



2023  
ANNUAL SECURITY  
AND FIRE SAFETY REPORT  
REVISED JANUARY 26, 2024

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**Berkeley**  
UNIVERSITY OF CALIFORNIA



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## Message from Chancellor Carol Christ

Dear campus community,

I am pleased to share with you the 2023 Annual Security and Fire Safety Report.

**The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act** (Clery Act) requires all colleges and universities that participate in federal financial aid programs to disclose information about crime on and near their respective campuses.

The Clery Act is based on the premise that current and prospective students and employees are entitled to accurate, complete, and transparent disclosures about campus crime and threats to their personal safety, allowing them to make well-informed decisions about where to study, work, and live. As a campus, we wholeheartedly agree with that charge and have taken numerous steps to strengthen our compliance efforts.

The University continually assesses its safety efforts. Recently we re-examined our enhanced security efforts — such as key card access to buildings, surveillance cameras, and dedicated on-site staff. We are educating students on safety best practices to support affirmative consent and build a stronger culture of bystander intervention.

The City of Berkeley surrounds our campus; therefore, we work closely with our city partners to make our community safer. This includes joint patrols with the Berkeley Police Department, such as when there are events or trends in certain crimes to address. We are committed to building trusting relationships with our campus and surrounding community.

The health and safety of our campus community remain our top priorities and we are committed to ongoing efforts to strengthen our Clery Act compliance program. It is always our goal, as a university, to do everything we can to ensure the safety and well-being of our community.

Fiat lux!

Carol T. Christ Chancellor, University of California, Berkeley



## Accessibility to Information and Non-Discrimination Statement

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, gender expression, gender identity, gender transition status, pregnancy<sup>1</sup>, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services, including protected veterans.<sup>2</sup> The university also prohibits sexual harassment. The university prohibits discrimination against any person employed; seeking employment; or applying for or engaged in a paid or unpaid internship or training program leading to employment with the University of California. In addition, the university prohibits harassment of an employee, applicant, paid or unpaid intern, volunteer, person participating in a program leading to employment, or person providing services pursuant to a contract. The university undertakes affirmative action, consistent with its obligations as a federal contractor. For employees, this policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. The university will not discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. For students, this policy applies to admission, access, and treatment in university programs and activities. Please direct inquiries regarding the non-discrimination policies of the university to the following:

- Direct inquiries about gender discrimination, sexual harassment, and all other concerns about discrimination and harassment to the **Office for the Prevention of Harassment and Discrimination** by calling (510) 643-7985, completing a **UC Incident Report** online, or emailing [ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu). Discrimination complaints can also be brought to the U.S. Department of Education Office for Civil Rights by calling (415) 486-5555 or emailing [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov).
- Direct all disability discrimination and access inquiries to the **Disabled Students Program** by calling (510) 642-8783 or emailing [dsp@berkeley.edu](mailto:dsp@berkeley.edu), **Disability Access and Compliance Office** by calling (510) 643-6456 or emailing [access@berkeley.edu](mailto:access@berkeley.edu), and/or **Disability Management** by calling (510) 643-7921.

<sup>1</sup> Pregnancy includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

<sup>2</sup> Service in the uniformed services includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

## Prohibition on Retaliation

The University of California, Berkeley (UC Berkeley), prohibits retaliation against individuals for exercising their rights or responsibilities under the Clery Act and/or other UC policies including sexual harassment, sexual or gender-based violence, whistleblower reporting, and discrimination or harassment based on a protected identity. 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 of or resolution for sexual assault, dating or domestic violence, or stalking, are protected from retaliation. Please direct all inquiries regarding the prohibition of retaliation policies of the university to the following:

- Contact the **Office for the Prevention of Harassment & Discrimination** by calling (510) 643-7985 or emailing [ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu).
- Contact the UC Whistleblower Hotline by calling (800) 403-4744, or report **a concern online**. The Whistleblower Hotline is independently operated to ensure confidentiality.



### Report Terminology

This report includes terminology and information from multiple sources. Please note that the terms “victim,” “complainant,” and “survivor” are used interchangeably. Additionally, the terms “perpetrator” and “respondent” are used interchangeably.

### Annual Report Preparation and 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. In compliance with federal law and the policy of the **University of California Office of the President** (UCOP), UC Berkeley takes all necessary steps to ensure that Clery reportable crime statistics are properly collected, classified, and counted according to the definitions in the Clery Act and that each statistic is reported in the **Annual Security and Fire Safety Report** (ASFSR) and submitted to the **U.S. Department of Education**. The Clery Division, in conjunction with the UC Berkeley Campus Fire Prevention Division, prepared this report. The Clery Division collects crime statistics from UCPD, university offices such as the Center for Student Conduct and Residential and Student Services Programs, individual campus security authorities, and other local law enforcement agencies. Each of these campus offices are also asked to provide updated policy information for the report. More information can be found in the **UCOP Clery Act Policy**.

This report provides Clery crime statistics for the previous three calendar years (2020, 2021, and 2022) that occurred on the Clery geography of the university. This report also includes university policies and procedures about campus security, including policies regarding sexual violence, alcohol, and other drugs.

The university distributes the notice of the availability for this Annual Security and Fire Safety Report by October 1 of each year (unless otherwise instructed by the Department of Education) via email to current students and employees with a link to the report. The notice of availability is also posted to several university websites where prospective students and employees visit. Anyone may obtain a digital copy of this report from this link: [https://ucpd.berkeley.edu/sites/default/files/uc\\_berkeley\\_asfsr.pdf](https://ucpd.berkeley.edu/sites/default/files/uc_berkeley_asfsr.pdf), or a paper copy of this report free of charge by contacting the Clery Division at **clery@berkeley.edu**.

### Voluntary, Confidential Reporting at UC Berkeley

According to the Clery Act, pastoral and professional counselors are exempt from disclosing reported offenses when acting in their counseling roles. The institution has reporting procedures that encourage pastoral and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Clery crimes disclosed only to pastoral and professional counselors will not result in a timely warning. Survivors, who wish to discuss an incident and maintain confidentiality, may do so by contacting Social Services Counseling at (510) 642-6074 or the PATH to Care Center at (510) 642-1988.

California law allows survivors who report crimes of sexual assault, relationship violence, and stalking to the police to keep their name and contact information off the public record (**Penal Code § 293** and **Government Code § 7923.615**). For other reports, UCPD will accept anonymous reports of crime from victims or witnesses on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Anyone may contact UCPD by calling (510) 642-6760 to report concerning information.

### Reporting to UC Berkeley Police

The university encourages the accurate and prompt reporting of all crimes to campus law enforcement and to the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. UCPD is available 24 hours a day by phone by calling (510) 642-6760 or in person at 1 Sproul Hall. In an emergency, or to use TTY, call 911. The direct UCPD emergency phone line is (510) 642-6760, and the UCPD non-emergency line is (510) 642-3333.

“Text-to-911” can also be used in the event of an emergency. Text-to-911 helps those who are deaf, hard of hearing, have limited speech capabilities, or who cannot safely call 911. Text-to-911 provides the ability to send a text message to reach 911 emergency dispatchers from your mobile device. You should call 911 if you can and text 911 only if you cannot call. If you are deaf, hard of hearing or speech disabled, and text-to-911 is not available, use a TTY or a telecommunications relay service, if possible.

Text-to-911 is free, works through short message service (SMS) with cellular carriers, and requires a text or data plan. Like other 911 calls, text-to-911 should only be used for emergencies. If the situation is not an emergency requiring immediate help, you should call the UCPD non-emergency line at (510) 642-6760. Text-to-911 is not

available in all jurisdictions. If you are within an area that does not yet offer text-to-911 services, you may receive a return message that states services are not available. If that happens, place a voice call to 911 to report your emergency.

To report an emergency to UCPD using text-to-911:

- Go to your cell phone text messaging screen.
- Enter “911” (with no dashes or spaces) in the “To” field.
- Text your reason for the emergency in the body of the text message.
- Include your full address and cross streets or building location in the message.
- Use complete words and sentences, not abbreviations.
- Do not use photos, emoticons, videos, and multiple recipients (group texts).
- Answer all of the dispatcher’s questions. The dispatcher will end the chat.

There are several limitations with this system which you should be aware of:

1. It is critical that you know your location. 911 centers cannot always identify your location if you are contacting them from a cell phone. Whether you call or text 911, you need to be able to describe where you are so we can send you help.
2. If a text-to-911 call is misrouted to the wrong jurisdiction, we have the ability to transfer the text-to-911 call to the appropriate police agency.

3. Text-to-911 can only receive words and punctuation and cannot receive emoticons, emoji, pictures, or videos. Your message may not be interpreted correctly if you use “text speak” or abbreviations. Examples of these types of abbreviations are: “TTYL” or “AFK”. Please use plain language when using text-to-911.
4. Please text in English only, if possible. Language interpreting service is not available for text-to-911 at this time. Trained 911 dispatchers will do their best to assist you if you are not able to text in English.

For more information, the FCC has created a [Text-to-911: What you need to know page](#).

### LanguageLine

UCPD has also introduced LanguageLine, a service that provides our department with 24/7 access to interpretation for more than 240 languages. Whether in the office or out on patrol, officers and detectives are now able to contact certified interpreters by telephone or even video when necessary. We are committed to providing public safety services to all members of our community and having this resource at our fingertips will enhance our ability to fulfill this critical responsibility.



## Emergency Blue Light Phones

The university has between 700 - 900 emergency phones on campus in outlying parking areas and garages, dorms, elevators, and at other off campus locations. The phones are located in public areas and are topped with a blue light that remains illuminated at all times. Pushing the circular button on the panel will connect you to UCPD dispatch.

## Reporting to Other Campus Security Authorities

While the university encourages community members to consider promptly reporting all crimes and other emergencies directly to UCPD by calling (510) 642-6760 or calling 911, we also recognize there may be a preference to report to other individuals or university offices. The Clery Act recognizes certain university officials and offices as campus security authorities (CSAs). Go to the [UC Berkeley Clery Division website](#) to learn more.

CSAs are required to report all Clery crimes occurring on Clery geography to the Clery Division. The university has an [online CSA reporting form](#) for the prompt reporting of crimes. Please note that this form should not be used in an emergency situation or to generate a law enforcement response.

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



## Reporting Resources

Office	Campus Address	Phone Number
<a href="#">University of California Berkeley Police Department (UCPD Berkeley)</a>	1 Sproul Hall Berkeley, CA 94720	Emergency: 911 Emergency from Cell: (510) 642-3333 Non-Emergency: (510) 642-6760
<a href="#">Office for the Prevention of Harassment &amp; Discrimination (OPHD, Title IX)</a>	2111 Bancroft Way Suite 300 Berkeley, CA 94720	(510) 643-7985
<a href="#">Center for Student Conduct</a>	203 Sproul Hall Berkeley, CA 94720	(510) 643-9069
<a href="#">Residential Life</a>	2610 Channing Way Berkeley, CA 94720	(510) 642-4108
<a href="#">Dean of Students Office</a>	102 Sproul Hall Berkeley, CA 94270	(510) 642-6741

Incidents of bias can be reported using the online [hate report form](#) or the [UC System intolerance report form](#).



## University of California Police Department (UCPD)

### Role, Authority, and Training

UCPD 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 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 through the state, plus additional training to meet the unique needs of a campus environment. The primary jurisdiction of the UC Berkeley Police Department is university owned properties on and around core campus. The department handles all patrol, investigation, and related law enforcement duties for the campus community. The department provides these services 24 hours per day seven days a week.

The security patrol officer (SPO) program at UCPD provides non-sworn, uniformed officers at university facilities. Their primary responsibility is to provide security and safeguard university property. These officers do not have arrest authority.

Community service officers (CSOs) are student employees of the police department. CSOs run several safety programs at Berkeley, such as BearWALK, building watch, and night patrol. These officers do not have arrest authority.

At times UCPD supplements its staff with officers from other agencies who have arrest authority under mutual aid agreements. The university may occasionally hire event staff that are exclusively security or crowd management and do not have arrest authority.

### UC Berkeley Commitment to Safety

UC Berkeley takes great pride in its community and has many advantages for students, faculty, and staff. We strive to ensure the university is a great place to live, learn, work, and study. However, like other communities, the campus is not immune from crime, fire, or other forms, incidents, and experiences of threat, harm, and violence.

Theft is the most common crime on the Berkeley campus. To address this, UCPD actively promotes the practice of community crime prevention through education, outreach and partnerships. UC Berkeley provides many programs and campaigns developed to help promote safety awareness, to educate about preventive actions, and to encourage communication with UCPD

Crime is never the fault of the victim. One way to potentially reduce risk is to develop a strong sense of community with others



at your residence, living group, or workplace. Consider exchanging information about your schedules with those you trust and keep an eye on property in your living and work areas. Please report suspicious activities to UCPD by calling (510) 642-6760 or calling 911.

There are several programs and projects underway, which are dedicated to enhancing campus and community safety. The campus has developed the Campus Mobile Crisis Response Team (CMCRT) for mental health response and is in the process of developing the non-sworn public safety responder role. Learn more at the [campus and community safety website](#).

### Working Relationships with Local, State, and Federal Law Enforcement Agencies

UCPD maintains a cooperative relationship with local police agencies. This includes inter-operative radio capability, a joint police records computer system, training programs, special events coordination, and investigation of serious incidents.

UCPD has a memorandum of understanding (MOU) with the City of Berkeley Police Department, the City of Albany Police Department, the City of Emeryville Police Department, and California Highway Patrol. These MOUs address the collaboration between the departments to enhance the reporting, investigation, and appropriate response to crimes in each jurisdiction. The MOUs outline the administrative responsibility, the geographic responsibility, and the operational responsibility of the departments. Some key topics in the MOUs are emergency response to crimes, medical and fire response, alarm response, 911 response, explosive ordnance response, tactical operations, special events, ongoing communication, and informational exchanges in the form of reports and statistical data.

### Monitoring and Reporting of Criminal Activity

UCPD does not routinely monitor criminal activity at the locations of off campus student organizations. Criminal activity at off campus locations would normally be reported to the local law enforcement jurisdiction. When UCPD learns of students or student organizations involved in criminal activity, it will coordinate with the appropriate external law enforcement agency to forward information to the Center for Student Conduct, as appropriate.

The university requires all recognized student organizations to abide by university policies and federal, state, and local laws. The university may become involved in the off campus conduct of individual students or organizations when such conduct is determined to affect a substantial university interest (as defined in the [university student conduct policy](#)).

## Timely Warnings

### Overview

In the event of a report of a Clery Act crime on Clery Act geography that constitutes a serious or ongoing threat to members of the campus community, a campus-wide timely warning will be sent via email to all students and employees. The intent of a timely warning is to aid in the prevention of similar crimes by helping members of the campus community protect themselves.

The university encourages anyone with information regarding criminal activity that may warrant a timely warning to immediately report the circumstances to UCPD. The university has also communicated with neighboring law enforcement agencies asking them to notify UCPD if they receive reports or information warranting a timely warning.

### Timely Warning Criteria

A timely warning will be sent by the university when all of the criteria below have been met:

1. A crime is reported to UCPD or a CSA;
2. The crime is a Clery Act crime;
3. The crime is reported to have occurred on the Clery Act geography of the university; and
4. The crime is considered by the institution to present a serious or ongoing threat to students and employees.

The university has the discretion to issue safety alerts in other situations as well.

Clery crimes disclosed to pastoral and professional counselors are exempt from timely warning consideration.

### Serious or Ongoing Threat Analysis

The on-duty UCPD patrol sergeant or designee, in collaboration with command staff as necessary, is responsible for determining what constitutes a serious or ongoing threat to the campus community. This evaluation is completed on a case-by-case basis in consideration of the circumstances surrounding the situation at hand. There may be times when a Clery Act crime has occurred on Clery geography, but the situation does not present a serious or ongoing threat to the campus community, and thus would not necessitate a timely warning.

### Timely Warning Content

The timely warning will include information that the on-duty UCPD patrol sergeant or designee determines is necessary and appropriate to promote safety and aid in the prevention of similar crimes.

The content of a timely warning will, at minimum, include the time, location, and type of crime. The warning may also provide brief information about the situation if warranted, and information that promotes safety and helps individuals protect themselves from similar crimes. However, caution will be taken to not issue such a lengthy warning that it cannot be quickly understood by recipients.

The university has developed a wide range of template messages addressing several different situations. The individual authorizing the warning will select the template message most appropriate to the 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 or a designee 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 safety.

### Timely Warning Methods

The on-duty UCPD patrol sergeant or designee is responsible for communicating timely warnings to all students and employees via email using the **Everbridge** mass notification system, branded UC Berkeley WarnMe. Students, faculty, and staff are automatically registered for **UC Berkeley WarnMe** with their CalNet emails. Campus community members can update their contact information and add text messaging to their account by going to **UC Berkeley WarnMe**, clicking the “update your info” button, and logging in with a **CalNet ID**. Community members, parents, and friends can sign up for email alerts by **registering for UC Berkeley WarnMe through the public access portal**. The university may also supplement the email with other methods or a combination of other methods including, but not limited to, text message, paper postings on building doors, a message on the UCPD website/social media, or public announcements.

## 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 **Federal Emergency Management Agency (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 on the Office of Emergency Management website.

## General Evacuation Information

### Emergency Assembly Area

The emergency assembly area (EAA) for a campus building is noted on the emergency procedures signs posted by exits and stairways. EAAs are open areas located a safe distance from a building that serve as rally points during an evacuation. (EAAs should not be confused with designated waiting areas.)

### Designated Waiting Area

A designated waiting area (DWA) is a known waiting spot inside of a building for those who need help evacuating (e.g. for those who cannot use the stairs).

- From a DWA, call 911 (or (510) 642-3333 via cell phone) for assistance.
- If you cannot reach your DWA, find a room with an exterior window, and call 911.
- If phones are down, signal from a window with a visible object, or use a whistle.
- For more information on evacuation resources for people with access and functional needs, please visit the **Access & Functional Needs website**.

### Know When to Leave

- A fire alarm sounds, or an authorized person (e.g. building manager, police officer, firefighter) directs you to evacuate
- An emergency evacuation alert via UC Berkeley WarnMe
- A prolonged utility outage
- Anytime you feel unsafe

### How to Evacuate (Stay Calm and Be Safe)

- Take your go bag (if available)
- Walk, don't run
- Use stairs (never use elevators)
- Assemble in your emergency assembly area (EAA). During a large-scale evacuation, the EAA for your building may not be available, so follow the instructions of first responders
- Do not re-enter until allowed by emergency personnel
- Watch for UC Berkeley WarnMe alerts and updates may be posted on the **Berkeley News page**
- Call 911 (or (510) 642-3333 via cell) for threats to life

### Practice Your Evacuation

- **Make a go bag**
- Know the exit routes and stairways for your building
- Look for emergency procedures signs at the exits and stairways, and locate your emergency assembly area
- Participate in building evacuation drills
- If you have disabilities, visit the **Access & Functional Needs** page to get prepared for an evacuation

## Emergency Procedures

It is important to know common local hazards and procedures you can follow to prepare and respond to the situation.

