending on the outcome of the investigation and/or hearing process.&lt;br&gt;- No Sanction&lt;br&gt;- Notification&lt;br&gt;- Warning&lt;br&gt;- Probation&lt;br&gt;- Suspension&lt;br&gt;- Dismissal&lt;br&gt;- Educational sanctions such as completing workshops or attending counseling assessments may also be applied.</td>
<td><strong>All “days” referred to in this timeline are “work days,” defined as Monday – Friday, when the University is officially open for classes.</strong>&lt;br&gt;<strong>OPHD investigates complaints and makes findings as promptly as possible, and in most cases, within 50 days. Extensions to this timeline can be made for good cause. If extensions are made, the parties will be notified.</strong>&lt;br&gt;<strong>The investigation and adjudication of the case will normally take 60 days unless an extension has been granted for good cause.</strong>&lt;br&gt;<strong>Either party may submit an appeal of the case outcome within 10 days of the issuance of the case outcome letter.</strong>&lt;br&gt;<strong>If the Appeal Officer determines that the appeal meets the grounds, a hearing will be convened in order to resolve the issue brought forth appealing party may appeal the Appeal Officer’s decision to the Chancellor’s designee within 5 days of the issuance of the appeal outcome letter.”</strong></td>
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- In all cases, regardless of the location of the crime, the University will provide the complainant with the Survivor Support Handout that explains the various rights and options when reporting an incident of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. [https://ophd.berkeley.edu/sites/default/files/SurvivorSupportHandout.pdf](https://ophd.berkeley.edu/sites/default/files/SurvivorSupportHandout.pdf).<br>Wherever possible, the University will provide the complainant with access to medical care, emotional support, information regarding the confidential survivor advocate, and, when requested, any academic/housing accommodations.<br>The University will assess the immediate safety needs of complainant, including, for example, assisting with acquiring protective orders or other protective measures, including no contact orders.<br>The University will provide information for reporting to UCPD. Berkeley or the local police department, when applicable and will assist complainant with contacting law enforcement, if the complainant requests.<br>OPHD, in consultation with relevant campus partners (e.g., CARE Advocate, Student Housing, Center for Student Conduct (CSC), and UCPD, Berkeley, will assess the need to implement interim or long-term protective measures, such as interim suspensions, exclusions from areas of campus, housing changes, change in class schedule, “No Contact” directive between both parties.<br>OPHD will provide complainants and respondents a copy of the applicable UC Policy on Sexual Harassment and Sexual Violence that includes an outline of the administrative investigation procedures, as well as an outline of the subsequent adjudication process.<br>If an investigation is to be conducted, OPHD and CSC will co-author and send a letter to both the complainant and the respondent notifying them of the investigation as well as charging the respondent with violating the Code of Student Conduct.<br>OPHD will conduct a prompt, fair, and impartial investigation of the allegations. They will use a preponderance of evidence standard to make a recommendation to CSC regarding whether the UC Policy on Sexual Violence and Sexual Harassment as well as the Code of Student conduct have been violated.<br>OPHD and CSC will simultaneously notify the complainant and respondent of the outcome of the investigation, and notify them that they can request a redacted copy of the written investigation report.<br>CSC reviews the report and offers to meet with the complainant and the respondent to discuss potential sanctions.<br>After reviewing the investigation report and, if applicable, meeting with the parties, CSC will use the preponderance of evidence standard to render a decision regarding responsibility for violating the UC Policy on Sexual Violence and Sexual Harassment and the Code of Student Conduct. CSC will issue an outcome letter to both parties notifying them of the decision as well as applicable sanctions. This letter will also notify students of their appeal rights.<br>The complainant and respondent have the ability to appeal CSC’s decision to the Appeal Officer. If no one chooses to appeal the case, the case is closed.<br>If either party appeals the finding, the Appeal Officer will determine whether the appealing party met the grounds for appeal. If so, the Appeal Officer will convene a hearing in order to consider the appeal. The Appeal Officer has the ability to uphold, reject, or modify the findings and sanctions. |
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<td>• If the Appeal Officer modifies CSC’s outcome in any way, the non-appealing party, and/or CSC, may submit a written appeal the Chancellor’s designee. The Chancellor’s designee will issue a written decision to the complainant, respondent, CSC and OPHD normally within ten (10) business days. There is no further right to appeal.</td>
<td>• OPHD</td>
<td>• No discipline</td>
<td>• The Chancellor’s designee must communicate the final decision regarding the appeal within 10 days after receipt of the appeal and related documents.</td>
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<td>• From the initial filing of the complaint through any appeals, the University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</td>
<td>• Human Resources</td>
<td>• Remedial education or training</td>
<td>• The entire appeal process will normally be completed within 60 days.</td>
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<td>• In all cases, the University will provide the complainant with the University will provide the complainant with the Survivor Support Handout that explains the various rights and options when reporting an incident of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. <a href="https://ophd.berkeley.edu/sites/default/files/SurvivorSupportHandout.pdf">https://ophd.berkeley.edu/sites/default/files/SurvivorSupportHandout.pdf</a>. Wherever possible, the University will provide the complainant with access to medical care, emotional support, and any workplace accommodations, as necessary.</td>
<td>• University Health Services</td>
<td>• Written Warning</td>
<td></td>
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<tr>
<td>• Relevant campus offices (e.g., Human Resources, OPHD, University Health Services, UCPD) will assess immediate safety needs of complainant, including, for example, assisting with acquiring protective orders or other measures.</td>
<td>• UCPD</td>
<td>• Corrective salary decrease</td>
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<tr>
<td>• HR or UCPD, Berkeley will assist the complainant with contacting local police if complainant requests. We will also provide complainant with contact information for local police department when applicable</td>
<td></td>
<td>• Suspension</td>
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<tr>
<td>• OPHD, in consultation with relevant campus partner offices (e.g., Human Resources, University Health Services, UCPD, Berkeley) will assess need to implement other interim measures, such as administrative leave, work reassignments, or “No Contact” directive between both parties.</td>
<td></td>
<td>• Demotion</td>
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<tr>
<td>• OPHD will provide all complainants and respondents a copy of the applicable UC Policy on Sexual Violence and Sexual Harassment that includes an outline of the administrative investigation procedures.</td>
<td></td>
<td>• Termination</td>
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<tr>
<td>• OPHD will conduct a prompt, fair, and impartial investigation of the allegations to determine if the UC Policy on Sexual Harassment and Sexual Violence has been violated, using a preponderance of the evidence standard.</td>
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<td>• OPHD will simultaneously notify the complainant and respondent of the outcome of the investigation, and notify them that they can request a redacted copy of the written investigation report.</td>
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<td>• OPHD will forward that report to Human Resources for review under the appropriate disciplinary procedures for the responding employee, depending on the applicable personnel policy or labor agreement.</td>
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<td>• Human Resources will then determine appropriate disciplinary and/or remedial measures.</td>
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<tr>
<td>PROCESS</td>
<td>OFFICES RESPONSIBLE</td>
<td>AVAILABLE SANCTIONS</td>
<td>ANTICIPATED TIMELINES</td>
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</table>
| Faculty | • In all cases, regardless of the location of the crime, the University will provide the complainant with the Survivor Support Handout that explains the various rights and options when reporting an incident of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. [Link](https://ophd.berkeley.edu/sites/default/files/SurvivorSupportHandout.pdf). | • For all academics  
  • Written censure  
  • Reduction in salary  
  • Demotion  
  • Suspension  
  • Denial or curtailment of Emeritus status  
  • Dismissal  
  And, in addition, for those covered by APM 150:  
  • Written warning | • OPHD investigates allegations and makes findings as promptly as possible and in most cases, within 60 working days.  
• The review and discipline process follows timelines determined by applicable policies, labor agreement or Code of Conduct that cover the terms and conditions of the responding academic employee. |
|         | • Relevant campus offices (e.g., Vice Provost for the Faculty [VPF], OPHD, University Health Services, UCPD, Berkeley) will assess immediate safety needs of complainant, including, for example, assisting with acquiring protective orders or other measures. |                   |                      |
|         | • The VPF, OPHD or UCPD will assist complainant with contacting local police if complainant requests. UCPD will also provide complainant with contact information for local police department when applicable. |                   |                      |
|         | • OPHD, in consultation with relevant campus partner offices (e.g., VPF, Academic Personnel, University Health Services, UCPD, Berkeley) will assess need to implement other interim measures, such as administrative leave, work reassignments, or “No Contact” directive between both parties. |                   |                      |
|         | • OPHD will provide a complainants and respondents a copy of the applicable UC Policy on Sexual Violence and Sexual Harassment that includes an outline of the administrative investigation procedures. |                   |                      |
|         | • OPHD will conduct a prompt, fair, and impartial investigation of the allegations and determine whether the UC Policy on Sexual Violence and Sexual Harassment has been violated, using a preponderance of the evidence standard. |                   |                      |
|         | • OPHD will simultaneously notify the complainant and respondent of the outcome of the investigation, and notify them that they can request a redacted copy of the written investigation report. |                   |                      |
|         | • In the case of ladder rank faculty, OPHD will forward the report to the VPF for review under the Faculty Code of Conduct. In the case of other academic appointments, OPHD will forward the report to the Academic Personnel Director for review under the appropriate disciplinary procedures for the responding academic employee, depending on the applicable policy or labor agreement. |                   |                      |
|         | • The VPF or Assistant Vice Provost, as appropriate, will oversee the disciplinary process and/or remedial measures. |                   |                      |
DEFINITIONS OF COVERED OFFENSES