### During an Earthquake

Indoors:

- Drop to the floor immediately
- Cover under sturdy furniture (or near an interior wall) and protect your head with your elbows and arms
- Hold on until the shaking stops
- Immediately evacuate the building once the shaking stops

Outdoors:

- Move away from buildings, power lines, and trees
- Drop, cover, and hold on to keep yourself stable and protect yourself from falling/thrown objects
- If you are driving, pull over in a clear area

Other Tips:

- Stay away from windows and other objects that can fall on you
- Do not run outside
- Do not stand in a doorway (it's safer under sturdy furniture)
- Do not use the elevators when evacuating a building

After an Earthquake:

- Check yourself for injuries
- Exit campus buildings and go to an emergency assembly area (EAA) or open space; if you are off campus, stay only if the building is structurally safe
- Do not tie up phone lines if it is a non-life-threatening emergency; use text messages and social media
- Do not re-enter campus buildings until allowed by emergency personnel
- Be prepared for potential aftershocks and falling debris
- Watch for UC Berkeley WarnMe alerts and updates may be posted on the [Berkeley News page](#)

### Signaling for Help

In the unlikely event that you are trapped by falling debris:

- Do not yell because you may inhale dust
- Tap on metal objects to get attention
- Use your mobile phone to call 911 (or (510) 642-3333 on campus) to alert emergency personnel to your location
- Do not light a match due to potential gas leaks; use the flashlight on your cell phone if available

### Building Fires

- Take the **closest exit** (use the stairs, never elevators)
- Feel door handles with the back of your hand; if warm, find a different exit

If you can't exit:

- Call 911 (or (510) 642-3333 via cell phone)
- Shove clothing in the gap underneath door frames to prevent smoke from entering the room
- Seek shelter in a **designated waiting area**
- Pull the fire alarm as you exit
- Do not re-enter the building until allowed by emergency personnel

### Wildfires

- Check ongoing incidents at [CAL FIRE Incidents](#)
- Make a go bag and be ready to leave at a moment's notice
- Watch for UC Berkeley WarnMe alerts and updates may be posted on the [Berkeley News page](#)
- If sheltering in place, close all doors and windows, and await further instructions
- See the City of Berkeley page on [Wildfire Evacuation](#)

### Wildfire Smoke

- Check local air quality reports ([Bay Area Air Quality Management District](#))
- Close windows, doors, and other openings through which smoke can enter
- Close fresh-air intake on air conditioning units and run air purifiers if available
- Try to stay indoors. If you need to venture outside wear a particle respirator like an N95 mask

### Public Safety Power Shutoff (PSPS)

- When severe weather and fire conditions threaten a portion of the electric infrastructure or community, [Pacific Gas and Electric may turn off electricity in the interest of public safety](#)
- A PSPS may occur with as little as one-day notice and can remain active for days. It is best to be prepared for a power outage at all times
- In the event of a PSPS, recharging stations will be set up by the university prioritizing students with medical needs and other vital functions



### When Power is Out

- Turn off and unplug all electronics
- Do not use a generator, grill, or camp stove indoors
- Leave one light on so you'll know when the power comes back
- Keep refrigerator doors closed (it stays cool for 4 hours)
- Call 911 (or (510) 642-3333 via cell) if trapped in an elevator
- If you are evacuated, do not re-enter until allowed by emergency personnel
- Watch for UC Berkeley WarnMe alerts and updates may be posted on the [Berkeley News page](#)

### When to Stop Working

- Be prepared to stop what you are doing until utilities are back on
- Life safety systems, such as alarms, sprinklers, emergency lighting, and fume hoods may not work (especially during a prolonged outage)
- You will be notified if classes or other activities are canceled

### Suspicious Packages / Bomb Threats

If you see something, say something. Call 911 (or (510) 642-3333 via cell phone) and warn others to avoid the area.

### What to Look Out For

- Odd markings or too much postage
- No return address; sender unknown
- Heaviness or unusual thickness
- Excessive tape or string
- Visible wires
- Oily or discolored wrappings
- Powdery substances or strange odors
- Unattended items that seem out of place

### Do Not Touch a Suspicious Package

- Do not interact with a suspicious package in any way
- Leave the area, close doors, and warn others to avoid the area
- Call 911 (or (510) 642-3333 via cell phone) to provide description and location of the item
- Wash any exposed skin with soap and water

### If There's a Bomb Threat

- Always treat a bomb threat like it is real
- Evacuate the area (remain calm and exit the building as directed)
- Leave your doors and windows open and the lights on
- Scan your area for unfamiliar items as you leave
- Do not handle any suspicious items you find
- Do not activate the building fire alarms



### Targeted Violence / Active Threat

If you see a person with a weapon on campus, immediately call 911 (or (510) 642-3333 via cell phone).

### Tools to Survive Targeted Violence

UCPD officers have all received extensive training on what to do in this situation, but it is equally important that our campus community members think of how they will respond.

If you witness any armed individual on campus at any time, immediately call UCPD to report the emergency by dialing 911 (or dialing (510) 642-3333 via cell phone). If escaping from danger is impossible, you should lockdown, barricade, and prepare to counter the attacker.

### About Fleeing

If it is possible to flee the area safely and avoid danger, do so. If it is safe to do so, consider:

- Escaping out of the other side of the building.
- Do not go to the normal gathering site for your building. Instead, get far away from the danger and then contact the police department to notify of your location.
- Do not attempt to flee if the attacker is between you and your escape. If you are unsure, do not attempt to flee.

### Shots Fired

#### About Hiding in Place

If it is not possible to flee the area safely:

- Go dark. Turn off all the lights.
- Lock all windows and doors and secure yourself in your space.
- Barricade the entrance if possible (heavy furniture, etc.).
- Prepare to counter the attacker. Don't just hide and wait.
- Develop a plan (have items to throw...laptops, chairs, etc.).

#### About Notifying Others

Alert the police, and alert others in your building or nearby if possible. Dial 911 (or (510) 642-3333 via cell) to notify police and give your location, if that seems practical. Do not pull the fire alarm because it will provide the shooter with more opportunities to cause harm.

If the shooter comes into your room or office:

- There is not one procedure that can be recommended in this situation.
- Attempting to negotiate with the individual may be very dangerous.
- Attempting to overcome the individual with force is a last resort that should only be initiated in the most extreme circumstances, but, again, do something!

## All-Clear

Wait for the all-clear instruction given by an authorized or known voice, or via a UC Berkeley WarnMe message. If you do not recognize the voice that is giving instruction, you should not change your status. Call the police to verify that officers are at your location.

- Unknown or unfamiliar voices may be giving false assurances.
- Remember, there may be more than one active shooter.

## After a Valid All-Clear

Follow the direction of police officers as you leave the building.

Police may direct you to one collection point.

- When encountering police officers, keep your hands on your head or open in front of you. Officers are trained to be aware of all possible dangers and need to see quickly that you are not a threat.
- Be careful not to make any changes to the scene of the incident since law enforcement authorities will investigate the area later.

Sometimes evacuating is not the best response to an emergency.

Listen to authorities and be prepared to shelter in place.

## Shelter in Place

- When a shelter in place directive is issued, find a safe location indoors and remain in place until an all-clear or evacuation order is given
- Select a small interior room with few/no windows, and close any doors, windows, or vents.
- Watch for UC Berkeley WarnMe alerts and updates may be posted on the [Berkeley News page](#)

## Drills, Exercises, and Training

UC Berkeley conducts an emergency preparedness exercise to test emergency procedures annually. The test is designed for assessment and evaluation of emergency plans and capabilities of the campus. The test is scheduled and contains drills, exercises, and follow-through activities. The scenarios for this test change from year-to-year, include several departments from across the campus, and are designed with clear written objectives. The university documents a description of the exercise, the date, time, and whether it was announced or unannounced. The university conducts after-action reviews of all emergency management exercises. OEM maintains records of the after-action review process for seven years, and tracks the completion of corrective actions. Each year, OEM also sends out a campus-wide email that contains a link to the UC Berkeley emergency response and evacuation procedures.

## Emergency Notification

In the event of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees, the university has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated during the event for emergency notification to all or a segment of the campus community. These methods of communication may include the Everbridge mass notification system (UC Berkeley WarnMe), alert and warning siren system, the university email system, social media, flyers, and verbal announcements via public address systems. The university may post updates during a critical incident on university websites, particularly in the event of a prolonged emergency. If the situation warrants, the university will establish a telephone call-in center to communicate with the campus community during an emergency situation.

The [Everbridge](#) mass notification system, branded [UC Berkeley WarnMe](#), is the primary means to proactively contact students, staff, and faculty at their CalNet Directory e-mail in the event of a significant emergency. Messages can be sent by multiple methods to the contact information listed in the campus directory as well as contact information registered by the users. Students, faculty, and staff are automatically registered for [UC Berkeley WarnMe](#) with their CalNet emails. Campus community members can update their contact information and add text messaging to their account by going to [UC Berkeley WarnMe](#), clicking the “update your info” button, and [logging in with a CalNet ID](#). Community members, parents, and friends can sign up for email alerts by registering for UC Berkeley WarnMe through the [public access portal](#).

UC Berkeley will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The institution will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event that a significant emergency or dangerous situation occurs, UC Berkeley will; (1) confirm the existence of a significant emergency or dangerous situation; (2) determine the appropriate segment or segments of the campus community to notify; (3) determine the content of the emergency notification; and (4) initiate the emergency notification system.

## Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System

In the event of a significant emergency or a dangerous situation, UCPD dispatch center will notify the appropriate emergency services unless those services have already been notified and are responding. Emergency services will typically be provided by UCPD, Berkeley Police Department (BPD), Berkeley Fire Department (BFD), and the Emergency Medical Services Division of BFD. If a dangerous situation is reported to UCPD police dispatch, UCPD officers or other local authorities will confirm the threat by either responding to the scene or through the report of a credible witness. Some emergencies (e.g. infectious diseases) may be reported through other university offices first, such as **University**

### **Health Services.**

Once first responders confirm that there is a significant emergency or dangerous situation that poses an immediate threat to the health or safety of the campus community, first responders will notify supervisors at UCPD or other authorized university offices to issue an emergency notification.

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, alums, etc., about the situation and steps the university has taken to address the emergency if warranted. Primarily, the Office of Communications & Public Affairs is responsible for crisis communications and for maintaining communications with national, regional, and local news outlets.

The authorized representatives to request or initiate all or some portions of the emergency notification system in an emergency, urgent, or important situation include:

- Chancellor, or designee;
- Associate chancellor, or designee;
- Designated public affairs personnel, or designee;
- Director of Clery compliance, or designee;
- Emergency operations center (EOC) director;
- Executive vice chancellor and provost, or designee;
- Office of Emergency Management director, or designee;
- UCPD chief, UCPD command staff and supervisors, or designee; and
- Vice chancellor of administration, or designee.

## 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. If the emergency affects a significant portion of the entire campus, university officials will distribute the notification to the entire campus community.

### **Determining the Content of the Emergency Notification**

UC Berkeley will determine the content 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 or a designee 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 safety.

Follow up/status update notifications may be released when/if there is new information or instructions for the university population, such as changes in protective actions. Messages may also be sent at appropriate intervals to reiterate the current state of the emergency, especially if significant time has passed since the last update. An all-clear notification will be sent at the conclusion of an event when/if it is helpful to provide an all-clear message.

### **Security of and Access to UC Berkeley Facilities**

The Facilities Services Unit maintains control of access to campus facilities, monitors the issuance of keys, and administers burglar or intrusion alarm systems. It is important to understand that the Berkeley campus is generally open to the public. Administrative buildings are generally open from 8:00 a.m. until 5:00 p.m., and academic buildings generally are open from 7:00 a.m. until 10:00 p.m., Monday through Friday. 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.



### Special Considerations for Residence Hall Access

The residence halls are locked 24 hours a day, with entry controlled by a mechanical key system, fob system, 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 responsibility of the residents to ensure that their guests are 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 guests 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. Generally, when university police receive a report of someone trespassing or a suspicious person in the residence halls, a police officer is dispatched to identify that person.

### 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 planning and design, and facilities services to address safety and security considerations for campus facilities. Locks, landscaping, and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, illuminated 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.

Representatives from several campus departments, including UCPD, conduct an annual survey of university property to evaluate campus lighting. Burned-out lights are replaced as soon as possible. All security concerns, including concerns about locking mechanisms, lighting, or landscaping, can be reported to UCPD by calling (510) 642-6760. You can also [view a map showing campus buildings and pathways](#). For facilities issues that are not a security concern, please contact Facilities Services via their [website](#).



# UC Berkeley Response to Sexual Violence and Sexual Harassment (SVSH)

## Introduction

The University of California, Berkeley is committed to providing a safe learning and working environment. UC Berkeley policy prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined by the Clery Act. These policies apply to all students, faculty, staff, contractors, and visitors.

All forms of sexual violence and harassment, including the acts described and defined in this report, are prohibited and violate the **University of California Policy on Sexual Violence and Sexual Harassment, code of student conduct, faculty code of conduct,** and other university policies. Violations of these policies are subject to disciplinary sanctions through the applicable university policy. Please visit the **Office for the Prevention of Harassment & Discrimination (OPHD) website** for additional information.

## Reporting an Incident

If a student, employee, or third party has been the victim of an incident of sexual violence they should consider immediately reporting it to UCPD by calling (510) 642-6760 or by visiting their physical location at 1 Sproul Hall. In the case of an emergency or ongoing threat, if possible, get to a safe location and report the incident by calling (510) 642-3333 (if using a cell phone) or by calling 911. The City of Berkeley Police Department (BPD) can be called at (510) 981-5900 or can be found at their physical location at 2100 Martin Luther King, Jr. Way, Berkeley. The police can document and investigate crimes involving sexual violence, and with sufficient evidence they can present the case to the district attorney to consider for prosecution. Victims are not required to report to law enforcement.

Whether or not a victim chooses to pursue a criminal investigation, in some cases survivors may be eligible for additional protections by applying to the Superior Court of California for a civil restraining order.

Administrative reports may be made to the Office for the Prevention of Harassment & Discrimination (OPHD) by calling (510) 643-7985 or **submitting a report online**. UC Berkeley officials will assist any victim in notifying local law enforcement, including UCPD, if they elect to do so.

Someone who has experienced harm from sexual assault, dating or domestic violence, and/or stalking has the right – and the choice – to report it to UC Berkeley, to the police, or to both, and the right not to make a report. These are separate options, each with

a different process and different potential outcomes. Reporting is an intensely personal decision. UC Berkeley respects the right of a survivor to decide whether or not to report to anyone. Survivors are encouraged to consult a confidential resource, such as the **PATH to Care Center**, about reporting options and processes. Confidential support services are available to anyone who has experienced harm, whether or not they choose to report.

When someone reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the reporting party a written explanation of rights and options (**NORO**). This written explanation identifies existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. This document describes options for available assistance in and how to request changes to academic, living, transportation and working situations, or protective measures. The institution will provide accommodations/protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.



## Violence Against Women Act (VAWA) Offenses

- A sexual assault is defined as an offense that meets the definition of rape, fondling, statutory rape, or incest as used in the **FBI's Uniform Crime Reporting (UCR)** program. Per the **National Incident-Based Reporting System User Manual** from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”
- Domestic violence is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence

laws of the jurisdiction in which the crime of violence occurred; or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

- Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

## VAWA Offenses as Defined by the State of California

### Consent (California Penal Code 261.6, 261.7, & 266c)

#### 261.6.

PENAL CODE - PEN

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

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

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

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

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

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

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

#### 261.7.

PENAL CODE - PEN

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

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

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

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

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

#### 266c.

PENAL CODE - PEN

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

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

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and

Seduction [261 - 269] (Chapter 1 enacted 1872.)

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

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

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

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

**Domestic Violence (California Penal Code 243, 273.5, 12022.7, & 13700; California Family Code 6203, 6205, 6209, 6210, 6211, & 6320)**

**243.**

PENAL CODE - PEN

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

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

CHAPTER 9. Assault and Battery [240 - 248] (Chapter 9 enacted 1872.)

(a) A battery is 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.

(d) When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall

be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

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

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

(B) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

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

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

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

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

(f) As used in this section:

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

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

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

(Amended by Stats. 2015, Ch. 626, Sec. 1. (AB 545) Effective January 1, 2016.)

## **273.5.**

PENAL CODE - PEN

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

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

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

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

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

- (1) The offender's spouse or former spouse.
- (2) The offender's cohabitant or former cohabitant.



(3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.

(4) The mother or father of the offender's child.

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

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

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

(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 the defendant 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 the defendant 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 domestic violence shelter-based program, 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 domestic violence shelter-based program, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. An order to make payments to a domestic violence shelter-based program 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 person who is married or in a registered domestic partnership is caused in whole or in part by the criminal acts of their spouse or domestic partner in violation of this section, the community property may not be used to discharge the liability of the offending spouse or domestic partner for restitution to the injured spouse or domestic partner, 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 or domestic partner and dependents, required by this section, until all separate property of the offending spouse or domestic partner 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 their 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 their right to make a citizen's arrest pursuant to subdivision (b) of Section 836.

(Amended by Stats. 2016, Ch. 50, Sec. 69. (SB 1005) Effective January 1, 2017.)

## **12022.7.**

PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] ( Part 4 added by Stats. 1953, Ch. 1385. )

TITLE 2. SENTENCE ENHANCEMENTS [12001 - 12022.95] ( Title 2 repealed and added by Stats. 2010, Ch. 711, Sec. 5. )

(e) Any person who personally inflicts great bodily injury under circumstances involving domestic violence in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three, four, or five years. As used in this subdivision, "domestic violence" has the meaning provided in subdivision (b) of Section 13700.

(f) As used in this section, "great bodily injury" means a significant or substantial physical injury.

(Amended (as added by Stats. 2010, Ch. 711, Sec. 5) by Stats. 2011, Ch. 296, Sec. 226. (AB 1023) Effective January 1, 2012.)

## **13700..**

PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] ( Part 4 added by Stats. 1953, Ch. 1385. )

TITLE 5. LAW ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE [13700 - 13732] ( Title 5 added by Stats. 1984, Ch. 1609, Sec. 3. )

CHAPTER 1. General Provisions [13700 - 13702] ( Chapter 1 added by Stats. 1984, Ch. 1609, Sec. 3. )

As used in this title:

(a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

(b) "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time,



resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship.

(c) “Officer” means any officer or employee of a local police department or sheriff’s office, and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles, as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, a peace officer as defined in subdivisions (a) and (b) of Section 830.32, or a peace officer as defined in subdivision (a) of Section 830.33.

(d) “Victim” means a person who is a victim of domestic violence.

(Amended by Stats. 2016, Ch. 50, Sec. 75. (SB 1005) Effective January 1, 2017.)

## **6203.**

FAMILY CODE - FAM

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

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

(a) For purposes of this act, “abuse” means any of the following:

(1) To intentionally or recklessly cause or attempt to cause bodily injury.

(2) Sexual assault.

(3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.

(4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

(b) Abuse is not limited to the actual infliction of physical injury or assault.

(Amended by Stats. 2015, Ch. 303, Sec. 149. (AB 731) Effective January 1, 2016.)

## **6205.**

FAMILY CODE - FAM

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

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

“Affinity,” when applied to the marriage relation, signifies the connection existing in consequence of marriage between each of the married persons and the blood relatives of the other.

(Added by Stats. 1993, Ch. 219, Sec. 154. Effective January 1, 1994.)

## **6209.**

FAMILY CODE - FAM

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

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

“Cohabitant” means a person who regularly resides in the household.

“Former cohabitant” means a person who formerly regularly resided in the household.

(Added by Stats. 1993, Ch. 219, Sec. 154. Effective January 1, 1994.)

## **6210.**

FAM CODE - FAM

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

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

“Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.

(Added by Stats. 2001, Ch. 110, Sec. 1. Effective January 1, 2002.)

## **6211.**

FAM CODE - FAM

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



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

“Domestic violence” is abuse perpetrated against any of the following persons:

- (a) A spouse or former spouse.
- (b) A cohabitant or former cohabitant, as defined in Section 6209.
- (c) A person with whom the respondent is having or has had a dating or engagement relationship.
- (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 commencing with Section 7600) of Division 12).
- (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
- (f) Any other person related by consanguinity or affinity within the second degree.

(Added by Stats. 1993, Ch. 219, Sec. 154. Effective January 1, 1994.)

## **6320.**

FAMILY CODE - FAM

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

PART 4. PROTECTIVE ORDERS AND OTHER DOMESTIC VIOLENCE PREVENTION ORDERS [6300 - 6389] ( Part 4 added by Stats. 1993, Ch. 219, Sec. 154. )

CHAPTER 2. Issuance of Orders [6320 - 6361] ( Chapter 2 added by Stats. 1993, Ch. 219, Sec. 154. )

ARTICLE 1. Ex Parte Orders [6320 - 6327] ( Article 1 added by Stats. 1993, Ch. 219, Sec. 154. )

- (a) The court may issue an ex parte order enjoining a party from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, credibly impersonating as described in Section 528.5 of the Penal Code, falsely personating as described in Section 529 of the Penal Code, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a



specified distance of, or disturbing the peace of the other party, and, in the discretion of the court, on a showing of good cause, of other named family or household members.

(b) On a showing of good cause, the court may include in a protective order a grant to the petitioner of the exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent. The court may order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

(c) As used in this subdivision (a), “disturbing the peace of the other party” refers to conduct that, based on the totality of the circumstances, destroys the mental or emotional calm of the other party. This conduct may be committed directly or indirectly, including through the use of a third party, and by any method or through any means including, but not limited to, telephone, online accounts, text messages, internet-connected devices, or other electronic technologies. This conduct includes, but is not limited to, coercive control, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty. Examples of coercive control include, but are not limited to, unreasonably engaging in any of the following:

(1) Isolating the other party from friends, relatives, or other sources of support.

(2) Depriving the other party of basic necessities.

(3) Controlling, regulating, or monitoring the other party’s movements, communications, daily behavior, finances, economic resources, or access to services.

(4) Compelling the other party by force, threat of force, or intimidation, including threats based on actual or suspected immigration status, to engage in conduct from which the other party has a right to abstain or to abstain from conduct in which the other party has a right to engage.

(5) Engaging in reproductive coercion, which consists of control over the reproductive autonomy of another through force, threat of force, or intimidation, and may include, but is not limited to, unreasonably pressuring the other party to become pregnant, deliberately interfering with contraception use or access to reproductive health information, or using coercive tactics to control, or attempt to control, pregnancy outcomes.