AS DEFINED BY THE VIOLENCE AGAINST WOMEN ACT

- **Sexual assault** is any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent, as well as incest or statutory rape. The Clery Act defines sexual assault in the following categories: rape, fondling, incest and statutory rape.

- **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim.

- **Dating violence** means violence committed by a person who is or has been in a romantic or intimate relationship with the victim.

- **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

- California state law definitions of these crimes are included in the appendix.

AS DEFINED BY THE UNIVERSITY OF CALIFORNIA

**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).

The Respondent’s belief that the Complainant consented shall not provide a valid excuse where: 1. The Respondent’s belief arose from the Respondent’s own intoxication or recklessness; 2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or 3. The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was: a. asleep or unconscious; b. due to the influence of drugs, alcohol, or medication, unable to understand the fact, nature, or extent of the sexual activity; or c. unable to communicate due to a mental or physical condition.

**SEXUAL VIOLENCE:**

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

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

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

- Overcoming the will of Complainant by:
  - Force (the use of physical force or inducing reasonable fear of immediate or future bodily injury);
  - Violence (the use of physical force to cause harm or injury);
  - Menace (a threat, statement, or act showing intent to injure);
  - Duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit to something that they would not otherwise do).
– Deliberately causing a person to be incapacitated (through drugs or alcohol);

• Intentionally taking advantage of the other person’s incapacitation (including voluntary intoxication).

• Recording, photographing, transmitting, or distributing intimate or sexual images without the prior knowledge and consent of the parties involved.

c. Relationship Violence:

i. Dating Violence: Conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the Complainant in reasonable fear of serious bodily injury. The nature of the relationship between the Complainant and Respondent is determined by the length, type, and frequency of interaction between them.

ii. Domestic Violence: Conduct by a current or former spouse or intimate partner of the Complainant; or a person with whom the Complainant shares a child in common, that intentionally, or recklessly, causes bodily injury to the Complainant or another, or places the Complainant or another in reasonable fear of serious bodily injury.

iii. Between individuals of any gender or gender identity.

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

SEXUAL HARASSMENT:

a. Sexual Harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:

i. Quid Pro Quo: a person’s submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program; or

ii. Hostile Environment: such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from the education, employment or other programs and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.

b. Consideration is given to the totality of the circumstances in which the conduct occurred. Sexual harassment may include incidents:

i. 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);

ii. In hierarchical relationships and between peers; and between individuals of any gender or gender identity.

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

OTHER PROHIBITED BEHAVIOR:

a. Invasions of Sexual Privacy

i. Without a person’s consent, watching or enabling others to watch that person’s nudity or sexual acts in a place where that person has a reasonable expectation of privacy;

ii. Without a person’s consent, making photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material depicting that person’s nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or

iii. Using depictions of nudity or sexual activity to extort something of value from a person.

b. Sexual intercourse with a person under the age of 18.

c. Exposing one’s genitals in a public place for the purpose of sexual gratification.

d. Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under the UC Sexual Violence and Sexual Harassment Policy.

RETAIATION

Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of Prohibited Conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in the UC Policy on Sexual Violence and Sexual Harassment.
SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT

MEGAN’S LAW

California State law requires sex offenders to register with the police in the jurisdiction in which they reside, and also that they specifically register with UCPD, Berkeley if they are employees, (including contractors) of the University, attend classes, frequent any area associated with the University, or live in University housing.