(d) This section does not limit any remedies available under this act or any other provision of law.

(Amended by Stats. 2021, Ch. 135, Sec. 1. (SB 374) Effective January 1, 2022.)

## Stalking (California Penal Code 646.9, 653m, & 653.2)

### 646.9.

PENAL CODE - PEN

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

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] (Title 15 enacted 1872.)

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] (Chapter 2 enacted 1872.)

(a) 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.

(Amended by Stats. 2007, Ch. 582, Sec. 2.5. Effective January 1, 2008.)

## **653m.**

PENAL CODE - PEN

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

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] (Title 15 enacted 1872.)

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] (Chapter 2 enacted 1872.)

(a) Every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed or any member of his or her family, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

(b) Every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person is, whether or not conversation ensues from making the telephone call or contact by means of an electronic communication device, guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith or during the ordinary course and scope of business.

(c) Any offense committed by use of a telephone may be deemed to have been committed when and where the telephone call or calls were made or received. Any offense committed by use of an electronic communication device or medium, including the Internet, may be deemed to have been committed when and where the electronic communication or communications were originally sent or first viewed by the recipient.

(d) Subdivision (a) or (b) is violated when the person acting with intent to annoy makes a telephone call or contact by means of an electronic communication device requesting a return call and performs the acts prohibited under subdivision (a) or (b) upon receiving the return call.

(e) Subdivision (a) or (b) is violated when a person knowingly permits any telephone or electronic communication under the person’s control to be used for the purposes prohibited by those subdivisions.

(f) If probation is granted, or the execution or imposition of sentence is suspended, for any person convicted under this section, the court may order as a condition of probation that the person participate in counseling.

(g) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, facsimile machines, pagers, personal digital assistants, smartphones, and any other device that transfers signs, signals, writing, images, sounds, or data. “Electronic communication device” also includes, but is not limited to, videophones, TTY/TDD devices, and all other devices used to aid or assist communication to or from deaf or disabled persons. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(Amended by Stats. 2008, Ch. 109, Sec. 1. 2008.) (Effective January 1, 2009.)

## **653.2.**

PENAL CODE - PEN

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

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] ( Title 15 enacted 1872. )

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] ( Chapter 2 enacted 1872. )

(a) Every person who, with intent to place another person in reasonable fear for his or her safety, or the safety of the other person's immediate family, by means of an electronic communication device, and without consent of the other person, and for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment, by a third party, electronically distributes, publishes, e-mails, hyperlinks, or makes available for downloading, personal identifying information, including, but not limited to, a digital image of another person, or an electronic message of a harassing nature about another person, which would be likely to incite or produce that unlawful action, is guilty of a misdemeanor punishable by up to one year in a county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) For purposes of this section, "electronic communication device" includes, but is not limited to, telephones, cell phones, computers, Internet Web pages or sites, Internet phones, hybrid cellular/Internet/wireless devices, personal digital assistants (PDAs), video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term is defined in Section 2510(12) of Title 18 of the United States Code.

(c) For purposes of this section, the following terms apply:

(1) "Harassment" means a knowing and willful course of conduct directed at a specific person that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing the person and that serves no legitimate purpose.

(2) "Of a harassing nature" means of a nature that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing of the person and that serves no legitimate purpose.

(Amended by Stats. 2009, Ch. 140, Sec. 144. (AB 1164) Effective January 1, 2010.)

## **Rape (California Penal Code 261, 261.5, 261.9, 263, 263.1, 264, 264.1, 264.2, 269, 286, 287, 288.5, 288.7, 289, & 647)**

### **261.**

PENAL CODE - PEN

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

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

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and

Seduction [261 - 269] (Chapter 1 enacted 1872.)

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

(1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.

(2) If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute



the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) If the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) For purposes of this section, the following definitions apply:

(1) “Duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim’s relationship to the defendant, are factors to consider in appraising the existence of duress.

(2) “Menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

(Amended by Stats. 2021, Ch. 626, Sec. 17. (AB 1171) Effective January 1, 2022.)

## **261.5.**

PENAL CODE - PEN

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

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

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

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(Amended by Stats. 2011, Ch. 15, Sec. 302. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

## **261.9.**

PENAL CODE - PEN

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

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

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

(a) Any person convicted of seeking to procure or procuring the sexual services of a prostitute in violation of subdivision (b) of Section 647, if the prostitute is under 18 years of age, shall be ordered by the court, in addition to any other penalty or fine imposed, to pay an additional fine in an amount not to exceed twenty-five thousand dollars (\$25,000).

(b) Every fine imposed and collected pursuant to this section shall, upon appropriation by the Legislature, be available to fund programs and services for commercially sexually exploited minors in the counties where the underlying offenses are committed.

(Added by Stats. 2011, Ch. 75, Sec. 3. (AB 12) Effective January 1, 2012.)

## **263.**

PENAL CODE - PEN

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

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

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

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.)

## 263.1.

PENAL CODE - PEN

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

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

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

(a) The Legislature finds and declares that all forms of non-consensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors.

(b) This section is declarative of existing law.

(Added by Stats. 2016, Ch. 848, Sec. 1. (AB 701) Effective January 1, 2017.)

## 264.

PENAL CODE - PEN

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

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

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

(a) Except as provided in subdivision (c), rape, as defined in Section 261 or former Section 262, is punishable by imprisonment in the state prison for three, six, or eight years.

(b) In addition to any punishment imposed under this section the judge may assess a fine not to exceed seventy dollars (\$70) against a person who violates Section 261 or former Section 262 with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of the defendant's inability to pay the fine permitted under this subdivision.

(c) (1) A person who commits rape in violation of paragraph (2) of subdivision (a) of Section 261 upon a child who is under 14 years of age shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(2) A person who commits rape in violation of paragraph (2) of

subdivision (a) of Section 261 upon a minor who is 14 years of age or older shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(3) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other law.

(Amended by Stats. 2021, Ch. 626, Sec. 21. (AB 1171) Effective January 1, 2022.)

## 264.1.

PENAL CODE - PEN

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

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

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

(a) The provisions of Section 264 notwithstanding, when the defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim, committed an act described in Section 261 or 289, either personally or by aiding and abetting the other person, that fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, the defendant shall suffer confinement in the state prison for five, seven, or nine years.

(b) (1) If the victim of an offense described in subdivision (a) is a child who is under 14 years of age, the defendant shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(2) If the victim of an offense described in subdivision (a) is a minor who is 14 years of age or older, the defendant shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(3) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other law.

(Amended by Stats. 2021, Ch. 626, Sec. 22. (AB 1171) Effective January 1, 2022.)

## 264.2.

PENAL CODE - PEN

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

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

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and



(a) When there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 273.5, 286, 287, or 289, the law enforcement officer assigned to the case shall immediately provide the victim of the crime with the “Victims of Domestic Violence” card, as specified in subparagraph (H) of paragraph (9) of subdivision (c) of Section 13701, or with the card described in subdivision (a) of Section 680.2, whichever is more applicable.

(b) (1) The law enforcement officer, or the law enforcement officer’s agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 286, 287, or 289 is transported to a hospital for a medical evidentiary or physical examination. The hospital may notify the local rape victim counseling center, when the victim of the alleged violation of Section 261, 261.5, 286, 287, or 289 is presented to the hospital for the medical or evidentiary physical examination, upon approval of the victim. The victim has the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim’s choosing present at any medical evidentiary or physical examination.

(2) Prior to the commencement of an initial medical evidentiary or physical examination arising out of a sexual assault, the medical provider shall give the victim the card described in subdivision (a) of Section 680.2. This requirement shall apply only if the law enforcement agency has provided the card to the medical provider in a language understood by the victim.

(3) The hospital may verify with the law enforcement officer, or the law enforcement officer’s agency, whether the local rape victim counseling center has been notified, upon the approval of the victim.

(4) A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination.

(5) After conducting the medical evidentiary or physical examination, the medical provider shall give the victim the opportunity to shower or bathe at no cost to the victim, unless a showering or bathing facility is not available.

(6) A medical provider shall, within 24 hours of obtaining sexual assault forensic evidence from the victim, notify the law enforcement agency having jurisdiction over the alleged violation if the medical provider knows the appropriate jurisdiction. If the medical provider does not know the appropriate jurisdiction, the

medical provider shall notify the local law enforcement agency.

(Amended by Stats. 2021, Ch. 626, Sec. 23. (AB 1171) Effective January 1, 2022.)

**269.**

PENAL CODE - PEN

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

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

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

(a) Any person who commits any of the following acts upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child:

- (1) Rape, in violation of paragraph (2) or (6) of subdivision (a) of Section 261.
- (2) Rape or sexual penetration, in concert, in violation of Section (3) Sodomy, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286.
- (4) Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 287 or former Section 288a.
- (5) Sexual penetration, in violation of subdivision (a) of Section 289.

(b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for 15 years to life.

(c) The court shall impose a consecutive sentence for each offense that results in a conviction under this section if the crimes involve separate victims or involve the same victim on separate occasions as defined in subdivision (d) of Section 667.6.

(Amended by Stats. 2018, Ch. 423, Sec. 47. (SB 1494) Effective January 1, 2019. Note: This section was amended November 7, 2006, by initiative Proposition 83.)

**286.**

PENAL CODE - PEN

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

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



Ch. 1111, Sec. 2.)

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on

the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sodomy with another person who is under 14 years of age when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will

by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(4) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a

state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.

(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) Any person who commits an act of sodomy, where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years.

As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), “threatening to retaliate” means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court, however, shall take into consideration the defendant’s ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

**287.**

PENAL CODE - PEN

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

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

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

(b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.

(c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(3) Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(4) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be

punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

- (1) Was unconscious or asleep.
- (2) Was not aware, knowing, perceiving, or cognizant that the act occurred.
- (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
- (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an

element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(j) Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(k) Any person who commits an act of oral copulation, where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant’s ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(Added by renumbering Section 288a by Stats. 2018, Ch. 423, Sec. 49. (SB 1494) Effective January 1, 2019.)

## **288.5.**

PENAL CODE - PEN

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

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD



MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Any person who either resides in the same home with the minor child or has recurring access to the child, who over a period of time, not less than three months in duration, engages in three or more acts of substantial sexual conduct with a child under the age of 14 years at the time of the commission of the offense, as defined in subdivision (b) of Section 1203.066, or three or more acts of lewd or lascivious conduct, as defined in Section 288, with a child under the age of 14 years at the time of the commission of the offense is guilty of the offense of continuous sexual abuse of a child and shall be punished by imprisonment in the state prison for a term of 6, 12, or 16 years.

(b) To convict under this section the trier of fact, if a jury, need unanimously agree only that the requisite number of acts occurred not on which acts constitute the requisite number.

(c) No other act of substantial sexual conduct, as defined in subdivision (b) of Section 1203.066, with a child under 14 years of age at the time of the commission of the offenses, or lewd and lascivious acts, as defined in Section 288, involving the same victim may be charged in the same proceeding with a charge under this section unless the other charged offense occurred outside the time period charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section unless more than one victim is involved in which case a separate count may be charged for each victim.

(Amended by Stats. 2006, Ch. 337, Sec. 8. Effective September 20, 2006.)

### **288.7.**

PENAL CODE - PEN

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

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

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Any person 18 years of age or older who engages in sexual intercourse or sodomy with a child who is 10 years of age or younger is guilty of a felony and shall be punished by imprisonment in the state prison for a term of 25 years to life.

(b) Any person 18 years of age or older who engages in oral copulation or sexual penetration, as defined in Section 289, with a child who is 10 years of age or younger is guilty of a felony and shall be punished by imprisonment in the state prison for a term of 15 years to life.

(Added by Stats. 2006, Ch. 337, Sec. 9. Effective September 20, 2006.)

## 289.

### PENAL CODE - PEN

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

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

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably

should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic

substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in this section:

(1) "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.

(2) "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ.

(3) "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis,

when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.

(m) As used in this section, "victim" includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

(Amended by Stats. 2013, Ch. 282, Sec. 2. (SB 59) Effective September 9, 2013.)

## 647.

PENAL CODE - PEN

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

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] ( Title 15 enacted 1872. )

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] ( Chapter 2 enacted 1872. )

Except as provided in paragraph (5) of subdivision (b) and subdivision (k), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(a) An individual who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) (1) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with the intent to receive compensation, money, or anything of value from another person. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by another person to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in an act of prostitution.

(2) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with another person who is 18 years of age or older in exchange for the individual providing compensation, money, or anything of value to the other person. An individual agrees to engage in an act of prostitution when, with



specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by another person who is 18 years of age or older to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in an act of prostitution.

(3) An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, the individual manifests an acceptance of an offer or solicitation by someone who is a minor to so engage, regardless of whether the offer or solicitation was made by a minor who also possessed the specific intent to engage in an act of prostitution.

(4) A manifestation of acceptance of an offer or solicitation to engage in an act of prostitution does not constitute a violation of this subdivision unless some act, in addition to the manifestation of acceptance, is done within this state in furtherance of the commission of the act of prostitution by the person manifesting an acceptance of an offer or solicitation to engage in that act. As used in this subdivision, “prostitution” includes any lewd act between persons for money or other consideration.

(5) Notwithstanding paragraphs (1) to (3), inclusive, this subdivision does not apply to a child under 18 years of age who is alleged to have engaged in conduct to receive money or other consideration that would, if committed by an adult, violate this subdivision. A commercially exploited child under this paragraph may be adjudged a dependent child of the court pursuant to paragraph (2) of subdivision (b) of Section 300 of the Welfare and Institutions Code and may be taken into temporary custody pursuant to subdivision (a) of Section 305 of the Welfare and Institutions Code, if the conditions allowing temporary custody without warrant are met.

(Amended by Stats. 2022, Ch. 882, Sec. 1. (SB 1081) Effective January 1, 2023.)

## **1203.066.**

PENAL CODE - PENPART 2. OF CRIMINAL PROCEDURE [681 - 1620] ( Part 2 enacted 1872. )

TITLE 8. OF JUDGMENT AND EXECUTION [1191 - 1233.12] ( Title 8 enacted 1872. )

CHAPTER 1. The Judgment [1191 - 1210.6] (Chapter 1 enacted 1872. )

(a) Notwithstanding Section 1203 or any other law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, nor shall a finding bringing the defendant within the provisions of this section be stricken pursuant to Section 1385

for, any of the following persons:

(1) A person who is convicted of violating Section 288 or 288.5 when the act is committed by the use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(2) A person who caused bodily injury on the child victim in committing a violation of Section 288 or 288.5.

(3) A person who is convicted of a violation of Section 288 or 288.5 and who was a stranger to the child victim or befriended the child victim for the purpose of committing an act in violation of Section 288 or 288.5, unless the defendant honestly and reasonably believed the victim was 14 years of age or older.

(4) A person who used a weapon during the commission of a violation of Section 288 or 288.5.

(5) A person who is convicted of committing a violation of Section 288 or 288.5 and who has been previously convicted of a violation of Section 261, 264.1, 266, 266c, 267, 285, 286, 287, 288, 288.5, or 289, or former Section 262 or 288a, or of assaulting another person with intent to commit a crime specified in this paragraph in violation of Section 220, or who has been previously convicted in another state of an offense which, if committed or attempted in this state, would constitute an offense enumerated in this paragraph.

(6) A person who violated Section 288 or 288.5 while kidnapping the child victim in violation of Section 207, 209, or 209.5.

(7) A person who is convicted of committing a violation of Section 288 or 288.5 against more than one victim.

(8) A person who, in violating Section 288 or 288.5, has substantial sexual conduct with a victim who is under 14 years of age.

(9) A person who, in violating Section 288 or 288.5, used obscene matter, as defined in Section 311, or matter, as defined in Section 311, depicting sexual conduct, as defined in Section 311.3.

(b) “Substantial sexual conduct” means penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object, oral copulation, or masturbation of either the victim or the offender.

(c) (1) Except for a violation of subdivision (b) of Section 288, this section shall only apply if the existence of any fact required in subdivision (a) is alleged in the accusatory pleading and is either admitted by the defendant in open court, or found to be true by the trier of fact.

(2) For the existence of any fact under paragraph (7) of subdivision (a), the allegation must be made pursuant to this section.

(d) (1) If a person is convicted of a violation of Section 288 or 288.5, and the factors listed in subdivision (a) are not pled or proven, probation may be granted only if the following terms and conditions are met:

(A) If the defendant is a member of the victim’s household, the court finds that probation is in the best interest of the child victim.

(B) The court finds that rehabilitation of the defendant is feasible and that the defendant is amenable to undergoing treatment, and the defendant is placed in a recognized treatment program designed to deal with child molestation immediately after the grant of probation or the suspension of execution or imposition of sentence.

(C) If the defendant is a member of the victim’s household, probation shall not be granted unless the defendant is removed from the household of the victim until the court determines that the best interests of the victim would be served by the defendant’s return. While removed from the household, the court shall prohibit contact by the defendant with the victim, with the exception that the court may permit supervised contact, upon the request of the director of the court-ordered supervised treatment program, and with the agreement of the victim and the victim’s parent or legal guardian, other than the defendant.

(D) If the defendant is not a member of the victim’s household, the court shall prohibit the defendant from being placed or residing within one-half mile of the child victim’s residence for the duration of the probation term unless the court, on the record, states its reasons for finding that this residency restriction would not serve the best interests of the victim.

(E) The court finds that there is no threat of physical harm to the victim if probation is granted.

(2) The court shall state its reasons on the record for whatever sentence it imposes on the defendant.

(3) The court shall order the psychiatrist or psychologist who is appointed pursuant to Section 288.1 to include a consideration of the factors specified in subparagraphs (A), (B), and (C) of paragraph (1) in making the report to the court.

(4) The court shall order the defendant to comply with all probation requirements, including the requirements to attend counseling, keep all program appointments, and pay program fees based upon ability to pay.

(5) A victim shall not be compelled to participate in a program or counseling, and a program may not condition a defendant’s enrollment on participation by the victim.

(e) As used in subdivision (d), the following definitions apply:

(1) “Contact with the victim” includes all physical contact, being in the presence of the victim, communicating by any means, including by a third party acting on behalf of the defendant, or sending any gifts.

(2) “Recognized treatment program” means a program that consists of the following components:

(A) Substantial expertise in the treatment of child sexual abuse.

(B) A treatment regimen designed to specifically address the offense.

(C) The ability to serve indigent clients.

(D) Adequate reporting requirements to ensure that all persons who, after being ordered to attend and complete a program, may be identified for either failure to enroll in, or failure to successfully complete, the program, or for the successful completion of the program as ordered. The program shall notify the court and the probation department, in writing, within the period of time and in the manner specified by the court of any person who fails to complete the program. Notification shall be given if the program determines that the defendant is performing unsatisfactorily or if the defendant is not benefiting from the education, treatment, or counseling.

(Amended by Stats. 2021, Ch. 626, Sec. 47. (AB 1171) Effective January 1, 2022.)

### **Statutory Rape (California Penal Code Section 261.5, 288.5, & 647.6)**

#### **261.5.**

PENAL CODE - PEN

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

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

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

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one

year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(Amended by Stats. 2011, Ch. 15, Sec. 302. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)



## 288.5.

PENAL CODE - PEN

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

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

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Any person who either resides in the same home with the minor child or has recurring access to the child, who over a period of time, not less than three months in duration, engages in three or more acts of substantial sexual conduct with a child under the age of 14 years at the time of the commission of the offense, as defined in subdivision (b) of Section 1203.066, or three or more acts of lewd or lascivious conduct, as defined in Section 288, with a child under the age of 14 years at the time of the commission of the offense is guilty of the offense of continuous sexual abuse of a child and shall be punished by imprisonment in the state prison for a term of 6, 12, or 16 years.

(b) To convict under this section the trier of fact, if a jury, need unanimously agree only that the requisite number of acts occurred not on which acts constitute the requisite number.

(c) No other act of substantial sexual conduct, as defined in subdivision (b) of Section 1203.066, with a child under 14 years of age at the time of the commission of the offenses, or lewd and lascivious acts, as defined in Section 288, involving the same victim may be charged in the same proceeding with a charge under this section unless the other charged offense occurred outside the time period charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section unless more than one victim is involved in which case a separate count may be charged for each victim.

(Amended by Stats. 2006, Ch. 337, Sec. 8. Effective September 20, 2006.)

## 647.6.

PENAL CODE - PEN

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

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] ( Title 15 enacted 1872. )

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] ( Chapter 2 enacted 1872. )

(a) (1) Every person who annoys or molests any child under 18 years of age shall be punished by a fine not exceeding five thousand dollars (\$5,000), by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment.

(2) Every person who, motivated by an unnatural or abnormal sexual interest in children, engages in conduct with an adult whom he or she believes to be a child under 18 years of age, which conduct, if directed toward a child under 18 years of age, would be a violation of this section, shall be punished by a fine not exceeding five thousand dollars (\$5,000), by imprisonment in a county jail for up to one year, or by both that fine and imprisonment.

(Amended by Stats. 2018, Ch. 423, Sec. 63. (SB 1494) Effective January 1, 2019.)

## Fondling (Sexual Battery) (California Penal Code 243.4, 288, 288.5, 647.6)

### 243.4.

PENAL CODE - PEN

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

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

CHAPTER 9. Assault and Battery [240 - 248] (Chapter 9 enacted 1872.)

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) "Sexual battery" does not include the crimes defined in Section 261 or 289.

(3) "Seriously disabled" means a person with severe physical or sensory disabilities

(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) "Minor" means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

(Amended by Stats. 2022, Ch. 48, Sec. 70. (SB 189) Effective June 30, 2022.)

## **288.**

PENAL CODE - PEN

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

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

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] ( Chapter 5 enacted 1872. )

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) (1) A person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

(c) (1) A person who commits an act described in subdivision (a) with the intent described in that subdivision, and the victim is a child of 14 or 15 years, and that person is at least 10 years older than the child, is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year. In determining whether the person is at least 10 years older than the child, the difference in age shall be measured from the birth date of the person to the birth date of the child.

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person, with the intent described in subdivision (a), is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year.

(d) In any arrest or prosecution under this section or Section 288.5, the peace officer, district attorney, and the court shall consider the needs of the child victim or dependent person and shall do whatever is necessary, within existing budgetary resources, and constitutionally permissible to prevent psychological harm to the child victim or to prevent psychological harm to the dependent person victim resulting from participation in the court process.

(e) (1) Upon the conviction of a person for a violation of subdivision (a) or (b), the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed ten thousand dollars (\$10,000). In setting the amount of the fine, the court shall consider any relevant factors, including,

but not limited to, the seriousness and gravity of the offense, the circumstances of its commission, whether the defendant derived any economic gain as a result of the crime, and the extent to which the victim suffered economic losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs pursuant to Section 13837.

(2) If the court orders a fine imposed pursuant to this subdivision, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

(f) For purposes of paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c), the following definitions apply:

(1) "Caretaker" means an owner, operator, administrator, employee, independent contractor, agent, or volunteer of any of the following public or private facilities when the facilities provide care for elder or dependent persons:

(A) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(B) Clinics.

(C) Home health agencies.

(D) Adult day health care centers.

(E) Secondary schools that serve dependent persons and postsecondary educational institutions that serve dependent persons or elders.

(F) Sheltered workshops.

(G) Camps.

(H) Community care facilities, as defined by Section 1402 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code.

(I) Respite care facilities.

(J) Foster homes.

(K) Regional centers for persons with developmental disabilities.

(L) A home health agency licensed in accordance with Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.


(M) An agency that supplies in-home supportive services.

(N) Board and care facilities.

(O) Any other protective or public assistance agency that provides health services or social services to elder or dependent persons, including, but not limited to, in-home supportive services, as defined in Section 14005.14 of the Welfare and Institutions Code.

(P) Private residences.

(2) "Board and care facilities" means licensed or unlicensed facilities that provide assistance with one or more of the following activities:

- 
- (A) Bathing.
  - (B) Dressing.
  - (C) Grooming.
  - (D) Medication storage.
  - (E) Medical dispensation.
  - (F) Money management.

(3) “Dependent person” means a person, regardless of whether the person lives independently, who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. “Dependent person” includes a person who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(g) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) apply to the owners, operators, administrators, employees, independent contractors, agents, or volunteers working at these public or private facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c).

(h) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) do not apply to a caretaker who is a spouse of, or who is in an equivalent domestic relationship with, the dependent person under care.

(i) (1) A person convicted of a violation of subdivision (a) shall be imprisoned in the state prison for life with the possibility of parole if the defendant personally inflicted bodily harm upon the victim.

(2) The penalty provided in this subdivision shall only apply if the fact that the defendant personally inflicted bodily harm upon the victim is pled and proved.

(3) As used in this subdivision, “bodily harm” means any substantial physical injury resulting from the use of force that is more than the force necessary to commit the offense.

(Amended by Stats. 2018, Ch. 70, Sec. 2. (AB 1934) Effective January 1, 2019.)

## **288.5.**

PENAL CODE - PEN

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

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

(a) Any person who either resides in the same home with the minor child or has recurring access to the child, who over a period of time, not less than three months in duration, engages in three or more acts of substantial sexual conduct with a child under the age of 14 years at the time of the commission of the offense, as defined in subdivision (b) of Section 1203.066, or three or more acts of lewd or lascivious conduct, as defined in Section 288, with a child under the age of 14 years at the time of the commission of the offense is guilty of the offense of continuous sexual abuse of a child and shall be punished by imprisonment in the state prison for a term of 6, 12, or 16 years.

(b) To convict under this section the trier of fact, if a jury, need unanimously agree only that the requisite number of acts occurred not on which acts constitute the requisite number.

(c) No other act of substantial sexual conduct, as defined in subdivision (b) of Section 1203.066, with a child under 14 years of age at the time of the commission of the offenses, or lewd and lascivious acts, as defined in Section 288, involving the same victim may be charged in the same proceeding with a charge under this section unless the other charged offense occurred outside the time period charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section unless more than one victim is involved in which case a separate count may be charged for each victim.

(Amended by Stats. 2006, Ch. 337, Sec. 8. Effective September 20, 2006.)

#### **647.6.**

PENAL CODE - PEN

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

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] ( Title 15 enacted 1872. )

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] ( Chapter 2 enacted 1872. )

(a) (1) Every person who annoys or molests any child under 18 years of age shall be punished by a fine not exceeding five thousand dollars (\$5,000), by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment.

(2) Every person who, motivated by an unnatural or abnormal sexual interest in children, engages in conduct with an adult whom he or she believes to be a child under 18 years of age, which conduct, if directed toward a child under 18 years of age, would be a violation of

this section, shall be punished by a fine not exceeding five thousand dollars (\$5,000), by imprisonment in a county jail for up to one year, or by both that fine and imprisonment.

(Amended by Stats. 2018, Ch. 423, Sec. 63. (SB 1494) Effective January 1, 2019.)

### **Incest (California Penal Code 285)**

#### **285.**

PENAL CODE - PEN

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

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

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] (Chapter 5 enacted 1872.)

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

(Amended by Stats. 2005, Ch. 477, Sec. 1. Effective January 1, 2006.)





**Section II. Definitions<sup>1 2</sup>**

**Complainant**

A complainant is a person alleged, in a report to OPHD, to have experienced discrimination or harassment on the basis of a protected category, or prohibited conduct, as defined by the UC policy on SVSH, including sexual assault and sexual harassment.

**Respondent**

A respondent is a person alleged, in a report to the OPHD, to have engaged in discrimination or harassment on the basis of a protected category, or prohibited conduct, as defined by the UC policy on SVSH, including sexual assault and sexual harassment.

**A. Consent**

Consent is affirmative, conscious, voluntary, and revocable.

Consent to sexual activity requires of each person 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 complainant and respondent will 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 will not provide a valid defense unless the belief was actual and reasonable.

In making this determination, the fact finder will consider all of the facts and circumstances the respondent knew, or reasonably should have known, at the time. In particular, the respondent's belief is not a valid defense 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

**1** To determine whether conduct is DOE-Covered Conduct the Title IX Officer will do the assessment and apply the definitions in Appendix IV. The definitions here are broader than and encompass all conduct included in the Appendix IV definitions.

**2** When Prohibited Conduct allegedly occurs in the context of patient care, the Title IX Officer will refer to Appendix V and, when indicated, apply the definitions in that Appendix.

- 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. unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
    - c. unable to communicate due to a mental or physical condition.

Note: Incapacitation is a state beyond drunkenness or intoxication.

A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

For more information on consent go to the [University Health Services consent website](#).

**B. Prohibited Behavior**

**1. Sexual Violence**

**a. Sexual Assault - Penetration:** Without the consent of the complainant, penetration, no matter how slight, of:

- The complainant's mouth by a penis or other genitalia; or
- The complainant's vagina or anus by any body part or object.

**b. Sexual Assault - Contact:** Without the consent of the complainant, intentionally:

- Touching complainant's intimate body part (genitals, anus, groin, breast, or buttocks);
- Making the complainant touch another or themselves on any intimate body part; or
- Touching the complainant with one's intimate body part, whether the intimate body part is clothed or unclothed.

Note: This definition encompasses a broad spectrum of conduct, not all of which is sexual violence. So, the Title IX officer must sometimes determine whether an allegation should be charged as sexual violence or sexual harassment.

Conduct that meets the definition of both sexual assault - contact and sexual assault - penetration will be charged as sexual assault - penetration.

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 (including a power imbalance), to do or submit to something that they would not otherwise do; or deliberately causing the complainant to be incapacitated (for example, through drugs or alcohol); deliberately taking advantage of the complainant's incapacitation (including incapacitation that results from voluntary use of drugs or alcohol); or recording, photographing, transmitting, or distributing intimate or sexual images of complainant without complainant's prior knowledge and consent; or engaging in the conduct during or in connection with a clinical encounter (as defined in Appendix V) in which the complainant was a patient and the respondent was a health care provider or health care worker.

### c. Relationship Violence

I. Relationship violence is physical violence toward the complainant or a person who has a close relationship with the complainant (such as a current or former spouse or intimate partner, a child or other relative), or intentional or reckless physical or non-physical conduct toward the complainant or someone who has a close relationship with the complainant (such as a current or former spouse or intimate partner, a child, or other relative) that would make a reasonable person in the complainant's position fear physical violence toward themselves or toward the person with whom they have the close relationship, that is by a person who is or has been in a spousal, romantic, or intimate relationship with the complainant, or who shares a child with the complainant, and that is part of a pattern of abusive behavior by the person toward the complainant.

II. Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.



III. Patterns of abusive behavior may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).

IV. The nature of the relationship between the complainant and the respondent is determined by the length and type of relationship, and the frequency of interaction between them. Relationship violence includes both dating violence and domestic violence.

V. Conduct by a party in defense of self or another is not relationship violence under this policy. If either party asserts that they acted in defense of self or another, the Title IX officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.

#### **d. Stalking**

Stalking is defined in the SVSH policy as repeated conduct directed at a complainant (for example, 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 defined by the **Policy on Student Conduct and Discipline Section 102.10**. This policy defines stalking as behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the university to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the university to serve no legitimate purpose.

#### **e. Sexual Exploitation**

I. Sexual Exploitation is taking sexual advantage of another, where the conduct is not otherwise addressed in this Policy, in the following circumstances:

a) The trafficking or prostituting of another without their consent: Inducing the complainant to perform a commercial sex act through force, fraud, or coercion, or where the complainant is under the age of 18;

b) Knowingly making a material false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing the complainant to participate in a specific sexual act or encounter;

c) Providing alcohol or drugs to the complainant with the specific intent and effect of facilitating Prohibited Conduct; or

d) Actively facilitating or assisting another person in committing Prohibited Conduct.

II. As used in the above definition of Sexual Exploitation:

a) Coercion is overcoming the will of complainant through: credible threats of serious physical or non-physical harm to the complainant or another person; a plan intended to make the complainant believe that failure to perform an act would result in serious physical or non-physical harm to the complainant or another person; or the abuse or credible threat of abuse of a legal or University policy process.

b) A commercial sex act is any sex act for which anything of value is given to or received by any person.

c) Force is physical conduct that would reasonably overcome the will of another.

d) Fraud is intentional deception that would reasonably overcome the will of another.

### **3. Other Prohibited Behavior**

#### **b. Statutory Rape**

Sexual intercourse with a person under the age of 18.

#### **e. Retaliation**

Retaliation is an adverse action against a person based on their report or other disclosure of alleged prohibited conduct to a university employee, or their participation in, refusal to participate in, or assistance with the investigation, reporting, remedial, or disciplinary processes provided for in the UC policy on SVSH.

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



## Appendix V: Prohibited Conduct in the Context of Patient Care

There are many circumstances in which a health care provider or health care worker may touch or penetrate a patient's body as a legitimate part of the patient's health care. On the other hand, conduct that a health care provider or health care worker engages in with a sexual purpose is never a legitimate part of a patient's health care. So when prohibited conduct allegedly occurs in the context of patient care, the Title IX Officer will refer to this Appendix V and, when indicated, apply its definitions.

### A. Application

The Title IX Officer will apply the definitions in Section B of this Appendix V to allegations of prohibited conduct if:

- the alleged conduct occurred during or in connection with a clinical encounter in which the complainant was a patient and the respondent was a health care provider or health care worker; and
- the allegation is that the respondent, for a sexual purpose:
  - penetrated the complainant's vagina or anus with either (a) any part of the respondent's hand or (b) a medical device (sexual assault – penetration);
  - touched the complainant's intimate body part (sexual assault – contact);

- made the complainant touch themselves on an intimate body part (sexual assault – contact);
- engaged in sexual harassment (quid pro quo or hostile environment);
- watched or enabled others to watch complainant's nudity or sexual acts (invasion of sexual privacy); or
- made or attempted to make photographs (including videos) or audio recordings, or posted, transmitted or distributed such recorded material, depicting the complainant's nudity or sexual acts (invasion of sexual privacy).

For all other allegations (such as that respondent penetrated complainant's mouth with respondent's genitalia, used depictions of complainant's sexual activity to extort complainant, or exposed their genitals), the Title IX Officer will apply the definitions in Section II (not this Appendix V).

### B. Definitions

#### 1. Prohibited Conduct

##### a. Sexual Assault - Penetration

Penetration, no matter how slight, of the complainant's vagina or anus by any part of the respondent's hand or by a medical device, if the respondent engaged in the conduct for a sexual purpose.

Note on Sexual Purpose: In determining whether the respondent engaged in conduct for a sexual purpose, the Title IX Officer will consider all relevant facts and circumstances, such as whether the conduct was clinically indicated. Whether the conduct was clinically indicated is typically relevant to but not determinative of whether respondent engaged in prohibited conduct. A respondent has a “sexual purpose” if, for example, they engage in conduct with any sexual motivation, for sexual gratification, or as an expression of dominance.

### **b. Sexual Assault - Contact**

Intentionally, and for a sexual purpose -- touching complainant’s intimate body part (genitals, anus, groin, breast, or buttocks), or making the complainant touch themselves on an intimate body part, whether the intimate body part is clothed or unclothed.

### **2. Clinical Encounter**

An inpatient visit, medical office visit, or ancillary service visit during which a patient has a direct interaction with a health care provider or worker, where a health care provider has responsibility for diagnosing, evaluating, or treating the patient’s condition, or a health care worker is tasked with delivering a health care item or service (for example, a test or procedure) prescribed by a health care provider.

### **3. Clinically Indicated**

Health care services are clinically indicated in either of the following circumstances.

#### **a. Clinical Care:**

- a health care provider, exercising prudent clinical judgment, would provide them to a patient for the purpose of preventing, evaluating, diagnosing, or treating an illness, injury, disease, condition, or its symptoms;
- as performed, they meet the applicable standard of care (as defined below);
- as performed, they are appropriate, in terms of type, frequency, extent, site, and duration; and
- as performed, they are considered effective for the patient’s illness, injury, disease, condition, or symptoms.

#### **b. Research or Clinical Trial**

They are required for the performance of a clinical trial approved by an IRB with jurisdiction, and are provided consistent with the IRB-approved protocol and with the IRB-approved consent process.

Note on Informed Consent: “Informed consent” of a patient or the patient’s legally authorized representative to an examination or procedure the health care provider knows or should know is

not clinically indicated, or to the making or distribution of media involving an examination or procedure for purposes unrelated to clinically indicated patient care, or legitimate research or education activities, is not a defense to an allegation of prohibited conduct under the UC policy on SVSH.

### **4. Standard of Care**

The reasonable degree of skill, knowledge and care, based on credible scientific evidence published in current peer-reviewed medical literature, and ordinarily possessed and exercised by members of a person’s profession and specialty under similar circumstances. The standard of care encompasses whether and under what circumstances a procedure is performed; the way it is performed; and whether and if so in what manner informed consent should be obtained prior to performance (for example, whether consent must be obtained in writing, whether documentation of consent in the medical record is required, or whether it may be implied under the circumstances, and the required content of the consent discussion, form, or both).

## **Education Programs**

UC Berkeley prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for the purposes of the Clery Act. The university is committed to increasing the awareness of and preventing sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches. These programs cover topics such as the definition of consent, options for bystander intervention, information about risk reduction, and university policies and procedures for responding to these incidents.

### **Sexual Assault Prevention Education Programs**

In a collaborative effort, UC Berkeley provides a vast array of on-going programs designed to facilitate the prevention and awareness of sexual assault, dating violence, domestic violence, and stalking. The University of California Office of the President (UCOP) requires all faculty and staff to complete sexual harassment/sexual violence prevention training online through the **UC Learning Center**. The PATH to Care Center reviews the online training for appropriate prevention content. For departments with large numbers of employees whose native language is not English, or who do not have easy access to computers, the PATH to Care Center may be able to offer pre-recorded or live in-person alternatives to the online learning module with bilingual (Spanish, Mandarin, and Cantonese) trainers and written materials.

UC policy requires all incoming students to complete training that aims to further the students' knowledge about sexual violence and sexual harassment. This mandate applies to all new undergraduate, graduate, and transfer students. UC Berkeley uses three methods to impart this information to students: a letter over the summer from the administration of UC Berkeley explaining the commitment to being a safe and respectful community, an online module that they complete before arriving on campus, and an in-person presentation soon after arrival. This "three interactions" approach allows students to receive consistent messages, which reinforce the concepts that are critical to ending violence on campus.

- Unlike the letter and the online module, which offer more general information, the in-person training provides a unique opportunity to create content that is more tailored to the needs of various UC Berkeley communities. Each year, UC Berkeley has about 6,200 new undergraduate students, 2,900 new transfer students, and 3,000 new graduate students.
- New undergraduate and transfer students attend the same orientation, at which they participate in a Bear Pact workshop. Bear Pact is a collaborative program that provides students with information about wellness, mental health, alcohol and substance abuse, and sexual violence prevention. Students also participate in a safety discussion led by their orientation leaders during the first 1-2 days of orientation.
- More information on these requirements can be found on the [\*\*campus sexual violence/sexual harassment website\*\*](#).

All incoming students are also required to complete a series of training programs, both online and live, as part of their new student orientation. More information on these requirements can be found on the [\*\*campus sexual violence/sexual harassment website\*\*](#).

Below is a list of resource programs that are available for the campus community at UC Berkeley: The

- The [\*\*PATH to Care Center\*\*](#)
- The [\*\*UC Berkeley SVSH website\*\*](#)
- The [\*\*Gender Equity Resource Center\*\*](#)
- Golden Bear Orientation (GBO) in-person Bear Pact programming: The Golden Bear Orientation Bear Pact program addresses sexual violence and harassment, mental health, and use of alcohol and other drugs.
- Online New Undergraduate Prevention Education Vector training: This training will help you understand university policies, resources, and ways in which you can be an active bystander and community leader in preventing sexual



violence and harassment in our community.

- Online New Graduate Prevention Education Vector training: All incoming graduate and professional students must complete two required pieces of education an: (1) online module designed by Vector called Sexual Assault Prevention for Grads (SAPG), and (1) a 1 hour in-person education session. The in-person educational session is made possible through collaboration between the PATH to Care Center, Graduate Division, and many academic departments. Students are expected to complete both phases within the first six weeks of their first term. For the in-person sessions, the PATH to Care Center creates, revises, and delivers the content.
- Online Diversity and Inclusion Education Vector training: All incoming first-year and transfer undergraduate students must complete a series of diversity and inclusion training modules. These training sessions will help them understand university policies, resources, and ways in which they can foster the campus Principles of Community.
- Online Graduate and Undergraduate Prevention Education Vector Refresher training: Each academic year, returning students are expected to complete an online Vector refresher course to renew their commitment and skills to SVSH prevention and response. Students are also reminded of their rights, resources, and options if impacted by SVSH, and what students can do to strengthen their leadership skills by learning more about the prevention of sexual harassment, stalking, sexual and relationship violence, and all forms of harm. Student leaders in the following organizations receive additional prevention sessions and content:
  - The Associated Students of the University of California (ASUC): New leadership Senate and elected officials
  - Golden Bear Orientation (GBO): Orientation mentors, leaders, and directors of Bear Pact
  - Greek: New leadership and social risk chairs
  - Intercollegiate Athletics (IA): The CA state audit identified IA as an opportunity for community-specific SVSH prevention. The NCAA also created a new policy with additional requirements (beyond Title IX and Clery requirements which apply campus-wide). Additionally, all athletes receive annual education (not just at enrollment). Athletes participate in "prevention efforts in meaningful ways" as leaders. There is an annual review of the most recent NCAA requirements, which are then signed off by the chancellor, the intercollegiate athletics director, and the Title IX coordinator.