Members of the campus community may, by appointment with UCPD, Berkeley, view information gathered about campus affiliated registered offenders if they:

• Are a member of the UC Berkeley campus community;
• Are at least 18 years of age;
• Have a valid California driver’s license or identification card;
• Are not a registered sex offender; and,
• Can clearly state their reason for viewing the Campus registered sex offender data file (mere curiosity is not a valid reason to view the information.)

Campus community members will be required to establish their campus community connection to UC Berkeley, show a photo ID, and sign a statement attesting that they are not a registered sex offender, understands the purpose of the release of information, and understands that it is unlawful to use the information obtained to commit a crime against any sex offender registrant or engage in illegal discrimination or harassment of any registrant. The statement is confidential and is not subject to disclosure under the Public Records Act. A copy of the statement may be made available to law enforcement agencies for law enforcement purposes.

For more information about the Megan’s Law Data Program, the campus affiliated registered sex offender data, or to make an appointment to view the data contact the UCPD, Berkeley Records Unit at (510) 642-6760.

The general public can view sex offender registration information at the Megan’s Law website at www.meganslaw.ca.gov/

CAMPUS SECURITY POLICIES, CRIME PREVENTION & SAFETY AWARENESS PROGRAMS

In addition to the many programs offered by the University Police and other University offices, the University has established a number of policies and procedures related to ensuring a reasonably safe campus community. These policies include:

THREAT MANAGEMENT UNIT

UCPD, Berkeley’s Threat Management Unit (TMU) is the law enforcement component of the Behavior Risk Assessment Team and the Students of Concern Committee. The Threat Management Unit assists University affiliates in dealing with cases of threatening, harassing, or aberrant behavior. It investigates, assesses, and manages such incidents. The Threat Management Unit, in conjunction with CARE Services, gives safety presentations and educates and advises on how to recognize and report behavior that could lead to violence.

Do not ignore or downplay even indirect threats, as they could escalate into serious incidents. If you are the victim of a threat, report the incident to the police, and to your supervisor, academic advisor, or another University representative. These supervisors and advisors should take immediate steps to ensure your safety and address the problem behavior. The police may take a report, or arrest the responsible individual if a crime has been committed. If you need help assessing a situation, contact the Threat Management Unit for assistance. UC Police Department, 1 Sproul Hall, (510) 642-6760.

BEHAVIOR RISK ASSESSMENT (BRAT) & STUDENTS OF CONCERN COMMITTEE (SOCC)

The University has established two teams empowered to assess concerning situations and intervene if necessary: the Behavior Risk Assessment Team (BRAT) works to prevent the escalation of threats and violent incidents by students, staff, faculty, or community members; and the Students of Concern Committee (SOCC) provides a means for early intervention of at-risk students. Both BRAT and SOCC are composed of several campus units, each with personnel having special expertise and professional training. BRAT will address behavior perceived as disruptive, intimidating, threatening, or violent, including actions or statements that expresses intent to inflict harm on an individual or property. SOCC focuses on students who are showing signs of being a danger to themselves or others.

The teams have been formed to augment existing systems, and convene when individual service departments don’t have adequate resources to respond alone to a situation. Assessment teams will clarify the management of situations (including legal and psychological issues), coordinate communication internally and externally, and monitor resolution of situations.
WEAPONS POLICY

The possession, carrying and use of weapons, ammunition, or explosives is prohibited on University owned or controlled property.

The only exception to this policy is for authorized law enforcement officers or others, specifically authorized by the University. Failure to comply with the University weapons policy will result in disciplinary and/or criminal action against violators.

CALIFORNIA CRIME VICTIM’S BILL OF RIGHTS

Marsy’s Law significantly expands the rights of victims in California. Under Marsy’s Law, the California Constitution article I, § 28, section (b) provides victims with the following enumerated rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.

3. To have the safety of the victim and the victim’s family considered in fixing the amount of bail and release conditions for the defendant.

4. To prevent the disclosure of confidential information or records to the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim’s family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

5. To refuse an interview, deposition, or discovery request by the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim’s family and any sentencing recommendations before the sentencing of the defendant.

11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.

13. To restitution.

a. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

b. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

c. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

14. To the prompt return of property when no longer needed as evidence.

15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.

16. To have the safety of the victim, the victim’s family, and the general public considered before any parole or other post-judgment release decision is made.

17. To be informed of the rights enumerated in paragraphs (1) through (16).
THE CENTER FOR STUDENT CONDUCT

Responsibility for pursuing campus disciplinary actions involving students rests with the Center for Student Conduct, which reports to the Dean of Students. The conduct process is used to determine if a student or student organization engaged in behavior that violates the Code of Student Conduct. Additional details are available in the UC Berkeley Campus Code of Student Conduct, including exceptions to this process.

The Center for Student Conduct supports the mission of the University of California, Berkeley by objectively and efficiently administering our Code of Student Conduct; promoting academic integrity; balancing individual and community interests in order to encourage student accountability; and connecting students to resources that foster student success.

Full text of the Student Code of Conduct can be found at: http://sa.berkeley.edu/code-of-conduct.

MISSING STUDENT NOTIFICATION POLICY & PROCEDURES

UC Berkeley and Residential and Student Service Programs take the welfare of our students very seriously and have the following procedures in place to provide for each student’s well-being. If you believe that any member of the campus community is missing or is in any danger, do not hesitate to report it to UCPD, Berkeley immediately.

MISSING STUDENT

A student is considered missing when UCPD, Berkeley has determined the student to be missing. Concerns that may give rise to a missing student investigation may consist of but are not limited to:

- Medical or health related problems;
- The student has not regularly attended classes and has not been seen elsewhere;
- A UC Berkeley official has made an inquiry of concern;
- A parent, roommate, suitemate or apartment--mate of the student has reported such disappearance due to irregular contact with the student;
- Residential staff believes that a student may be missing based upon absence from the residence or other information received by staff.

While an unexplainable absence of more than 24 hours gives rise to heightened concern, a student may be determined to be missing even if the student has been absent from the campus for a period of less than 24 hours.

POLICY REGARDING CONTACT PERSONS

Each student living in student housing has the option to identify an individual to be contacted by the university not later than 24 hours after the time that the student is determined missing. Only authorized campus officials and law enforcement officers, acting in furtherance of a missing person investigation, may have access to missing student contact person information.