- LEAD Center registered student organizations: Train the trainer with LEAD Center student organization advising; signatories

- The **LEAD Center** provides numerous prevention activities, including training for fraternities and sororities and other university-affiliated student groups. They are physically located at 432 Eshleman Hall, and can be contacted by calling (510) 642-5171.
- Residential Life also organizes a variety of prevention activities for their residents, including residence hall staff training. Residential Life is located at 2610 Channing Way, and can be contacted by calling (510) 642-4108.

## Other Campus-wide Prevention Programs

### Academic Department Sexual Harassment Prevention

**Toolkit:** Based on the best research in the field of sexual violence prevention, the prevention toolkit helps academic departments, schools, or colleges create a plan to prevent sexual harassment within their community (inclusive of faculty, staff, students, postdoctoral and visiting scholars, researchers, vendors, and visitors). In approximately one academic semester, the toolkit moves a working group through a results-oriented process to identify opportunities for prevention at events, in labs, classrooms, field placements, mentoring relationships, via communications, policies, practices, recruitment & hiring, and more. The final product is a comprehensive prevention plan and report of recommendations written as SMART goals for chairs or deans to approve and implement. The PATH to Care Center provides technical assistance to the working group as well as ongoing support to future implementation teams.

**#WeCARE Social Norms Campaign:** #WeCARE is a campus-wide social norms campaign based on data from the 2018 MyVoice Survey on SVSH. The campaign focuses on three opportunities for bystander intervention: challenging a sexist joke; redirecting a peer/colleague who makes a condescending comment about gender; and seeking help to stop a peer/colleague from stalking another person. Using a variety of methods including lamp posts banners, social media, and zoom backgrounds, the campaign has evolved each year since 2019. UC Berkeley community members are encouraged to share the campaign, learn more about becoming an active bystander, and tailor the campaign to their specific campus community.

### TRAIL (Teach | Respond | Act | Inspire | Lead) Certificate

**Training Series:** This is an exciting leadership training opportunity for the UC Berkeley campus community (undergraduate and graduate students, faculty, and staff) to gain valuable skills and tools to prevent and respond to violence and harm. TRAILblazers build leadership skills by:



- Exploring social justice concepts and describing the relationship various forms of sexual and gender-based harm and violence.
- Interpreting how campus-based sexual violence and harm operates.
- Understanding the impact of sexual and gender-based harm and violence on survivors.
- Learning about options and opportunities for supporting survivors.
- Interrogating societal attitudes and beliefs that normalize violence.
- Committing to fostering a respectful campus community.

In order to receive a TRAILblazer certificate, participants must complete a total of 6 hours of training to earn a certificate demonstrating their commitment to ending sexual violence and sexual harassment, equity, and survivor support in the workplace, classroom, and across campus.

**Social Norms Seed Grants Initiative:** The Social Norms Seed Grants program offers grants of up to \$2,500 to develop and evaluate the impact of a social norms media campaign over the course of a year with support from the PATH to Care Center and the Center for Support and Intervention. Campaigns can be printed materials, videos, social media, events, or any other form of creative communication. The campaigns should communicate positive community values, norms, and/or attitudes which prevent sexual violence and sexual harassment and use existing or newly collected data about a specific community at UC Berkeley. A grant team should be members of the same community for which the campaign message is designed. Grant teams can be formed by any community within UC Berkeley: undergraduate students in a residence hall; staff and faculty at an institute; a student organization; academic advising staff within a college; postdocs and graduate students in a lab; faculty of color; etc. Grantees attend an orientation, cohort meetings, and present their work at a spring showcase.

**Consultations:** PATH to Care undergraduate consultations assist PATH to Care peer coordinators and peer educators in understanding more about the undergraduate community they are serving, their prevention goals, and initiate an inclusive partnership between PATH to Care and the organization requesting services to prevent violence and promote health in undergraduate communities. During undergraduate consultations, PATH to Care consultants focus on Identifying collaboration opportunities, prevention initiatives, and organization needs, gather background on the community and engagement in prevention work, assess if the organization is ready for prevention change, and ultimately provide a recommendation for next steps.



To help improve and support graduate and professional student communities, the PATH to Care Center provides academic department and student leader consultations as partners in preventing violence and supporting survivors. Each intact community serves a unique role in the Berkeley community, and each is well-positioned to help address these issues. Consultations vary from 1-2 meetings or can take place as regular checkups each semester. The consultations consist of:

- Meetings between PATH to Care prevention staff, key stakeholders, and community members to learn about and identify prevention strategies that can be tailored to their specific community or field of study. PATH to Care helps communities assess their needs and clarify what community members are desiring to change or be strengthened.
- Support in determining the prevention goals of a community: PATH to Care can help communities sort through the big questions: how to change culture, as well as how to have policies and practices which create an environment in which harassment and violence are less likely.
- Assessing the current climate and culture. To prevent sexual violence and harassment, it is important that we not just address individual behaviors, but that we also examine how campus culture either perpetuates harm or actively creates safety. Across Berkeley, many academic departments and student groups are intact communities of their own, with their own norms and values. PATH to Care helps communities work collectively to promote positive and healthy norms and values, while eliminating those that allow harassment and violence to occur.

The PATH to Care center offers free, confidential training and consultations with academic and administrative departments as partners in preventing and addressing harassment. We build relationships with staff, faculty, and leadership that enables us to clarify the specific context and climate of the department, assess the challenges and needs, and identify or develop strategic solutions. We take a holistic, collaborative approach to answer the big questions: How do we prevent sexual harassment? How do we address both individual behaviors as well as departmental policies and practices? How do we manage organizational change?

**Prevention Leadership Development:** The PATH to Care Center provides prevention leadership development opportunities for undergraduate and graduate students. Undergraduate peer educators create campus culture change by educating their peers on the prevention of sexual violence, sexual harassment, and other types of harm, respecting consent and boundaries, and engaging in healthy and respectful relationships. Undergraduate peer coordinators create campus culture change through the coordination and organization of activities, initiatives, and programs

aimed towards the promotion of long-term prevention. The New Graduate Student Orientation (NGSO) Train the Trainer Program engages volunteer graduate students, faculty, and staff facilitators to participate in a facilitator training where the volunteers acquire skills to deliver new student prevention education.

**Policy Consultants:** The PATH to Care Center offers policy consultations for undergraduate student organizations to assist student leadership in the development and leadership of inclusive, survivor centered and prevention focused spaces. The prevention approach of PATH to Care is socio-ecological: it goes beyond the education of individuals to look at how relationships, community norms and standards, institutional policies, and broader societal values intersect with the problem of sexual violence, and it encourages student organizations to think and plan accordingly.

OPHD also does training for students, faculty, and staff that promotes awareness of the behaviors prohibited under the SVSH policy. Topics include reviewing policy definitions and discussing rights, options and resources for response to incidents, including supportive measures, Alternative Resolution and Formal Investigation. Training is available on demand.

### Other Undergraduate-Specific Prevention Programming

**Undergraduate Prevention Toolkit:** The Undergraduate Sexual Violence Prevention Toolkit provides input in identifying risk factors and problem areas that are unique to undergraduate student populations, supports student leaders in developing trauma-informed violence prevention policies and guidelines, and helps students understand the crucial role prevention efforts play in their communities. The toolkit is a culture-change project. The various sections of this toolkit help to evaluate every aspect of an organization: from the individual level to the social level. Similar to the socio-ecological approach, this toolkit also promotes primary prevention, which is, preventing violence from happening in the first place. The guiding questions throughout the toolkit are structured to encourage groups to evaluate their community's needs through the lens of all levels of prevention: primary, secondary, and tertiary.

**Peer Education Consultations and Workshops:** Peer educators design, customize, and facilitate workshops and discussions on topics including consent and boundaries, power dynamics, healthy relationships, etc. Peer educators rely on anti-oppression and public health concepts, particularly the concept of primary prevention. The goal for peer educators is to get to the root of violence in order to stop it from occurring in the first place. Peer educators offer the following services: consultations, educational sessions, and customized workshops for students.



**Intercollegiate Athletics:** The goal of this program is to reduce and eventually eliminate SVSH committed by and/or against Intercollegiate Athletics (IA) staff or student athletes using primary prevention strategies. The approach views student athletes as student leaders in the campus community and IA staff as culture leaders in Athletics. Coaching Athletes as Leaders (CAL) is a comprehensive training program that empowers student athletes to take an active role in promoting respect, inclusivity, equity, allyship, and leadership on campus. It centers the college student athlete experience and allows them to engage in lively discussions with their coaches and teammates on how to: create a campus free of violence, harassment, discrimination, and racism; develop strong interpersonal and leadership skills; promote equity, respect, and responsibility; and serve as role models for the campus community.

**PH 107:** This undergraduate course addresses violence as a public health issue using an interdisciplinary public health approach to enable undergraduate students to explore and analyze violence from personal, social, community, and political perspectives. Students learn to apply public health strategies to identify causes of violence and develop practical community-based plans to prevent violence and promote safety. This course examines violence through the lens of the college campus, paying particular attention to the types of violence more commonly seen on, or associated with, collegiate life.

### **Other Graduate-Specific Prevention Programming**

**Field Safety and Prevention Guide:** This guide is designed for graduate students, faculty, and field site coordinators who are doing or overseeing research or internships in off campus locations. The guide provides practical strategies while preparing for, during, and after field activities to improve safety and reduce the likelihood of harassment or violence. The guide is intended to expand illness and injury prevention in field-placements to include prevention of sexual harassment and violence, stalking, relationship violence, and protection against retaliation for reporting.

### **Graduate Student Instructor and Graduate Student**

**Researcher Training and Leadership Development:** Each year, the PATH to Care Center collaborates with the Teaching Resource Center to revise relevant content that graduate student instructors (GSI) receive through the required online ethics course. By request, PATH to Care supplements this education in numerous 375 courses to help new GSIs better prepare for SVSH prevention and response in the classroom. Relatedly, many new graduate student researchers are required to attend a 90-minute lecture on the relationship between research ethics and SVSH prevention. Both of these opportunities are designed to equip student employees with the best skills to support impacted students and integrate prevention skills into their work spaces.

## Other Employee-Specific Prevention Programming

### **Manager's Playbook to Prevent Sexual Harassment:**

The Manager's Playbook to Prevent Sexual Harassment is an evidence-informed program to prevent sexual harassment in administrative and academic departments that moves beyond a one-time annual training. It is designed as a series of 10-15 minute discussions that are facilitated by a supervisor with their staff during regularly scheduled times, such as team/staff meetings. Supervisors choose at least 4 prompts to discuss during a semester with topics including consent in the workplace, inclusive language, healthy communication, conflict, and bystander intervention. The Manager's Playbook to Prevent Sexual Harassment works by: creating a culture of respect beyond compliance with policy, addressing both interpersonal and structural opportunities for change, reinforcing positive norms, and developing leaders to facilitate challenging conversations, and model healthy behavior. To implement the program, supervisors attend a 3-hour training and are provided with a facilitator's guide. Ongoing consultation and support is also available from the PATH to Care Center.

### **Bystander Intervention and Risk Reduction**

#### **CARE (Confront, Alert, Re-Direct, and Engage After) Model**

The **CARE (Confront, Alert, Re-Direct, and Engage After) 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. Through interactive workshops about bystander intervention, **Bears that CARE** educates and empowers individuals to effectively and safely intervene in potentially harmful or violent situations. We strive to create a community of care. Bystander intervention is a great tool and has the power to transform the campus. For more information, please visit the **Bears that CARE website**.

### **Procedures Victims Should Follow**

If you experience sexual assault, dating or domestic violence, or stalking:

- Go to a safe place as soon as you can.
- You can contact the UCPD emergency line by calling 911, or from a cell phone by calling (510) 642-3333. You can contact the UCPD non-emergency line by calling (510) 642-6760, or contact the Berkeley Police Department by calling 911 or calling (510) 981-5900.
- Consider seeking medical attention as soon as possible to make sure you are physically well.
- Consider speaking with a confidential advocate. They can help explain your rights and options, give you information, and provide emotional support. For urgent 24/7 support, please call the CARE Line at (510) 643-2005. For an office appointment,

please call (510) 642-1988 or visit the **PATH to Care Center website**.

- You can contact the Office for the Prevention of Harassment & Discrimination (OPHD) to file an administrative report through the university by calling (510) 643-7985 or emailing **ask\_ophd@berkeley.edu**.

Generally, a report to the police will involve speaking with a uniformed patrol officer who will make sure you are safe, gather basic information about the incident, collect evidence, and document the circumstances in a police report. The officer may also take photographs to document any injuries or other evidence. The officer will typically have a body camera activated which is useful for accurately capturing your statement, but you may request to have the camera turned off.

During a sexual assault investigation, the officer may recommend a medical exam for your health and for the purpose of collecting evidence. This medical exam will be conducted by specially trained medical practitioners at a hospital and there will be no cost to you. You have the right to decline a medical exam.

If you have experienced any physical violence, such as sexual assault, dating violence, or domestic violence, and are considering reporting to law enforcement now or in the future, you have the option to have forensic evidence formally documented. It is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. If possible, a victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. If possible, any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault or dating/domestic violence should be documented if possible, including through the preservation of photographic evidence. If possible, evidence of stalking, including any communication, such as written notes, voicemail, or other electronic communications should be saved and not altered in any way.

As a survivor of sexual assault, dating or domestic violence, or stalking, you have the right to speak with a confidential advocate to help explain your rights and options, give you information, and provide emotional support. The advocate may be present with you during an evidentiary exam, all law enforcement and prosecutor interviews, and all administrative processes. UCPD will attempt to facilitate a meeting with a confidential care advocate to speak with you. You are not required to use the service of a confidential advocate. You may alternatively have a friend or family member present with you when you meet with a police officer. You may also contact a confidential advocate prior to deciding to make a police

report if you are in a safe place and would like confidential guidance on what your rights and options are as a survivor of a sexual assault, dating or domestic violence, or stalking. To contact a confidential advocate, please contact the PATH to Care Center by calling the CARE Line (24/7 urgent support) (510) 643-2005 or calling (510) 642-1988 (office appointment) or visit the [\*\*PATH to Care website\*\*](#).

Forensic evidence collection is a police process, and in many cases, making a police report is required in order to get forensic evidence collected. However, some law enforcement agencies – including UCPD – will approve the collection of evidence through an official sexual assault exam before a survivor decides whether or not to file a criminal report. In order to perform a sexual assault exam, the hospital will need to receive authorization from UCPD. It is recommended that the survivor work with an advocate from PATH to Care to help facilitate this authorization. The survivor may also speak with an officer directly to make the request by calling (510) 642-6760.

The closest hospital to campus approved for evidence collection in Alameda County is Highland Hospital, located at 1411 E 31st St, Oakland, CA 94602. You can reach Highland Hospital by calling (510) 437-4800.

UCPD police officers and staff are responsible employees per campus policy and must report violations of the UC policy on SVSH to the UC Berkeley Office for the Prevention of Harassment & Discrimination (OPHD). However, California law allows survivors who report crimes of sexual assault, relationship violence, and stalking to the police to keep their name and contact information off the public record (Penal Code § 293 and Government Code § 6254), and in those cases UCPD will not give this information to OPHD - or anyone outside of the criminal justice system - without the survivor's permission.

After the initial responding police officer documents your report, it may be necessary for a detective to contact you for further follow-up. This would typically happen within a few days of your initial report. If you become aware of any additional details you would like to have documented for your case prior to hearing from a detective, you may contact UCPD at any time and ask to speak with an officer.

Once an investigation is complete and a suspect has been identified, UCPD will present the case to the district attorney's office for review. A prosecutor will determine if there is enough evidence to move forward with the prosecution of a suspect. If charges are filed, the district attorney's office will work with you moving forward. Sometimes a case will proceed to a trial, which would require your



testimony. However, not all cases will result in a trial as they are sometimes resolved by a plea agreement without the need for a trial.

### **California Crime Victims' 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 incarnation, 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 wrong doer 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).

## Filing a Complaint with the University

### Office for the Prevention of Harassment & Discrimination

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 race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services.

OPHD oversees the process for the investigation and resolution of complaints of sexual harassment and sexual violence against faculty, staff, and students pursuant to the UC policy on SVSH. For complaints in SVSH cases, OPHD follows the resolution process that is established in the system-wide UC policy on SVSH and corresponds to the campus implementing procedure. These processes are developed so that every case is reviewed and addressed in a consistent way.

In SVSH cases involving faculty, staff, or non-faculty academic personnel respondents, following the conclusion of the investigation, the investigator will prepare a written report. The written investigation report will include a statement of the allegations and issues, statements of the parties and witnesses, and a summary of the evidence the investigator considered. For student respondents, the investigation report will include a preliminary determination regarding whether, applying the preponderance of evidence standard, there is sufficient evidence to conclude the respondent violated the UC policy on SVSH, and the report will be forwarded to the Center for Student Conduct. For more information regarding disciplinary proceedings for SVSH cases, see the section on "University Disciplinary Procedures Involving Incidents of Sexual Violence". In cases involving faculty, staff, or non-faculty academic personnel respondents, the investigation report will include findings of fact and a preliminary determination (in a DOE grievance process) and a determination (in a formal investigation) regarding whether, applying the preponderance of the evidence standard, there is sufficient evidence to conclude that the respondent violated the UC policy on SVSH. If there is a determination that a policy violation occurred, the matter is forwarded to the chancellor or the chancellor's designee to advise on the appropriate resolution under applicable procedure, including any fact-finding hearing under the UC policy on SVSH.

You can reach OPHD by calling (510) 643-7985, emailing [ask\\_ophd@berkeley.edu](mailto:ask_ophd@berkeley.edu), and/or visiting the [OPHD website](#).

### Center for Student Conduct (CSC)

The process outlined in the code of student conduct will determine if a student or student organization engaged in behavior that violated the code of student conduct. 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 is responsible for violating the code. If the student is found responsible for violating policy, the CSC staff member proposes sanctions and the case is considered resolved if the student agrees with the sanctions. If the student does not agree with the proposal the case goes to the formal hearing process managed by the independent hearing officer. The student gets to choose if their hearing will include a panel of faculty, staff, and students, or only the independent hearing officer. If a student's case is referred to a hearing because they are non-participatory, an administrative hearing with only the independent hearing officer is scheduled. During a hearing, either a panel of faculty, staff, and students or the independent hearing officer makes the determination of responsibility and recommends sanctions to the dean of students. 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. Decisions made in cases heard via a formal hearing can be appealed.

CSC is located at 203 Sproul Hall. You can reach the office by calling (510) 643-9069 or emailing [studentconduct@berkeley.edu](mailto:studentconduct@berkeley.edu).

### Support Resources On and Off Campus

UC Berkeley and the City of Berkeley offer important resources to the victims of sexual violence including medical treatment, counseling, and advocacy they may wish to utilize. The PATH to Care Center has personnel and UCPD has officers and detectives 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 victim is not required to make a formal report to UC Berkeley or law enforcement to access the resources provided in the table below.