Students residing in on – campus housing will be notified that their emergency contact information will also serve as their missing student contact information, unless the student directs otherwise. If a student does not wish to have their emergency contact serve as the student’s missing student contact, then the student must communicate in writing to Cal Housing (reshall@berkeley.edu) their student identification number and the name, phone number, and email address of the student’s preferred missing student contact. If a student is less than 18 years of age and not emancipated, his/ her custodial parent or guardian will be called in addition to the emergency contact(s).

ACTIONS TO BE TAKEN WHEN A STUDENT IS OR MAY BE MISSING

If a student is suspected of being missing, then the reporting party will typically first notify Residential Education (RE) staff (i.e. Resident Assistant, Resident Director, and/or Assistant Director).

RE staff that receives a report that a student is or may be missing, or who suspects that a student is missing, will initiate the missing student notification protocol, which includes an attempt to gather information regarding the student’s current whereabouts. RE staff will also immediately contact UCPD, Berkeley for consultation and to convey any report RE staff has received that a student is missing.

If RE staff cannot immediately locate the student suspected of being missing, then RE staff will also report the suspicion that the student is missing to Residential and Student Service Programs staff and to the key campus partners described in the Residential & Student Services Programs (RSSP) Critical Incident Communication Matrix.

UCPD, Berkeley will actively conduct an investigation to determine the status of any student reported to be missing or suspected of being missing. The investigation will be conducted pursuant to established police procedures. UCPD, Berkeley will provide relevant updates to RSSP staff and key campus partners.

If UCPD, Berkeley makes a determination that the student has been missing for more than 24 hours, then the University must notify the missing student contact of this determination. If such missing student is less than 18 years of age and not emancipated, then the parent(s)/guardian of the missing student must also be notified. UC Berkeley may notify the missing student contact if the student has been determined by UCPD, Berkeley to be missing for a period of time less than 24 hours if circumstances warrant.
FOLLOW UP

When the student is found, RSSP will contact the student and inform him or her of support services available on campus. In certain situations, RSSP may consult with the Dean of Students office to determine if additional follow up is needed. This support should also be offered to any other students (e.g. roommates, friends) affected by the incident.

If the search for the missing student is deemed unsuccessful, the Director of Residential Programs and/or Associate Vice Chancellor for RSSP, UCPD, Berkeley and the Dean of Students will decide what further action(s) should be taken.

NOTIFYING LAW ENFORCEMENT

UC Berkeley will also notify the appropriate local law enforcement agency of the missing student unless the local law enforcement agency was the entity that made the determination that the student was missing. This notification will include any missing student who lives in on-campus housing regardless of age or status, and regardless of whether he or she has registered a confidential missing student or general emergency contact person. This notification will be made no later than 24 hours after the time that the student is determined missing.

If UCPD, Berkeley has been notified that a student is suspected missing, and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours, UC Berkeley staff will initiate emergency contact procedures as outlined in campus’ policy and protocol.

DAILY CRIME AND FIRE LOG

UCPD, Berkeley maintains and publishes a Daily Crime Log of all crimes reported to the Department, Monday – Friday, when UC Berkeley is open. The log is available 24 hours per day to members of public. This log identifies the type, location, and time of each criminal incident reported to UCPD, Berkeley. The most current 60 days of information is available in the lobby of the Police Department located at 1 Sproul Hall. Upon request, a copy of any maintained Daily Crime Log will be made available for viewing within 48 hours of notice.

The UC Berkeley Fire Prevention Division maintains a Fire Log of all fire incidents that have occurred in UC Residential Buildings. The Fire Log is a live document and is updated as events are reported. This log identifies the type, location, and time of each fire incident in on-campus residential buildings, reported to the UC Berkeley Fire Prevention Division. The most current 60 days of information is available online to view any time at https://docs.google.com/a/berkeley.edu/spreadsheets/d/1DSztiNH5LAGTE4YseGsk4BB6fQGAmXs_ma2jTiYDM/pub?output=html. Anyone may obtain a hard copy of the Fire Log by visiting the office of Environment, Health, & Safety in University Hall, Suite #317.

CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS

In an effort to promote safety awareness, the UCPD, Berkeley participates in a variety of programs to educate and inform students, employees, parents, and the community at large on a variety of issues. The programs include General Safety Presentations for campus community members, Targeted Violence presentations for students/staff, Pepper Spray workshops within the dormitories, CalRAD (Rape Aggression Defense) http://ejce.berkeley.edu/geneg/geneg-workshops#calrad and the radKIDS personal empowerment program for the children of University affiliates. The programs are presented upon request or are scheduled at various times and locations on or near the campus.

UCPD, Berkeley also conducts tabling and outreach on Upper Sproul Plaza, at resource fairs, and campus events such as: CaISO, Welcome Week, Caltopia, Calapoolza, Cal Day, and Staff Appreciation Day. If you or your organization would like to request a specific program, please contact the Crime Prevention Officer at (510) 642-3722.

SECURITY SURVEYS

Contact UCPD, Berkeley’s Crime Prevention Unit, (CPU), for a Security Survey and an officer will meet with you to identify areas in your office or building that may need security improvements. The CPU can assist you in safeguarding your building or office against unlawful entry and theft and advise on how to get involved with the SafeTEAM program. Please contact the UCPD, Berkeley CPU, (510) 642-3722 for more information.

SAFE TEAM PROGRAM

The SafeTEAM Program is an application of the neighborhood watch model adapted to a university setting. The program increases communication between the Police Department and those who regularly work or live on campus property, to facilitate services that are building-specific and appropriate, and to increase resident awareness.

The SafeTEAM offers the following:
• Make regular visits to participating buildings in order to provide a visible police presence and stay familiar with building users and building issues.
• Work with Building Coordinators by email to review incidents and crime trends and recommend risk reduction measures.
• Distribute safety education materials to the building.
• Coordinate crime prevention presentations and/or informal Q&A sessions for building occupants.

Please contact the SafeTEAM Program, (510) 642-4832 for additional information.
UC BERKELEY POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

The University strives to maintain campus communities and worksites free from illegal use, possession, or distribution of alcohol or of controlled substances as defined in schedules I through V of the Controlled Substances Act, 21 United States Code Sec. 812, and by regulation at 21 Code of Federal Regulations Sec.1308.

Unlawful manufacture, distribution, dispensing, possession, use, or sale of alcohol or of controlled substances by University employees and students in the workplace, or University premises, at official University functions, or on University business is prohibited. In addition, employees and students shall not use illegal substances or abuse legal substances in a manner that impairs work performance, scholarly activities, or student life.

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, or may be required, at the discretion of the University, to participate satisfactorily in an Employee Support Program.

Students found to be in violation of this Policy may be subject to corrective action, up to and including dismissal, as set forth in the University of California Policies Applying to Campus Activities, Organizations, and Students (Part A) and in campus regulations, or may be required, at the discretion of the University, to participate satisfactorily in a treatment program.

For specific policies related to the use of Alcohol Beverage on campus, please visit this link: [http://ucpd.berkeley.edu/rules/alcohol-and-drugs](http://ucpd.berkeley.edu/rules/alcohol-and-drugs).

POLICIES SPECIFIC TO UC BERKELEY STUDENTS

Any student who violates this policy is subject to disciplinary action including sanctions as outlined in the Student Code of Conduct in addition to any penalties resulting from violating local, state and or federal law. Disciplinary sanctions may include: Students who are found responsible for violations may be subject to sanctions ranging from Disciplinary Warning, Disciplinary Probation, up to Suspension or Expulsion from the University. Students residing in University housing may also lose the privilege of living on campus for violating University rules and regulations or conditions of the housing contract. In most cases the Office for Student Conduct will also assign developmental and educational interventions designed to promote greater awareness and improved decision-making for students and to further deter future misconduct.

ADDITIONAL INFORMATION ABOUT ALCOHOL AND DRUG POLICIES

[http://riskservices.berkeley.edu/alcohol-campus](http://riskservices.berkeley.edu/alcohol-campus)

**DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS**

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

**RESOURCES FOR STUDENTS**

Most Cal students make smart and safe choices about using alcohol and other drugs and don’t experience negative academic, physical, or social consequences. However, staff members at the Tang Center play a central role in the year-round initiatives with campus and community partners designed to support low risk alcohol and other drug-related behaviors and environments.

As part of the University’s alcohol prevention program, all incoming students are required to complete a confidential, online alcohol education course. The course uses science-based research to educate students about alcohol and its effects. Whether you drink or not, the course will help you make informed decisions about alcohol and better deal with drinking behavior that may occur around you.

PartySafe@Cal aims to reduce alcohol-related risks and harm in the campus area. Our efforts operate simultaneously to reach individual students, the student body as a whole, and the greater college community. For information visit [http://uhs.berkeley.edu/psafe/](http://uhs.berkeley.edu/psafe/).

The information and resources at [https://uhs.berkeley.edu/health-topics/alcohol-and-other-drugs](https://uhs.berkeley.edu/health-topics/alcohol-and-other-drugs) can help you and others make informed decision about alcohol and drug issues.
ALCOHOL AND DRUGS: MEDICAL, COUNSELING, AND EDUCATIONAL SERVICES
https://uhs.berkeley.edu/health-topics/alcohol-and-other-drugs
http://uhs.berkeley.edu/psafe/

RESOURCES FOR FACULTY AND STAFF
CARE SERVICES
https://uhs.berkeley.edu/bewell
For Students, Staff and Faculty Self-Care Resources
https://uhs.berkeley.edu/hp

ALCOHOL POISONING IS A MEDICAL EMERGENCY

Call for help. You could save someone’s life. (510) 642-6760 or 9-1-1
https://uhs.berkeley.edu/sites/default/files/alcohol_emergency_warning_signs_steps.pdf

KNOW THE SIGNS:
• Cold, Clammy skin
• Unconsciousness
• Slowed or irregular breathing
• Puking, particularly while passed out

KNOW HOW TO HELP:
• Make health and safety the #1 priority.
• Stay with person
• Put them in the recovery position to prevent choking on their own vomit.
• Cooperate and don’t obstruct police and emergency services
ANNUAL DISCLOSURE OF CRIME STATISTICS

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

The University Police collects the crime statistics disclosed in the charts through a number of methods. Police dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer aided-dispatch systems/records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The Department periodically examines the data to ensure that all reported crimes are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). In addition to the crime data that the University Police maintains, the statistics below also include crimes that are reported to various campus security authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub categories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

DEFINITIONS OF REPORTABLE CRIMES

Murder/Manslaughter – defined as the willful killing of one human being by another.

Negligent Manslaughter – is defined as the killing of another person through gross negligence.

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

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

C. Incest — Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

D. Statutory Rape — Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Robbery — is defined as taking or attempting to take anything of value from the car, 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 — is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary — is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft — is 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.

Hate Crimes — includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:

- Larceny/Theft — includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

- 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 or Property (except Arson)—to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

HATE CRIME CATEGORIES OF BIAS:

- Race — A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

- Gender — A preformed negative opinion or attitude toward a group of persons because those persons are 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 nonconforming individuals.
• **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.

• **Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

• **Ethnicity/national origin** – A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.

• **National Origin** – A preformed negative opinion about a group of persons based upon them being from a particular country or part of the world.

• **Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
## CLERY ACT CRIME STATISTICS

### UC BERKELEY MAIN CAMPUS, BERKELEY, CA

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Student Housing (subset of On Campus)*</th>
<th>Noncampus Building or Property</th>
<th>Public Property</th>
<th>Unfounded***</th>
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### UC BERKELEY MAIN CAMPUS, BERKELEY, CA

#### ADDITIONAL OFFENSES

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<tr>
<th>Offense</th>
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<th>Student Housing (subset of On Campus)*</th>
<th>Noncampus Building or Property</th>
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<th>Unfounded***</th>
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<td>Stalking</td>
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<td>NR</td>
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#### ARREST

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<th>Noncampus Building or Property</th>
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<th>Student Housing</th>
<th>Noncampus Building or Property</th>
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</table>

#### NOTES

- NR means the statistic was not required by the Clery Act in a particular year or for a particular crime category.
- * “Student housing” numbers are a sub-set of the “On Campus” statistics.
- ** In 2014, one incident of stalking involved 7 victims.
- *** Beginning for the reporting year 2014, the Clery Act requires institutions to disclose crimes that the “sworn law enforcement” determine are unfounded. Berkeley Police Department was only able to give us unfounded numbers for sexual assaults for 2014.
- ^ In 2015 we were informed by the Department of Education that if a civil citation is issued under California state law for possession of less than an ounce of marijuana there is no arrest statistic under Clery. In the 2014 statistics for drug arrests we have not included civil citations for marijuana possession. This has drastically reduced the number of drug arrests as compared to previous years.
### IN 2015 THERE WERE TWO HATE CRIMES REPORTED.