## On and Off Campus Resources

Resource	Address	Phone Number
<b>PATH to Care Center*</b> <a href="http://care.berkeley.edu">care.berkeley.edu</a>		(510) 643-2005 (24/7 Support)  (510) 642-1988 (Appointments)
<b>Social Services*</b> <a href="http://uhs.berkeley.edu/Social-services">uhs.berkeley.edu/ Social-services</a>	Tang Center Room 2280 2222 Bancroft Way	(510) 642-6074 (24/7 Support)
<b>Gender Equity Resource Center</b> <a href="http://cejce.berkeley.edu/geneq">cejce.berkeley.edu/geneq</a>	202 E. Chávez Center	(510) 642-4786 (Main)  (510) 643-5727
<b>University Health Services (UHS)</b> <a href="http://uhs.berkeley.edu">uhs.berkeley.edu</a>	Tang Center 2222 Bancroft Way	(510) 642-2000
<b>UHS Employee Assistance Program*</b> <a href="http://uhs.berkeley.edu/bewellatwork/employee-assistance">uhs.berkeley.edu/ bewellatwork/ employee-assistance</a>	Tang Center 2222 Bancroft Way	(510) 643-7754
<b>Student Advocate's Office</b> <a href="http://advocate.berkeley.edu">advocate.berkeley.edu</a>	412B Eshleman Hall	(510) 642-6912
<b>Bay Area Women Against Rape CA*</b> <a href="http://bawar.org">bawar.org</a>	470 27th Street Oakland, CA	(510) 800-4247 (24/7 Crisis Line)  (510) 430-1298 (Office)
<b>Family Violence Law Center CA*</b> <a href="http://fvlc.org">fvlc.org</a>	470 27th Street Oakland, CA	(800) 947-8301 (24/7 Crisis Line)  (510) 208-0220 (Office)
<b>Student Legal Services*</b> <a href="http://sls.berkeley.edu">sls.berkeley.edu</a>	102 Sproul Hall	(510) 664-7487
<b>Berkeley International Office</b> <a href="http://internationaloffice.berkeley.edu/home">internationaloffice.berkeley.edu/ home</a>	2150 Shattuck Ave, Suite 500	(510) 642-2818
<b>Financial Aid and Scholarships Office</b> <a href="http://financialaid.berkeley.edu">financialaid.berkeley.edu</a>	201 Sproul Hall, #1960	(510) 664-9181
<b>Highland Hospital (Evidence Collection)</b>	1411 East 31st Street Oakland, CA	(510) 534-9291

\*Confidential Resource





## Supportive Measures

Whether or not a student or employee reports to law enforcement or pursues any formal action, if they report sexual assault, dating and domestic violence, or stalking, UC Berkeley is committed to providing them as safe of a learning or working environment as possible. UC Berkeley will provide **written notification** to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations, or protective measures. The university will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Survivors or others directly or indirectly impacted by sexual or gender violence may contact the PATH to Care Center confidential advocates to discuss options or for an appointment by calling (510) 642-1988 or the Care Line (for 24/7 urgent support) by calling (510) 643-2005. For more information visit the **PATH to Care website**. Students may also choose to contact Social Services located at the Tang Center, 2nd Floor Room 2280, or by calling (510) 642-6074. Students, staff, and faculty also have the option to contact the Office for the Prevention of Harassment & Discrimination (OPHD) to file an administrative report through the university by calling (510) 643-7985, completing a **UC Incident Report Form** online, or emailing **ask\_ophd@berkeley.edu**. OPHD can assist individuals impacted by protected-class discrimination and harassment, including sexual violence and sexual harassment, to understand their rights and options related to investigations and institute supportive or remedial measures before, during, or without engaging in a resolution process. The Title IX officer in OPHD can determine what supportive measures are necessary and available, such as academic, employment, and other support including tutoring, counseling, disability services, health and mental health services, family planning services, survivor advocacy, housing assistance, legal assistance, referral to employee assistance program, information about the right to report a crime to campus or local law enforcement. More information regarding supportive and remedial measures is available in **Appendix III of the UC policy on SVSH**.

Survivors may request assistance in obtaining an emergency protective order from UCPD or the City of Berkeley Police Department. Confidential advocates can also assist survivors in understanding their options to pursue protective orders.

If a survivor is concerned that the protective order has been, is, or will be violated, they can contact UCPD to discuss enforcement of said protection order.

UC Berkeley is committed to ensuring that any such order is fully upheld on all property owned or controlled by the university.

UC Berkeley is also committed to protecting victims from any further harm and OPHD or the Center for Student Conduct may issue a temporary no-contact order pending the outcome of any investigation and adjudication process.

## Victim 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. However, reports made to law enforcement, including if criminal prosecution is pursued, may be made public and shared with the suspect, unless the report is subject to victim confidentiality per **California Penal Code section 293** and Government Code sections **6253** and **6254**.

Reports made to UCPD 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 **UCPD Records Unit**, but some details may be redacted.

Reports subject to victim confidentiality made to the PATH to Care Center, licensed mental health counselors, and staff within the ombuds offices will not be shared with third parties except in cases of imminent danger to the victim or a third party.

UCPD will not release personally identifiable information of the victim of a VAWA crime in publicly available Clery record keeping such as timely warnings, emergency notifications, the **daily crime log**, or the Annual Security and Fire Safety Report.

The university will maintain as confidential any accommodations or protective measures provided to the survivor of sexual assault, dating or domestic violence, or stalking to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

## University Disciplinary Procedures for Incidents Involving VAWA Offenses<sup>1</sup>

UC Berkeley strictly prohibits all acts of sexual assault, dating or domestic violence, and stalking. In addition to facing criminal action, students, employees, and other affiliates may also face disciplinary action by the university. The university disciplinary processes for students and employees are designed to afford a complainant and a respondent a fair, prompt, and impartial disciplinary and resolution

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<sup>1</sup> The applicable procedures are determined by the respondent's affiliation with the university.

process. The **UC policy on SVSH**, which applies to students, faculty, and staff, states that complainants and respondents may have an advisor (and an emotional support person for students) present when interviewed and at any related meeting during the investigation and disciplinary process. Other support persons may be allowed under other policies (e.g. personnel policies or a collective bargaining agreement). Other witnesses in the investigation may have an advisor 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 & Discrimination (OPHD) website**. People who need support as they address these incidents can seek both campus and community-based services during the process. The protocol for how the university responds to sexual assault, dating or domestic violence, and stalking complaints through the campus conduct process can be found in the **UC policy on SVSH**, the student code of conduct, and in the local implementing procedures, all of which can be found on the **Office for the Prevention of Harassment & Discrimination (OPHD) website** and the **Center for Student Conduct website**.

University disciplinary sanctions include, but are not limited to: dismissal from the University of California, suspension, exclusion from areas of the campus or from official university functions, loss of privileges, exclusion from activities, restitution, probation censure/warning, and/or other actions as set forth in university policy and campus regulations.

UC Berkeley will, upon request, disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense (incest or statutory rape) to the alleged victim or next of kin if the victim is deceased.

### **Staff and Non-Faculty Academic Personnel Disciplinary Proceedings (Respondent Adjudication)**

All disciplinary proceedings involving staff and non-faculty academic personnel shall follow the specific personnel policies that govern that individual's employment in the **Personnel Policies for Staff (PPSM)** or **Academic Personnel Manual (APM)**. Determination of responsibility for violating the University Policy on Sexual Violence and Sexual Harassment is made using the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred). Staff and non-faculty academic personnel found responsible for having committed such a violation face discipline up to and including termination of employment. Other disciplinary actions may include formal letters of warning or censure, disciplinary probation, or demotion. Investigations under

the UC policy on SVSH involving staff and non-faculty academic personnel are conducted by OPHD.

Following the conclusion of the investigation, the investigator will prepare a written report. The written investigation report will include a statement of the allegations and issues, the statements of the parties, and a summary of the evidence. If the complainant or the respondent offered witnesses or other evidence that was not relied upon by the investigator, the investigation report will explain why it was not relied upon. The investigation report will include findings of fact and a determination regarding whether, applying the preponderance of the evidence standard, there is sufficient evidence to conclude that the respondent violated the UC policy on SVSH. Upon completion of the investigation report, the Title IX officer or designee will send a written notice of investigation outcome to the complainant and the respondent regarding whether a violation of the UC policy on SVSH was found. The notice of investigation outcome will generally be accompanied by a copy of the investigation report, which may be redacted as necessary to protect privacy rights. The Title IX officer or designee will also send the notice of investigation outcome and accompanying investigation report to the chancellor's designee and the supervisor or other appropriate administrative authority. At the end of any disciplinary proceeding the complainant and the respondent will be contemporaneously informed in writing of:

- the outcome, including the final determination regarding the alleged offense, any discipline, and the rationale for the results;
- any available appeal rights and procedures; and
- any subsequent change to the results and when results become final.

If the investigation determined that a staff respondent violated the UC policy on SVSH, the notice of investigation outcome will also include a description of the process for deciding whether and what discipline to impose, including a statement that the supervisor will propose a resolution, which may include corrective action or termination in accordance with applicable personnel policies, and that the proposal will be subject to review and approval by the chancellor's designee, and a statement that the complainant and the respondent will be informed of the final resolution of the matter, including any discipline imposed, and a statement of the anticipated timeline. If the investigation determined that a non-faculty academic respondent violated the UC policy on SVSH, the notice of investigation outcome will also include a description of the process for deciding whether and what discipline to impose, including a statement that the supervisor or other appropriate administrative authority will propose a resolution, which may include corrective action or dismissal as described in applicable personnel policies, and that the proposal will be subject to review

and approval by the chancellor's designee, and a statement that the complainant and the respondent will be informed of the final resolution of the matter, including any discipline imposed, and a statement of the anticipated timeline.

All disciplinary proceeding officials will, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

### Senate and Non-Senate Faculty Disciplinary Proceedings (Respondent Adjudication)

All disciplinary proceedings involving senate and non-senate faculty shall follow the **Faculty Code of Conduct in the Academic Personnel Manual (APM)**. Determination of responsibility for violating the University Policy on Sexual Violence and Sexual Harassment is made using the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred). The types of discipline that may be imposed on a member of the faculty are as follows, in order of increasing severity: written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the university. Investigations under the UC policy on SVSH involving senate and non-senate are conducted by OPHD.

Upon completion of the investigation report, the Title IX officer or designee will send to the complainant and the respondent a written notice of investigation outcome regarding whether a violation of the UC policy on SVSH was found. The notice of investigation outcome will generally be accompanied by a copy of the investigation report, which may be redacted as necessary to protect privacy rights. The Title IX officer or designee will also send the notice of investigation outcome and accompanying investigation report to the chancellor or chancellor's designee.

At the end of any disciplinary proceeding the complainant and the respondent will be contemporaneously informed in writing of:

- the outcome, including the final determination regarding the alleged offense, any discipline, and the rationale for the results;
- any available appeal rights and procedures; and
- any subsequent change to the results and when results become final.

The university tries to finalize and notify parties of disciplinary decisions reasonably promptly per applicable procedures, depending on the severity and extent of the prohibited conduct and the complexity of the matter.

If the investigation determined that a senate faculty respondent violated the UC policy on SVSH, the notice of investigation outcome will also include a statement that the finding that respondent violated the UC policy on SVSH constitutes a finding of probable cause and a description of the process for deciding whether and what discipline to impose, including a statement that the chancellor or chancellor's designee will engage the Peer Review Committee to advise on appropriate resolution, which may include pursuing discipline in accordance with the faculty code of conduct, and a statement that both complainant and respondent will be informed of the final resolution of the matter and an anticipated timeline. If the investigation determined that a non-senate faculty respondent violated the UC policy on SVSH, the notice of investigation outcome would also include a description of the process for deciding whether and what discipline to impose, including a statement that the chancellor or chancellor's designee will engage the Peer Review Committee or consult with the Academic Personnel Office to advise on appropriate resolution, which may include corrective action or termination in accordance with the faculty code of conduct, and a statement of the anticipated timeline and a statement that both complainant and respondent will be informed of the final resolution of the matter.

The chancellor or chancellor's designee has the authority and responsibility to decide what action to take in response to the findings of the investigation report. The chancellor or chancellor's designee may determine that additional investigation is required to determine whether other code of conduct violations occurred, but will not reinvestigate the allegations of prohibited conduct investigated by the OPHD office. The chancellor or chancellor's designee may consult with the OPHD office, the Academic Personnel Office, or other appropriate entities at any time during the decision-making process. The chancellor or chancellor's designee will offer the complainant and the respondent an opportunity to respond to the notice of investigation outcome and accompanying investigation report, either through an in-person meeting with the chancellor or chancellor's designee, a written statement to the chancellor or chancellor's designee, or both. The purpose of this response is not to challenge the factual findings in the investigation report or present new evidence, but to provide the complainant and the respondent with an opportunity to express their perspectives and address what outcome they wish to see.

In the event that the investigation finds a faculty respondent responsible for violating the UC policy on SVSH, the chancellor or chancellor's designee will consult with the campus Title IX officer on how to resolve the matter, including the appropriate discipline or other corrective action and engage the campus Peer Review Committee (or Academic Personnel Office for non-senate faculty)

to advise on appropriate resolution. The Peer Review Committee, composed on each campus at the direction of the president, will advise the chancellor or chancellor's designee regarding how to resolve the matter, including whether the chancellor or chancellor's designee should pursue a formal charge for violation of the code of conduct or pursue an early resolution. The Peer Review Committee should also provide advice on the appropriate discipline or other corrective or remedial measures. The Peer Review Committee, or the Academic Personnel Office for non-senate faculty, will be engaged in all cases where the investigation has found a faculty respondent has violated the UC policy on SVSH.

Following consultation with the Peer Review Committee or Academic Personnel Office and Title IX officer, the chancellor or chancellor's designee will decide what action to take to resolve the matter. The chancellor or chancellor's designee may choose to resolve the matter without taking any formal disciplinary or corrective action and will promptly communicate this decision and its rationale to both the complainant and respondent. The chancellor or chancellor's designee can enter into an early resolution (for senate faculty) or informal resolution (for non-senate faculty) with the respondent at any time prior to the final imposition of discipline. Subsequent to the respondent agreeing to the terms of the early resolution, the chancellor or chancellor's designee will promptly inform the complainant of those terms, including any discipline or other corrective or remedial measures, and the rationale for these terms.

For non-senate faculty, the chancellor or chancellor's designee can issue a notice of intent instituting dismissal or other corrective action. For senate faculty, the chancellor or chancellor's designee can take steps to propose discipline and file a charge with the Academic Senate's Committee on Privilege & Tenure without first pursuing early resolution, or if respondent does not agree to early resolution. The chancellor or chancellor's designee will promptly inform the complainant that the charge has been filed. The investigation report will be accepted as evidence in the privilege & tenure hearing. The chancellor or chancellor's designee will ensure that the complainant and respondent receive regular updates regarding the status of the proceedings. Within 14 calendar days of receiving the recommendation from the Academic Senate's Committee on Privilege & Tenure, the chancellor will make a final decision regarding discipline, unless the decision involves dismissal for a faculty member who has tenure or security of employment. Authority for dismissal of a faculty member who has tenure or security of employment rests with the regents, on recommendation of the president, following consultation with the chancellor. The complainant and the respondent will be promptly

informed of the decision regarding discipline and its rationale.

All disciplinary proceeding officials will, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

### **Student Disciplinary Proceedings (Respondent Adjudication)**

Determination of responsibility for violating the University Policy on Sexual Violence and Sexual Harassment is made using the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred). For cases where a student is found responsible for policy violations, the Center for Student Conduct governs the discipline of student respondents. Students may face disciplinary action up to and including dismissal from the university.

Respondent and complainants shall simultaneously be informed in writing of the outcome of the proceedings, the procedures for appealing the results, and of case progression through the adjudication process, including notice of the final outcome. Disclosure of the outcome shall be made to parties unconditionally, simultaneously, and each shall be free to share or not share the details with any third parties. All disciplinary proceeding officials will, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

For additional information about student conduct proceedings, please consult the UC policy on SVSH.



### Process

The process outlined below represents a summary of **UCOP Appendix E**. Not all cases will undergo the process steps according to the order provided in the outline below. Please reference the full body for additional details and information.

1. In all cases within the process, regardless of the location of the alleged misconduct, 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, or stalking.
2. Wherever possible, the university will provide the complainant with access to medical care, emotional support, information regarding confidential care advocates, and assistance with academic/housing concerns or issues when requested and as appropriate.
3. The university will assess the immediate safety needs of the complainant, including, for example, assisting with acquiring protective/restraining orders or other protective measures, including no-contact directives.
4. The university will provide information for reporting to UCPD or the local police department, when applicable and will assist the complainant with contacting law enforcement, if the complainant requests.
5. According to the UC Policy on Sexual Violence and Sexual Harassment, the Office for the Prevention of Harassment & Discrimination (OPHD), directed by the Title IX officer for UC Berkeley, will assess the need to implement interim or long-term protective measures, such as interim suspensions, exclusions from areas of campus, housing changes, changes in class schedule, and no-contact directives between parties.
6. OPHD will provide complainants and respondents a copy of the UC policy on SVSH and local implementing procedures that include an outline of the administrative investigation and adjudication procedures.
7. Respondents will be provided with contact information for the appropriate respondent services coordinator, who can explain the respondent's rights and options under applicable policies.
8. After an initial assessment, and if the complainant and respondent agree, OPHD will begin an alternative resolution process. In the alternative resolution process the parties can propose and agree to terms which may include separating the parties, referring parties to counseling, and conducting targeted preventive education and training programs.

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1 The application of **Appendix E** or **Appendix F** procedures in student respondent cases is determined by a specific set of factors outlined in Appendix F. If the factors are met, Appendix F procedures apply; if not, Appendix E procedures apply.

9. If either party wishes to end this process, or if OPHD stops the process before the parties agree to terms, then OPHD will reassess how to resolve the complaint, including initiating a formal investigation.
10. The alternative resolution process is successfully concluded when the parties agree to terms. This concludes the complaint resolution process, unless the respondent fails to satisfy the terms or new conduct occurs. If a formal investigation will be conducted, OPHD, after consulting with CSC, will send written notice of the allegations to the complainant and respondent.
11. OPHD will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation. OPHD will use a preponderance of evidence standard to make a preliminary determination regarding whether the UC policy on SVSH as well as the code of student conduct have been violated.
12. During the investigation, the complainant and respondent will be provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who may have relevant information, propose questions for the investigator to ask the other party and witnesses, and review and respond to evidence the investigator has deemed relevant.
13. OPHD will simultaneously notify the complainant and respondent of the preliminary determination. OPHD will provide each party with a redacted copy of the written investigation report.
14. OPHD will provide CSC with the written notice of the preliminary determination and an unredacted copy of the investigation report. In cases where there is a preliminary determination of responsibility, CSC will review the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, respondent's prior conduct record, any comment on sanctions from the parties (received by meeting with CSC or submitted in writing to CSC), and any other information relevant to the factors described in Appendix E Section IX, and will determine a proposed sanction. Either party may schedule a meeting with or submit a written statement to CSC to provide input on sanctions.
15. Either party may contest the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination.
16. If either party wishes to discuss the possibility of contesting and the implications of contesting or not contesting the preliminary determination, including the hearing that will result if either party contests, they may discuss their options with CSC (even if the investigator's preliminary determination was that no policy violation occurred). If either party wishes to meet with CSC, they will contact CSC within 3 business days of receiving the notice of preliminary determination to schedule the meeting.
17. In cases where CSC proposes suspension or dismissal, the respondent is presumed to contest the preliminary determination unless the respondent provides CSC with written acknowledge-

ment that they do not contest, accept the preliminary determination, and waive their right to a hearing.

18. If either party contests, or is presumed to contest, the investigator's preliminary determinations, there will be a fact finding hearing before a single hearing officer.
19. If a party requests a fact finding hearing, CSC will notify parties within 5 business days that there will be a hearing. If no party contests or is presumed to contest the preliminary determination, CSC will notify the parties that there will be no hearing.
20. The hearing officer and hearing coordinator will hold a separate meeting with each party, to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive, and fair hearing.
21. Any party contesting (or presumed to contest) the investigator's preliminary determination regarding policy violation(s) is required to participate in the pre-hearing meeting. If a contesting or presumed to contest party does not attend the pre-hearing meeting, the hearing coordinator will provide them 2 business days to reschedule. If they do not reschedule, CSC will notify the parties that there will be no hearing and the preliminary determination is final.
22. Within 5 business days after the last pre-hearing meeting, the hearing coordinator will notify parties of the scope of the hearing and witnesses.
23. Not less than 10 business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.
24. At least 2 business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence.
25. The hearing officer will decide whether a violation of the UC policy on SVSH (or related non-SVSH policy violation) occurred based on a preponderance of evidence standard. The hearing officer will take into account the investigative file and the evidence presented and accepted at the hearing. On any disputed and material issue, the hearing officer should make their own findings and credibility determinations based on the evidence before them.
26. The hearing coordinator will send a copy of the hearing officer's determination to CSC. Based on the hearing officer's findings and determinations, and other information relevant to sanctioning, CSC will determine an appropriate sanction.
27. Within 15 business days of the hearing, the hearing coordinator will send written notice to the complainant and respondent setting forth the hearing officer's determination on whether the UC policy on SVSH and/or other student conduct policies have been violated, and, if so, CSC's determination of any sanctions to be imposed.
28. The complainant and respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The university administers the appeal process, but is not a party

and does not advocate for or against any appeal.

29. If either party appeals the finding, the appeal officer will determine whether the appealing party met the grounds for appeal. In cases where a ground of appeal is disproportionate sanction, the parties may meet separately with the appeal officer or provide a written statement for the limited purpose of providing input only on their desired outcomes as to sanctions.
30. The appeal officer may uphold the findings and sanctions; overturn the findings or sanctions; modify the findings or sanctions; or in appeals alleging material procedural error, send the case back to the hearing officer for further fact finding if needed. The appeal officer will send their written decision to the complainant and respondent within 10 business days.

From the initial filing of the complaint with OPHD, 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 filing a complaint or for assisting in the investigation. Additional details regarding this process can be found in [UCOP Appendix E](#).

### Sanctioning Options for Appendix E

University sanctions include, but are not limited to:

- Dismissal from the University of California;
- Suspension from the University of California;
- Exclusion from areas of the campus and/or from official University functions;
- Loss of privileges and/or exclusion from activities;
- Restitution;
- Probation;
- Censure/Warning; and/or
- Other actions as set forth in University policy and campus regulations.

The definitions of sanctions are found in PACAOS Section 105.00 (Types of Student Disciplinary Action) of the Policy on Student Conduct and Discipline and local campus regulations. The posting of sanctions on academic transcripts will follow University policy as defined in PACAOS, Section 106.00 of the Policy on Student Conduct and Discipline.

### Factors Considered in Determining Sanctions

In all cases, when determining the appropriate and proportionate sanction, the following factors will be taken into account when applicable:

- Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; use of authority to abuse trust or confidence; presence of weapons; use of force or violence; physical injury;

menace; duress; deliberately causing or taking advantage of a person's incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

- Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; planned or predatory conduct; hate or bias based on the complainant's membership or perceived membership in a protected group as defined in PACAOS Section 104.90 of the Policy on Student Conduct and Discipline.
- Whether the conduct is aggravated, as defined in the UC policy on SVSH.
- Response following violation: voluntarily acknowledged wrongdoing at early stage of the process; failure to follow no contact order; attempt to influence witnesses; obstructed or disrupted the process.
- Disciplinary history: unrelated prior violations; related prior violations.
- Impact on others: input from the complainant; protection or safety of the complainant or the community.

### Sanctions for Certain Conduct

Sanctions will be assigned as follows:

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

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

### Anticipated Timelines

- All days referred to in this timeline are business days, defined as Monday – Friday, when the university is officially open.
- OPHD investigates allegations and makes preliminary determinations as promptly as possible, optimally within 60 - 90 days. Extensions to this timeline can be made for good cause. If extensions are made, the parties will be notified.
- Additional timeline information can be found in the process description and [UCOP Appendix E](#).



### Process

The process outlined below represents a summary of **UCOP Appendix F**. Not all cases will undergo the process steps according to the order provided in the outline below. Please reference the full body for additional details and information.

1. In all cases within the process, regardless of the location of the alleged misconduct, 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, or stalking.
2. Wherever possible, the university will provide the complainant with access to medical care, emotional support, information regarding confidential care advocates, and assistance with academic/housing concerns or issues when requested and as appropriate.
3. The university will assess the immediate safety needs of the complainant, including, for example, assisting with acquiring protective/restraining orders or other protective measures, including no-contact directives.
4. The university will provide information for reporting to UCPD or the local police department, when applicable and will assist the complainant with contacting law enforcement, if the complainant requests.
5. According to the UC policy on sexual violence and sexual harassment, the Office for the Prevention of Harassment and Discrimination (OPHD), directed by the Title IX officer for UC Berkeley, will assess the need to implement interim or long-term protective measures, such as interim suspensions, exclusions from areas of campus, housing changes, changes in class schedule, and no-contact directives between parties.
6. OPHD will provide complainants and respondents a copy of the UC policy on SVSH and local implementing procedures that include an outline of the administrative investigation and adjudication procedures.
7. Respondents will be provided with contact information for the appropriate respondent services coordinator, who can explain the respondent's rights and options under applicable policies.
8. After an initial assessment, and if the complainant and respondent agree, OPHD will begin an alternative resolution process. In the alternative resolution process the parties can propose and agree to terms which may include separating the parties, referring parties

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<sup>1</sup> The application of **Appendix E** or **Appendix F** procedures in student respondent cases is determined by a specific set of factors outlined in Appendix F. If the factors are met, Appendix F procedures apply; if not, Appendix E procedures apply.

to counseling, and conducting targeted preventive education and training programs.

9. If either party wishes to end this process, or if OPHD stops the process before the parties agree to terms, then OPHD will reassess how to resolve the complaint, including initiating a formal investigation.
10. The alternative resolution process is successfully concluded when the parties agree to terms. This concludes the complaint resolution process, unless the respondent fails to satisfy the terms or new conduct occurs. If a formal investigation will be conducted, OPHD, after consulting with CSC, will send written notice of the allegations to the complainant and respondent.
11. OPHD will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation. OPHD will use a preponderance of evidence standard to make a preliminary determination regarding whether the UC policy on SVSH as well as the code of student conduct have been violated.
12. During the investigation, the complainant and respondent will be provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who may have relevant information, propose questions for the investigator to ask the other party and witnesses, and review and respond to evidence the investigator has deemed relevant.
13. OPHD will simultaneously notify the complainant and respondent of the preliminary determination. OPHD will provide each party with a redacted copy of the written investigation report.
14. OPHD will provide CSC with the written notice of the preliminary determination and a copy of the investigation report. In cases where there is a preliminary determination of responsibility, CSC will review the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, respondent's prior conduct record, any comment on sanctions from the parties (received either in person or in writing), and any other information relevant to the factors described in Appendix F Section IX, and will determine a proposed sanction. Either party may schedule a meeting with or submit a written statement to CSC to provide input on sanctions.
15. Either party may accept the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination.
16. If either party wishes to discuss the possibility of accepting and the implications of accepting or not accepting the preliminary determination, including the hearing that will result if either party does not accept the preliminary determination, they may discuss their options with CSC (even if the investigator's preliminary determination was that no policy violation occurred). If either party wishes to meet with CSC, they will contact CSC within 3 business days of receiving the notice of preliminary determination to schedule the meeting.



17. Either party may accept the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. Unless parties accept the preliminary determination by the end of the 20 business days, student conduct will notify the parties that there will be a hearing.

18. Alternatively, if parties accept the preliminary determination, student conduct will notify the parties that there will be no hearing. This notice will indicate that the preliminary determination as to policy violation(s) that the parties choose to accept is final, and that the Center for Student Conduct is imposing the proposed sanction (if any); and that the parties have the right to appeal the sanction.

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

20. If a party does not participate in the pre-hearing meeting (or does not let the hearing coordinator know they need to reschedule in advance), the hearing coordinator will notify the party that they have 2 business days to contact the hearing coordinator to reschedule. Absent extenuating circumstances, if the party does not contact the hearing coordinator within the 2 business days, the hearing will proceed but the non-participating party will be presumed to agree with the hearing officer's definition of the scope of the hearing.

21. Within 5 business days after concluding meetings with parties (or determining that a party has decided not to participate in the pre-hearing process), the hearing officer will determine what issues are disputed and relevant to the determination of whether a policy violation(s) occurred, and will notify the parties of the scope of the issues to be addressed at the hearing and the expected witnesses.

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

23. At least 2 business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence; copies of all the evidence that will be considered at the hearing that the hearing officer has received, including the investigation file and any other documents that will be considered; the names of expected witnesses and a summary of their expected testimony.

24. The hearing officer will decide whether a violation of the UC policy on SVSH (or related non-SVSH policy violation) occurred based on a preponderance of evidence standard. The hearing officer will take into account the investigative file and the evidence presented and accepted at the hearing. On any disputed and material issue, the hearing officer should make their own determination.

25. The hearing coordinator will send a copy of the hearing officer's determination to CSC. Based on the hearing officer's findings and determinations, and other information relevant to sanctioning, CSC will determine an appropriate sanction.

26. Within 15 business days of the hearing, the hearing coordinator will send written notice to the complainant and respondent setting forth the hearing officer's determination on whether the UC policy on SVSH and/or other student conduct policies have been violated, and, if so, CSC's determination of any sanctions to be imposed.

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

28. If either party appeals the finding, the appeal officer will determine whether the appealing party met the grounds for appeal. In cases where a ground of appeal is disproportionate sanction, the parties may meet separately with the appeal officer or provide a written statement for the limited purpose of providing input on their desired outcomes as to sanctions only.

29. The appeal officer may uphold the findings and sanctions; overturn the findings or sanctions; modify the findings or sanctions; or in appeals alleging material procedural error or new evidence, send the case back to the hearing officer for further fact finding if needed. The appeals officer will send their written decision to the complainant and respondent within 10 business days.

### Factors Considered in Determining Sanctions

In all cases, when determining the appropriate and proportionate sanction, the following factors will be taken into account when applicable:

- Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; use of authority to abuse trust or confidence; presence of weapons; use of force or violence; physical injury; menace; duress; deliberately causing or taking advantage of a person's incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.
- Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; planned or predatory conduct; hate or bias based on the complainant's membership or perceived membership in a protected group as defined in PACAOS Section 104.90 of the Policy on Student Conduct and Discipline.
- Whether the conduct is aggravated, as defined in the UC policy on SVSH.
- Response following violation: voluntarily acknowledge wrongdoing at early stage of the process; failure to follow no contact order; attempt to influence witnesses; obstructed or disrupted the process.



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

### Sanctioning Options for Appendix F

University sanctions include, but are not limited to:

- Dismissal from the University of California;
- Suspension from the University of California;
- Exclusion from areas of the campus and/or from official University functions;
- Loss of privileges and/or exclusion from activities;
- Restitution;
- Probation;
- Censure/Warning; and/or
- Other actions as set forth in University policy and campus regulations.

Sanctions will be assigned as follows:

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

As indicated in the policy, sanctions involving separations from the university will follow the time frames outlined, ranging from a one-year suspension to a dismissal from the university unless exceptional circumstances are identified, which is by definition, rare.

### Anticipated Timelines

- All days referred to in this timeline are business days, defined as Monday – Friday, when the university is officially open.
- OPHD investigates allegations and makes preliminary determinations as promptly as possible, optimally within 60 - 90 days. Extensions to this timeline can be made for good cause. If extensions are made, the parties will be notified.

Additional timeline information can be found in the process description and [UCOP Appendix F](#).

## Student Conduct Processes

The Center for Student Conduct will conduct an investigation of complaints of alleged misconduct and determine whether sufficient information exists to proceed with a conduct process. The Center for Student Conduct will provide a notification or charge the case following the procedures below within seven (7) days after the date that the Center for Student Conduct receives a complaint, unless an extension is approved by the independent hearing officer.

As an alternative to pursuing charges against a student who has allegedly violated the code, the Center for Student Conduct may issue a written notification to a student that the student's alleged behavior, if it had actually occurred, would have violated university policy, campus regulations or the code and would be subject to the conduct process. The notification is not a determination that the allegations against the student are true, does not result in a conduct record, and therefore is not appealable. However, the prior alleged behavior as detailed in the notification may be introduced in a subsequent conduct process for the purpose of establishing that the student was warned that such behavior violates university policy, campus regulations, or the code.

If the Center for Student Conduct determines that there is sufficient information to support the allegation(s), the student will be notified of the charge(s) under the code. The written notice of charges, also referred to as the alleged violation letter, includes: notice to the student of the university policy or campus regulation(s) the student is alleged to have violated; a brief summary of the incident including, wherever possible, the date, time, and location of the alleged offense; a specific statement of the sanction(s) that may be applied if the student chooses to not take part in the conduct process; notice of the student's right to be accompanied by an advisor at any stage of the conduct proceedings at the student's own expense; notice of the opportunity to meet with a Center for Student Conduct staff member to discuss resolution of the charges pursuant to informal resolution of allegations; notice of the student's right to a hearing; notice of the student's right to request a copy of the student's own conduct file; notice of the procedure for requesting a time extension; and notice of the Center for Student Conduct's intent to continue the conduct process in the student's absence unless the student meets with staff or returns the signed letter indicating the student's choice of resolution.

The alleged violation letter also informs the student that unless the student contacts the Center for Student Conduct in writing within seven (7) days of receipt of the alleged violation letter, the student may be found responsible for the conduct violation described in the alleged violation letter and the listed sanction(s) may be assigned.

In unusual situations, the Center for Student Conduct may place a student on interim suspension by issuing a notice of interim suspension.

The student must respond to the Center for Student Conduct via email within seven (7) days of receipt of the alleged violation letter regarding the student's intent to participate in the conduct process. As long as the student contacts the Center for Student Conduct in writing by the indicated deadline, the Center for Student Conduct shall not automatically impose any sanction(s). Students should return the signed letter indicating their choice of the following options: request a meeting with Center for Student Conduct staff to discuss an informal resolution; accept the proposed sanction(s) or alternative resolution process offered in the alleged violation letter; request a panel hearing; or request an administrative hearing conducted by the independent hearing officer.

If the student does not contact the Center for Student Conduct in writing within seven (7) days of receipt of the alleged violation letter, and the sanction proposed in the alleged violation letter is not suspension or dismissal, then, within ten (10) days, the Center for Student Conduct may find that the student is responsible for the charges described in the alleged violation letter and may impose the sanction(s) recommended in the letter.

If the student does not contact the Center for Student Conduct in writing within seven (7) days, and the sanction proposed in the alleged violation letter is suspension or dismissal, then the case will be forwarded to the independent hearing officer who, within ten (10) days, will conduct an administrative hearing, determine responsibility, and if necessary, assign sanctions. By failing to reply, the student has waived any right to appear at the administrative hearing, but the independent hearing officer may permit the student to participate in the hearing upon the request of the student. If the independent hearing officer finds that a violation does not justify the sanction(s) recommended by the Center for Student Conduct, the independent hearing officer may impose a less severe sanction.

Students may choose to resolve their cases either informally through meetings with Center for Student Conduct staff or formally through a hearing process. If a student chooses, or if charges are not resolved informally, then charges will be resolved by a hearing.

Students charged with code violations are offered the opportunity to meet with the Center for Student Conduct to resolve their case without a formal hearing. If a student elects this option, the meeting will take place within ten (10) days of the student's response to the alleged violation letter. Cases may be resolved informally if the charged student, at any time prior to the hearing, admits violating

the code as charged or otherwise accepts an informal resolution. Upon accepting an informal resolution, a student waives the right to a hearing and any further appeal. If the student conduct officer and the student cannot reach a mutually acceptable agreement regarding sanctions, then the student conduct officer will inform the independent hearing officer that informal resolution was unsuccessful, and the independent hearing officer will schedule a hearing to resolve the charges. The student may elect to have the case resolved through a panel hearing or an administrative hearing.

Students may choose to have their cases resolved through either a panel hearing or an administrative hearing. The student must indicate a choice of a panel or administrative hearing in writing, either by responding to the alleged violation letter or following the student's preliminary meeting with the Center for Student Conduct. If the student requests a hearing but does not choose between a panel or administrative hearing, then the independent hearing officer will schedule a panel hearing. The independent hearing officer will provide written notice to the student conduct office and to the charged student of the date, time and location of the hearing.

Panel hearing cases are presented to hearing panels comprised of members of the Committee on Student Conduct, which act as the hearing body and make a determination regarding the alleged violation(s). Panel hearings are presided over by the independent hearing officer. Both the student and the Center for Student Conduct will have an opportunity to present witnesses for questioning.

Administrative hearings are conducted by the independent hearing officer, who shall act as the hearing body and make a determination regarding the alleged violation(s). In all other respects, administrative hearings are conducted in the same manner as panel hearings.

Prior to a hearing, the Center for Student Conduct and the student will exchange information to be presented at the hearing. The independent hearing officer will establish a procedure for the parties to exchange information prior to the formal hearing. The exchange will occur no later than five (5) days prior to the hearing, unless the independent hearing officer sets an earlier date for the exchange. The parties will exchange copies of all information relevant to the incident to be shared at the hearing and a list of possible witnesses. The independent hearing officer may exclude any information from the hearing that a party fails to include in its exchange of information or fails to exchange according to these procedures.

The hearing body's decision will be based only upon information introduced at the hearing. Neither the charged student nor the Center for Student Conduct may communicate information regarding the merits of the case or its disposition to the hearing body without the other party being afforded an opportunity to respond.

Unless good cause is shown, if the student does not appear at the hearing, the hearing body may find the student responsible for some or all of the charges and may apply some or all of the recommended sanctions against the student. The hearing body's decision will be based only upon the information available at the hearing, and that information may be introduced informally. If the Center for Student Conduct does not appear at the hearing, the independent hearing officer may dismiss the charges against the student.

The Center for Student Conduct bears the burden of proving the charges. The standard of proof for all hearings is a preponderance of evidence. A preponderance of evidence is defined as "more likely to be true than not."

The hearing body will take into account the student's prior conduct record, if any, only for the purpose of determining an appropriate sanction unless the information is considered to be relevant to the charges.

The hearing body is responsible for determining, based on the evidence presented at the hearing, whether it is more likely than not that the charged student violated the code with respect to each charged violation. If the hearing body determines that it is more likely than not that the student violated the code, it shall also recommend a sanction. Where the hearing is conducted before a hearing panel, the independent hearing officer shall not participate in the panel's deliberations or the drafting of its report, nor shall the independent hearing officer make recommendations to the panel regarding what decision the panel should make. The hearing body's decision will be documented in a report that includes a summary of the student's behavior and a determination of whether the student has been found responsible or not of each alleged violation of the code of student conduct. The hearing body will also recommend to the dean of students or their designee specific sanctions to be imposed if it finds the student in violation of the code. The hearing body will deliver a copy of the report to the independent hearing officer within ten (10) days of the hearing, and the independent hearing officer will promptly send a copy by email to the student, the dean of students, and the Center for Student Conduct.

Based upon the findings of the hearing body and any recommendation for sanctioning, the dean of students or their designee will determine the sanction to be imposed. A written statement of the dean of students' or their designee's final decision on sanctioning will be sent by email to the charged student within ten (10) days of receiving the hearing body's report.

The independent hearing officer will make an official recording of the hearing.

Appeals of the hearing body and the dean of students' or their designee's decisions must be addressed in writing to the vice chancellor for student affairs or their designee. Within ten (10) days of the emailing of the written notification of the dean of students' or their designee's final decision, either the charged student or the Center for Student Conduct may submit a written appeal to the vice chancellor for student affairs or their designee. When such an appeal is timely submitted by a party, the vice chancellor or their designee must promptly send a copy of the appeal to the other party. Within five (5) days of receiving the copy, the other party may submit a written response to the vice chancellor or their designee.

The filing of a timely appeal suspends the imposition of sanctions until the appeal is decided, but interim action may be taken as determined by the dean of students or their designee. Degrees may be withheld pending conclusion of the appeal.

An appeal must be based on newly discovered evidence that was not available at the time of the hearing, significant procedural error, or upon other evidence or arguments which, for good cause, should be considered. The vice chancellor for student affairs or their designee will make the final determination of all cases appealed under these regulations. Except in cases where the appeal is based upon newly discovered evidence, the vice chancellor or their designee will review the record of the hearing and will not consider information that was not part of that record, other than the student's prior conduct record, if any. The vice chancellor for student affairs or their designee may approve, reject, or modify the decision and sanction in question, or require that the original hearing be reopened. Where the appeal is based upon new information, the case may be referred back to the hearing body for further consideration. The action taken will be communicated in writing to the student and the Center for Student Conduct within fifteen (15) days after receipt of the appeal and related documents.

### **Possible Sanctions for Non-SVSH Stalking**

- Non-reportable warning
- Loss of privileges and exclusion from activities
- Suspension, generally ranging from one semester to two years
- Dismissal
- Exclusion from areas of campus or from official university functions
- Evaluation and assessment
- Educational workshops and modules
- Reflective writing assignments
- Meetings with university staff
- No contact directives

### **Possible Sanctions for Cases Following SVSH Process:**

- Dismissal
- Suspension, generally ranging from one semester to two years
- Exclusion from areas of the campus and/or from official university functions;
- Loss of privileges and/or exclusion from activities
- Disciplinary probation
- Non-reportable warning
- Evaluation and assessment
- Educational workshops and modules
- Reflective writing assignments
- Meetings with university staff
- No contact directives.

### Process

1. In all cases, regardless of the location of the alleged misconduct, 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.
2. Wherever possible, the university will provide the complainant with access to medical care, emotional support and any workplace accommodations, as necessary.
3. OPHD and relevant campus offices will assess immediate safety needs of the complainant, including, for example, assisting with acquiring protective orders or other measures.
4. Complainants will also be provided with contact information for the local police department when applicable. UCPD, a confidential CARE advocate, HR, or the Academic Personnel Office will assist the complainant with contacting local police if the complainant requests.
5. OPHD, in consultation with relevant campus partner offices (e.g. PATH to Care Center, HR, the Office of the Vice Provost for the Faculty, UCPD) will assess the need to implement other interim measures, such as administrative leave, work reassignments, or no contact directives between parties.
6. OPHD will provide all complainants and respondents with a copy of the applicable UC policy on SVSH and applicable implementing procedures, including an outline of the administrative investigation process.
7. Respondents will be provided with contact information for the appropriate respondent services coordinator, who can explain the respondent's rights and options under applicable policies.
8. 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.
9. OPHD will simultaneously notify the complainant and respondent of the outcome of the investigation. OPHD will provide each party with a redacted copy of the written investigation report.
10. OPHD will forward that report to the appropriate administrative authority, as outlined in the applicable local procedures for senate faculty, non-senate faculty, non-faculty academic personnel, or non-academic staff employees.
11. Disciplinary and/or remedial measures will be determined according to the process outlined in the applicable procedures.