<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>Crime</th>
<th>Bias Motivation</th>
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<td>1</td>
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<td>1</td>
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<td>Battery</td>
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<td>UCPD</td>
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### IN 2014 THERE WERE NINE HATE CRIMES REPORTED.

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<th>Crime</th>
<th>Bias Motivation</th>
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<tr>
<td>1</td>
<td>Campus</td>
<td>Vandalism</td>
<td>Sexual Orientation</td>
<td>UCPD</td>
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<td>1</td>
<td>Non-campus Affiliate</td>
<td>Simple Assault</td>
<td>Race</td>
<td>Campus Security Authority</td>
</tr>
<tr>
<td>1</td>
<td>Public</td>
<td>Vandalism</td>
<td>Religion</td>
<td>Campus Security Authority</td>
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</table>

Caveat: The 2014 hate crimes have been revised from twelve to nine. Three hate incidents were mistakenly included in the 2015 ASR.
### CRIMINAL HOMICIDE

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Student Housing (subset of On Campus)*</th>
<th>Noncampus Building or Property</th>
<th>Public Property</th>
<th>Unfounded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder and Nonnegligent Manslaughter</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>NR</td>
</tr>
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</tr>
<tr>
<td></td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Negligent Manslaughter</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>NR</td>
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<tr>
<td></td>
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<td>0</td>
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### SEX OFFENSES

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Student Housing (subset of On Campus)*</th>
<th>Noncampus Building or Property</th>
<th>Public Property</th>
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<tr>
<td>Forcible Sex Offenses</td>
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<td>Non-Forcible Sex Offenses</td>
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### NEW SEX OFFENSE REPORTING CATEGORIES AS OF OCTOBER 20, 2014

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Student Housing (subset of On Campus)*</th>
<th>Noncampus Building or Property</th>
<th>Public Property</th>
<th>Unfounded</th>
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<tbody>
<tr>
<td>Rape</td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Fondling</td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Incest</td>
<td>2014</td>
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<td>0</td>
<td>0</td>
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<td>0</td>
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<td>Rape</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Fondling</td>
<td>2015</td>
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<td>0</td>
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<tr>
<td>Incest</td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
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### OTHER OFFENSES

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<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Student Housing (subset of On Campus)*</th>
<th>Noncampus Building or Property</th>
<th>Public Property</th>
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<tbody>
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<td>Robbery</td>
<td>2013</td>
<td>0</td>
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<td>Motor Vehicle Theft</td>
<td>2013</td>
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<td>0</td>
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<tr>
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<td>Offense</td>
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<td>Student Housing (subset of On Campus)*</td>
<td>Noncampus Building or Property</td>
<td>Public Property</td>
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<td><strong>ADDITIONAL OFFENSES</strong></td>
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<td>Dating Violence</td>
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<table>
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<tr>
<th>Arrests &amp; Referrals for Selected Violations</th>
<th>Year</th>
<th>On Campus</th>
<th>Student Housing</th>
<th>Noncampus Building or Property</th>
<th>Public Property</th>
<th>On Campus</th>
<th>Student Housing</th>
<th>Noncampus Building or Property</th>
<th>Public Property</th>
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<tr>
<td>Liquor Law Violations</td>
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<td>0</td>
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<tr>
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<td>2015</td>
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<th>NOTES</th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>NR means the statistic was not required by the Clery Act in a particular year or for a particular crime category</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* &quot;Student housing&quot; numbers are a sub-set of the “On Campus” statistics.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>UCDC reported no hate crimes for 2013, 2014, and 2015.</td>
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</tr>
</tbody>
</table>
PERSONAL SAFETY ON AND AROUND CAMPUS

The following safety programs will greatly increase your personal level of safety and can help protect personal and campus property. The campus and its environs are not immune to crime, but your awareness can help to reduce the incidence of crime.

FREE NIGHT SAFETY SERVICES

Evening classes, study, research or work may keep you on campus late at night. Unless you are walking in a group of 5 or more, we encourage you to use campus night safety services after dark. All services are free.

BEARWALK ESCORT SERVICES

BearWalk is largely a student-run operation. Dispatchers working behind the scenes and the walkers who show up to get you there are Community Service Officers known as CSOs. We use RideCell to dispatch per requests and determine the estimated arrival time of your BearWalk escort with wait times generally less than 15 minutes.

To book a free walking escort call (510) 642-9255 (642-WALK) or visit BearWalk.berkeley.edu. Please call or make your online request no earlier than 15 minutes before your desired pick up time. The last call for a walking escort is accepted at 2:30 am. CSOs provide you with a walking escort from dusk until last pick up at 3:00 am, 365 nights a year. BearWalk CSO’s will meet you at and walk you to locations within these service boundaries:

- North: Cedar
- West: Milvia
- South: Derby
- East: Prospect

THE NIGHT SAFETY SHUTTLE SERVICES

The Night Safety Shuttle service is an extension of the BearTransit daytime service, and provides safe nighttime transit to and from the campus. Bear Transit Night Safety Shuttles are free to all and operate year-round. From 7:30 pm to 3am shuttles run on one of two set routes between campus, BART, Clark Kerr Campus and residence halls. View the shuttles in real time on this live map after 7:30 pm at BearWALK.berkeley.edu/shuttles.

DOOR TO DOOR SERVICE

From 3:00 am to 5:30 am, Night Safety shuttles operate on a “Door-to-Door” service. Door-to-Door services are free and must be booked. To book your shuttle pick up call (510) 642-9255 or visit BearWALK.berkeley.edu website.

A shuttle will be dispatched to your location within the pick up area and will drop you almost anywhere within the drop off service area boundaries of:

- North: Hopkins/Yolo/Eunice
- East: Hillside/Panoramic (including all campus housing facilities)
- South: Ashby
- West: Sacramento
<table>
<thead>
<tr>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 2, F-3</td>
</tr>
<tr>
<td>Unit 3, E-5</td>
</tr>
<tr>
<td>Residential and Student Services Bldg., E-3</td>
</tr>
<tr>
<td>Sather Gate, D-4</td>
</tr>
<tr>
<td>Sather Rd., C-4</td>
</tr>
<tr>
<td>Sather Tower (Campanile), C-3/4</td>
</tr>
<tr>
<td>Senior Hall, C-3</td>
</tr>
<tr>
<td>Sibley Auditorium (Bechtel Engineering Center), B-4</td>
</tr>
<tr>
<td>Silver Space Sciences Laboratory, C-1</td>
</tr>
<tr>
<td>Simon Hall, D-2</td>
</tr>
<tr>
<td>Simpson Center, C/D-1/2</td>
</tr>
<tr>
<td>Soda Hall, A-3/4</td>
</tr>
<tr>
<td>South Hall, C-4</td>
</tr>
<tr>
<td>Speier Aquatics Complex, D-5</td>
</tr>
<tr>
<td>Speier Plaza, D-5</td>
</tr>
<tr>
<td>Springer Gateway, C-6</td>
</tr>
<tr>
<td>Sproul Hall, D-4</td>
</tr>
<tr>
<td>Sproul Plaza, D-4</td>
</tr>
<tr>
<td>Stadium Rim Way, C-1/2</td>
</tr>
<tr>
<td>Stanley Hall, B-3</td>
</tr>
<tr>
<td>Stephens Hall, C-3/4</td>
</tr>
<tr>
<td>Strawberry Canyon Recreation Area, C-1</td>
</tr>
<tr>
<td>Sutardja Dai Hall, A/B-3/4</td>
</tr>
<tr>
<td>Tän Hall, B/C-3</td>
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<td>Tang Center, E/E-6</td>
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<tr>
<td>Tolman Hall, A/B-5</td>
</tr>
<tr>
<td>UC Berkeley Extension, B-7</td>
</tr>
<tr>
<td>Underhill Playing Field, E-3</td>
</tr>
<tr>
<td>University Dr., B-5</td>
</tr>
<tr>
<td>University Hall, B-6</td>
</tr>
<tr>
<td>University Health Services, D/E-6</td>
</tr>
<tr>
<td>University House, A/B-5</td>
</tr>
<tr>
<td>University of California Press (UC Press), B-7</td>
</tr>
<tr>
<td>Valley Life Sciences Bldg., C-5</td>
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<tr>
<td>Visitor Center (Sproul Hall), D/E-4</td>
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<tr>
<td>Warren Hall, A-6/7</td>
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<tr>
<td>Wellman Hall, B-5</td>
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<td>West Circle, B/C-5/6</td>
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<td>Zellerbach Hall, D-5</td>
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<tr>
<td>Zellerbach Playhouse, D-5</td>
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</table>
CALIFORNIA DEFINITIONS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

CALIFORNIA DEFINITION OF RAPE, ABDUCTION, CARNAL ABUSE OF CHILDREN, AND SEDUCTION [261-269] INCEST [285]

261.
(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

1. Where a person 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.

2. Where 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. Where a person 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.

4. Where 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. Where 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 any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

6. 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. 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. 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. 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) As used in this section, “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 his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

(Amended by Stats. 2013, Ch. 259, Sec. 1. Effective September 9, 2013.)
261.5.

(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.

(Amended by Stats. 2011, Ch. 15, Sec. 302. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

261.6.

In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “consent” shall be defined to mean 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.

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, 262, 286, 288a, or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

(Amended by Stats. 1994, Ch. 1188, Sec. 1. Effective January 1, 1995.)
261.7.

In prosecutions under Section 261, 262, 286, 288a, or 289, 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.

(Amended by Stats. 1995, Ch. 177, Sec. 1. Effective January 1, 1996.)

261.9.

(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.

(Added by Stats. 2011, Ch. 75, Sec. 3. Effective January 1, 2012.)

262.

(a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

(1) Where 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.

(2) Where a person 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.

(3) Where 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 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.

(4) 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. 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.

(5) 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. 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) As used in this section, “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 his or her relationship to the defendant, are factors to consider in apprising the existence of duress.

(c) As used in this section, “menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

(d) If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(1) That the defendant make payments to a battered women's shelter, up to a maximum of one thousand dollars ($1,000).
(2) 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 battered women’s shelter, 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 battered women’s shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may 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.

(Amended by Stats. 2006, Ch. 45, Sec. 1. Effective January 1, 2007.)

263.

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.

(Amended by Stats. 1979, Ch. 994.)

264.

(a) Except as provided in subdivision (c), rape, as defined in Section 261 or 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 any person who violates Section 261 or 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 his or her inability to pay the fine permitted under this subdivision.

(c) (1) Any 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) Any 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 provision of law.

(Amended by Stats. 2010, Ch. 219, Sec. 4. Effective September 9, 2010.)

264.1.

(a) The provisions of Section 264 notwithstanding, in any case in which 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, 262, 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 provision of law.

(Amended by Stats. 2010, Ch. 219, Sec. 5. Effective September 9, 2010.)
(a) Whenever there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 262, 273.5, 286, 288a, 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.

(b) (1) The law enforcement officer, or his or her agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 288a, or 289 is transported to a hospital for any 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, 262, 286, 288a, 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 any initial medical evidentiary or physical examination arising out of a sexual assault, a victim shall be notified orally or in writing by the medical provider that the victim has the right to have present a sexual assault counselor and at least one other support person of the victim’s choosing.

(3) The hospital may verify with the law enforcement officer, or his or her 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.

(Amended by Stats. 2015, Ch. 303, Sec. 385. Effective January 1, 2016.)

265.

Every person who takes any woman unlawfully, against her will, and by force, menace or duress, compels her to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment pursuant to subdivision (h) of Section 1170.

(Amended by Stats. 2011, Ch. 15, Sec. 303. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266.

Every person who inveigles or entices any unmarried female, of previous chaste character, under the age of 18 years, into any house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any man; and every person who aids or assists in such inveiglement or enticement; and every person who, by any false pretenses, false representation, or other fraudulent means, procures any female to have illicit carnal connection with any man, is punishable by imprisonment in the state prison, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars ($2,000), or by both such fine and imprisonment.

(Amended by Stats. 1983, Ch. 1092, Sec. 256. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

266A.

Each person who, within this state, takes any person against his or her will and without his or her consent, or with his or her consent procured by fraudulent inducement or misrepresentation, for the purpose of prostitution, as defined in subdivision (b) of Section 647, is punishable by imprisonment in the state prison, and a fine not exceeding ten thousand dollars ($10,000).

(Amended by Stats. 2014, Ch. 109, Sec. 1. Effective January 1, 2015.)

266B.

Every person who takes any other person unlawfully, and against his or her will, and by force, menace, or duress, compels him or her to live with such person in an illicit relation, against his or her consent, or to so live with any other person, is punishable by imprisonment pursuant to subdivision (h) of Section 1170.

(Amended by Stats. 2011, Ch. 15, Sec. 304. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)
266C.

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.

(Amended by Stats. 2000, Ch. 287, Sec. 4. Effective January 1, 2001.)

266D.

Any person who receives any money or other valuable thing for or on account of placing in custody any other person for the purpose of causing the other person to cohabit with any person to whom the other person is not married, is guilty of a felony.

(Amended by Stats. 1975, Ch. 996.)

266E.

Every person who purchases, or pays any money or other valuable thing for, any person for the purpose of prostitution as defined in subdivision (b) of Section 647, or for the purpose of placing such person, for immoral purposes, in any house or place against his or her will, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years.

(Amended by Stats. 2011, Ch. 15, Sec. 304.5. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266F.

Every person who sells any person or receives any money or other valuable thing for or on account of his or her placing in custody, for immoral purposes, any person, whether with or without his or her consent, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years.

(Amended by Stats. 2011, Ch. 15, Sec. 304.7. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266G.

Every man who, by force, intimidation, threats, persuasion, promises, or any other means, places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution, or connives at or consents to, or permits, the placing or leaving of his wife in a house of prostitution, or allows or permits her to remain therein, is guilty of a felony and punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three or four years; and in all prosecutions under this section a wife is a competent witness against her husband.

(Amended by Stats. 2011, Ch. 15, Sec. 305. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266H.

(a) Except as provided in subdivision (b), any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years.

(b) Any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, when the prostitute is a minor, is guilty of pimping a minor, a felony, and shall be punishable as follows:
(1) If the person engaged in prostitution is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years.

(2) If the person engaged in prostitution is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

(Amended by Stats. 2010, Ch. 709, Sec. 8. Effective January 1, 2011.)

266i.

(a) Except as provided in subdivision (b), any person who does any of the following is guilty of pandering, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years:

(1) Procures another person for the purpose of prostitution.

(2) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute.

(3) Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state.

(4) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate.

(5) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution.

(6) Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution.

(b) Any person who does any of the acts described in subdivision (a) with another person who is a minor is guilty of pandering, a felony, and shall be punishable as follows:

(1) If the other person is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years.

(2) If the other person is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

(Amended by Stats. 2010, Ch. 709, Sec. 9. Effective January 1, 2011.)

266j.

Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available to another person, a child under the age of 16 for the purpose of any lewd or lascivious act as defined in Section 288, or who causes, induces, or persuades a child under the age of 16 to engage in such an act with another person, is guilty of a felony and shall be imprisoned in the state prison for a term of three, six, or eight years, and by a fine not to exceed fifteen thousand dollars ($15,000).

(Amended by Stats. 1987, Ch. 1068, Sec. 1.)

266k.

(a) Upon the conviction of any person for a violation of Section 266h or 266i, the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed five thousand dollars ($5,000). 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 and the circumstances of its commission, whether the defendant derived any economic gain as the result of the crime, and the extent to which the victim suffered 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 under Section 13837.
(b) Upon the conviction of any person for a violation of Section 266j or 267, the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed twenty-five thousand dollars ($25,000).

(c) Fifty percent of the fines collected pursuant to subdivision (b) and deposited in the Victim-Witness Assistance Fund pursuant to subdivision (a) shall be granted to community-based organizations that serve minor victims of human trafficking.

(d) If the court orders a fine to be imposed pursuant to this section, 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.

(Amended by Stats. 2014, Ch. 714, Sec. 1. Effective January 1, 2015.)

267.

Every person who takes away any other person under the age of 18 years from the father, mother, guardian, or other person having the legal charge of the other person, without their consent, for the purpose of prostitution, is punishable by imprisonment in the state prison, and a fine not exceeding two thousand dollars ($2,000).

(Amended by Stats. 1983, Ch. 1092, Sec. 258. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

269.

(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 264.1.

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 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.

285.

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.
CALIFORNIA DEFINITION OF SEXUAL BATTERY (FONDLING)

243.4.

(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 Department of Fair Employment and Housing 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).

(Amended by Stats. 2002, Ch. 302, Sec. 1. Effective January 1, 2003.)

CALIFORNIA DEFINITION OF DOMESTIC AND DATING VIOLENCE

243 (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.

273.5.

(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 husband or wife 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.
(f) (1) Any person convicted of violating this section for acts occurring within seven years of a previous conviction under subdivision (a), or subdivision (d) of Section 243, or Section 243.4, 244, 244.5, or 245, shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment in the state prison for two, four, or five years, or by both imprisonment and a fine of up to ten thousand dollars ($10,000).

(2) Any person convicted of a violation of this section for acts occurring within seven years of a previous conviction under subdivision (e) of Section 243 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 ten thousand dollars ($10,000), or by both that imprisonment and fine.

(g) If probation is granted to any person convicted under subdivision (a), the court shall impose probation consistent with the provisions of Section 1203.097.

(h) If probation is granted, or the execution or imposition of a sentence is suspended, for any defendant convicted under subdivision (a) who has been convicted of any prior offense specified in subdivision (f), the court shall impose one of the following conditions of probation:

(1) If the defendant has suffered one prior conviction within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 15 days.

(2) If the defendant has suffered two or more prior convictions within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 60 days.

(3) The court, upon a showing of good cause, may find that the mandatory imprisonment required by this subdivision shall not be imposed and shall state on the record its reasons for finding good cause.

(i) If probation is granted upon conviction of a violation of subdivision (a), the conditions of probation may include, consistent with the terms of probation imposed pursuant to Section 1203.097, in lieu of a fine, one or both of the following requirements:

(1) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars ($5,000), pursuant to Section 1203.097.

(2) (A) 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.

(B) For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. An order to make payments to a battered women's shelter shall not 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 his or her spouse in violation of this section, the community property may 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.

(j) Upon conviction under subdivision (a), the sentencing court shall also consider issuing an order restraining the defendant from any contact with the victim, which 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. This protective order may be issued by the court whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(k) If a peace officer makes an arrest for a violation of this section, the peace officer is not required to inform the victim of his or her right to make a citizen's arrest pursuant to subdivision (b) of Section 836.
CALIFORNIA DEFINITION OF STALKING

646.9.

(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.