### Available Sanctions

The following disciplinary outcomes are possible, depending on the outcome of the investigation and adjudication process:

- No sanction
- Remedial education or training
- Warning/censure
- Corrective salary decrease
- Suspension
- Demotion/reduction in rank
- Termination
- Curtailment of emeritus status

### Anticipated Timelines

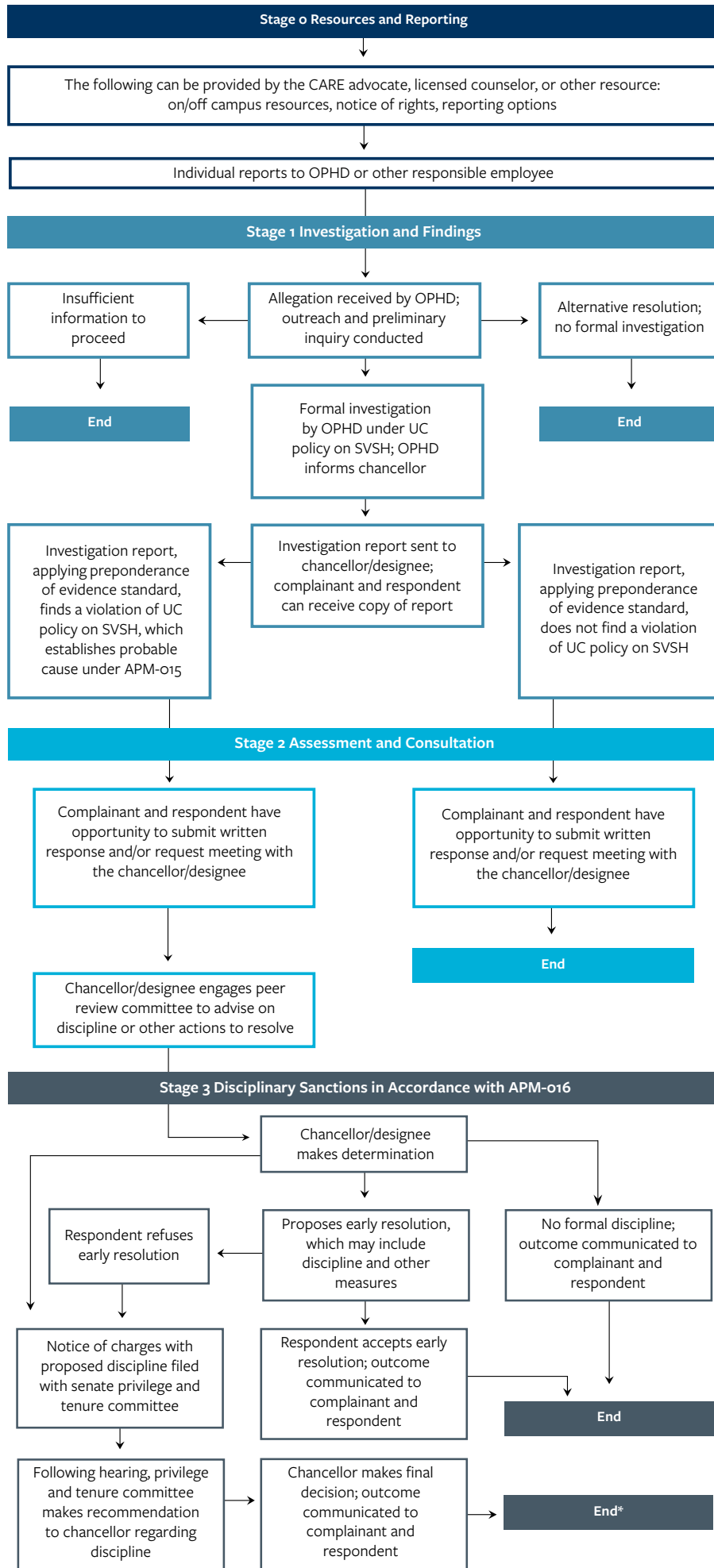
- All days referred to in this timeline are business days, defined as Monday – Friday, when the university is officially open.
- OPHD investigates allegations and makes findings as promptly as possible and in most cases, optimally within 60-90 business days. Extensions to this timeline can be made for good cause. If extensions are made, the parties will be notified.
- The review and discipline process follows timelines determined by applicable policies, labor agreements, or codes of conduct that cover the terms and conditions of the responding employee or faculty member.



60-90 Business Days for Investigation \*\*  
 \*\*Can be extended for good cause

40 Business Days to File any Charges

\*See APM-016 regarding dismissal of faculty respondent with tenure or security of employment



Supportive and interim measures are available throughout the process.  
 Respondent may be placed on involuntary leave at any time in accordance with APM-016.  
 Notice of any proposed disciplinary action must be delivered no later than three years after the chancellor is deemed to have known about the alleged violation.

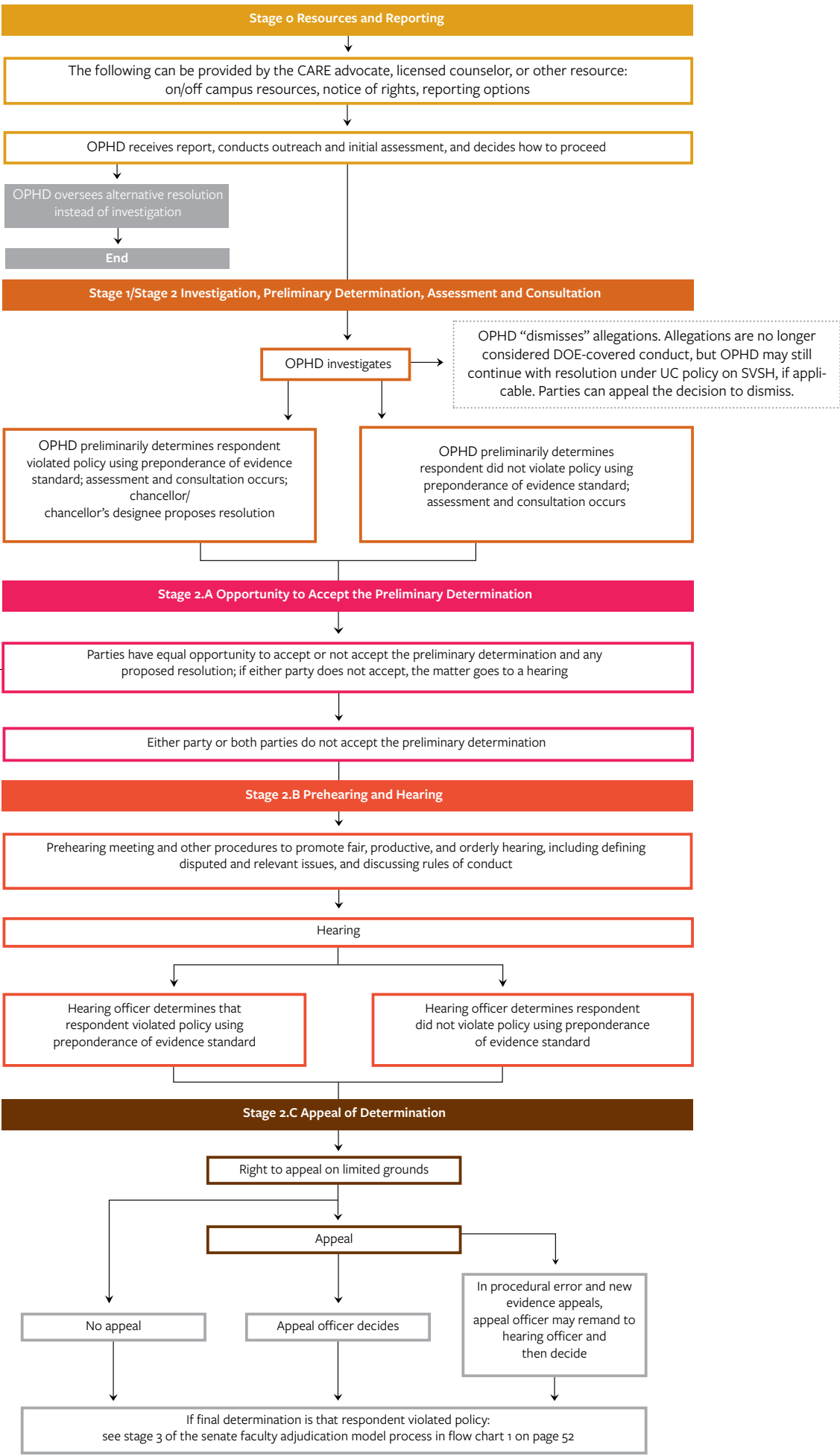
For all DOE-covered conduct see attachment 1.A



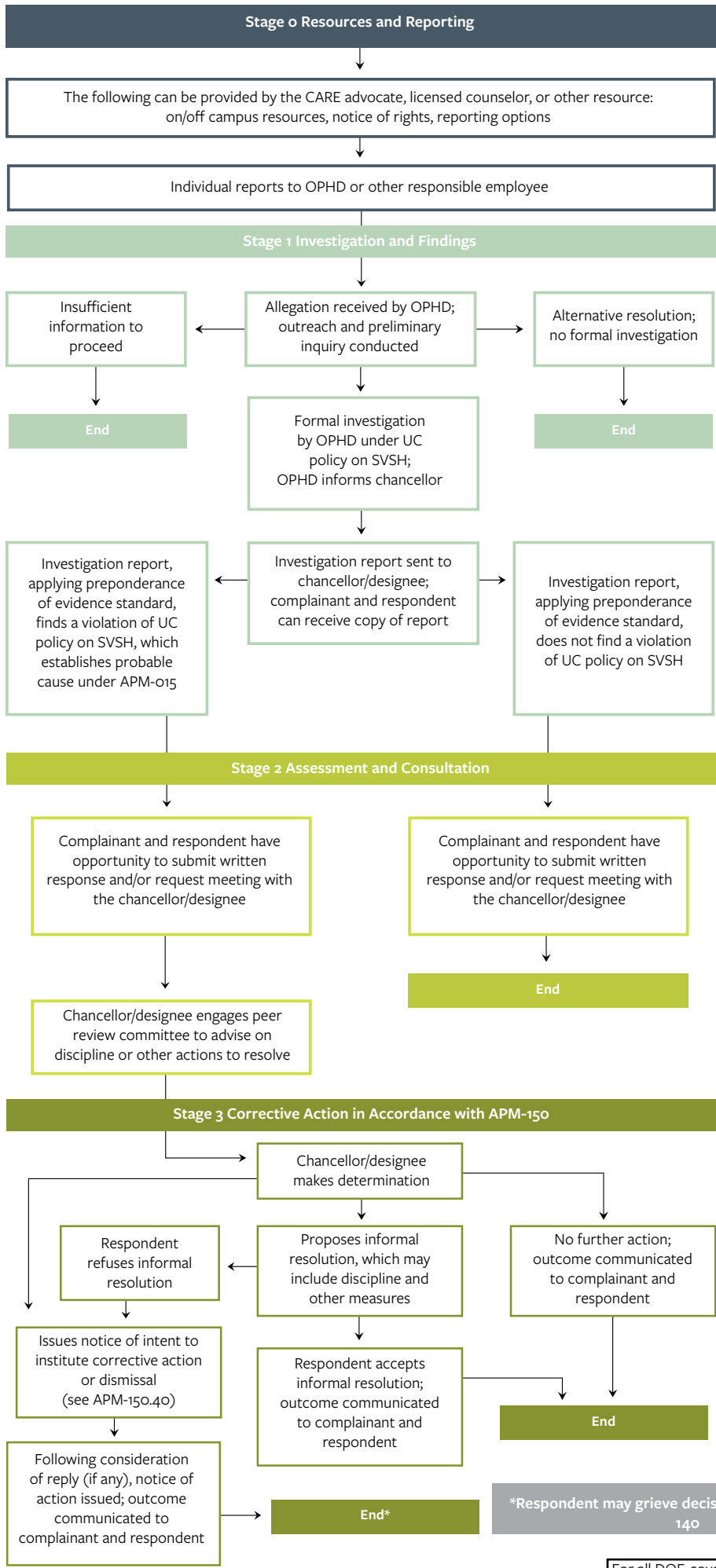
Supportive and interim measures are available throughout the process.

Respondent may be placed on involuntary leave at any time in accordance with APM-016.

Notice of any proposed discipline must be delivered no later than three years after the chancellor is deemed to have known about the alleged violation.



For all non-DOE-covered conduct see flow chart 1



Supportive and interim measures are available throughout the process.

Respondent may be placed on investigatory leave at any time in accordance with APM-150.

Notice of any proposed disciplinary action must be delivered no later than three years after the chancellor is deemed to have known about the alleged violation.

60-90 Business Days for Investigation\*\*

\*\*Can be extended for good cause

40 Business Days to Issue any Notice of Intent

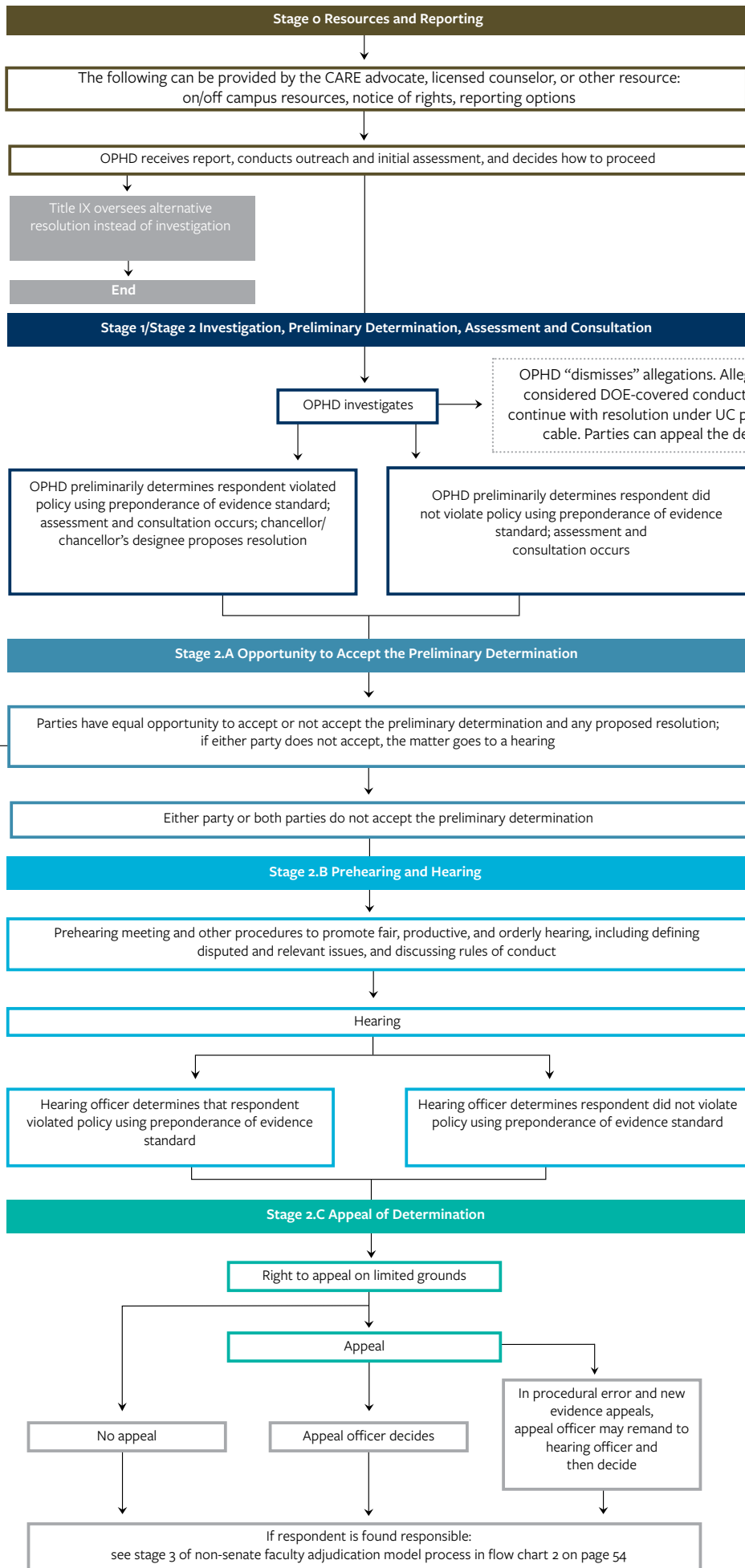
\*Respondent may grieve decision pursuant to APM-140

For all DOE-covered conduct see attachment 2.A

Supportive and interim measures are available throughout the process.

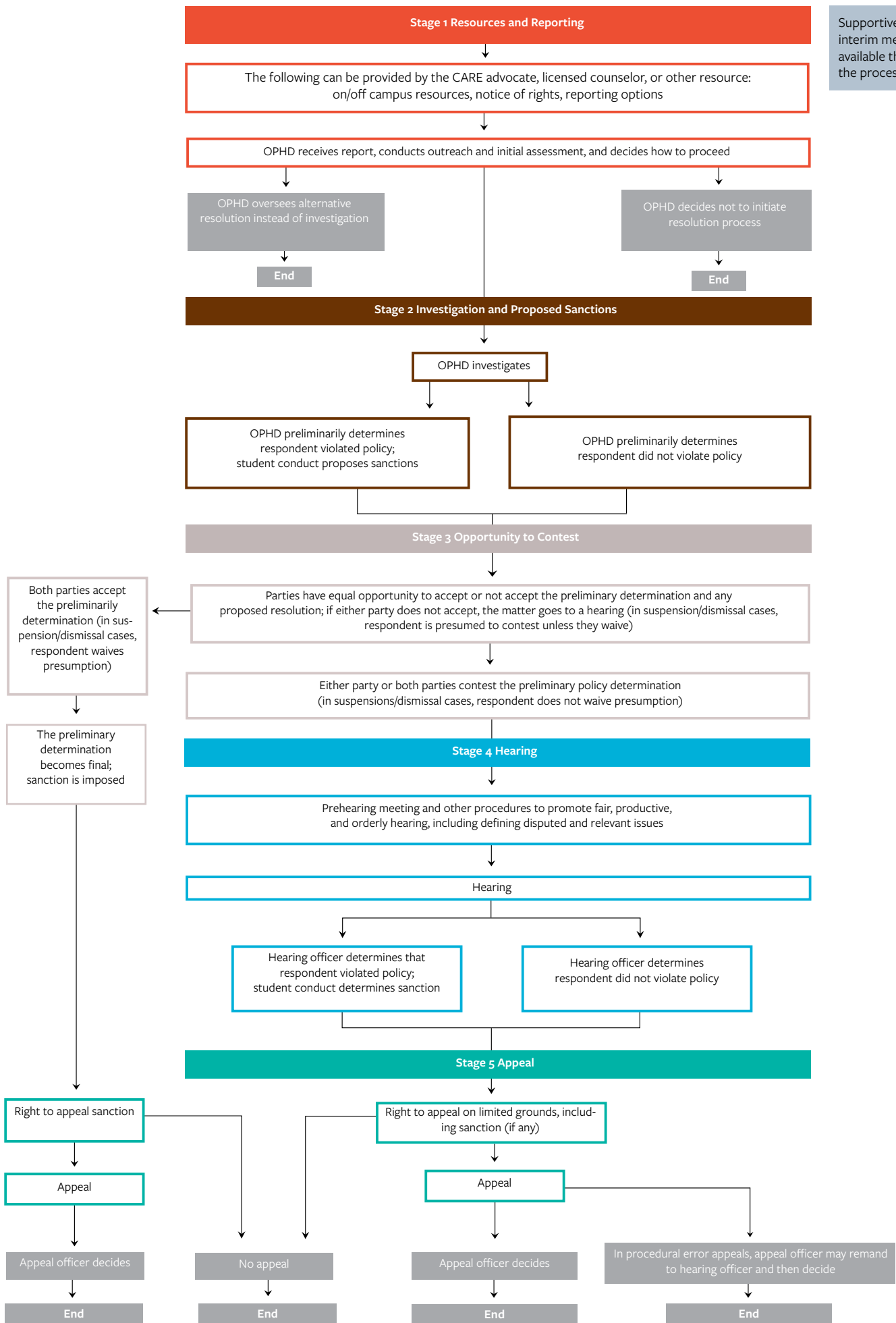
Respondent may be placed on investigatory leave at any time in accordance with APM-150.

Notice of any proposed disciplinary action must be delivered no later than three years after the chancellor is deemed to have known about the alleged violation.



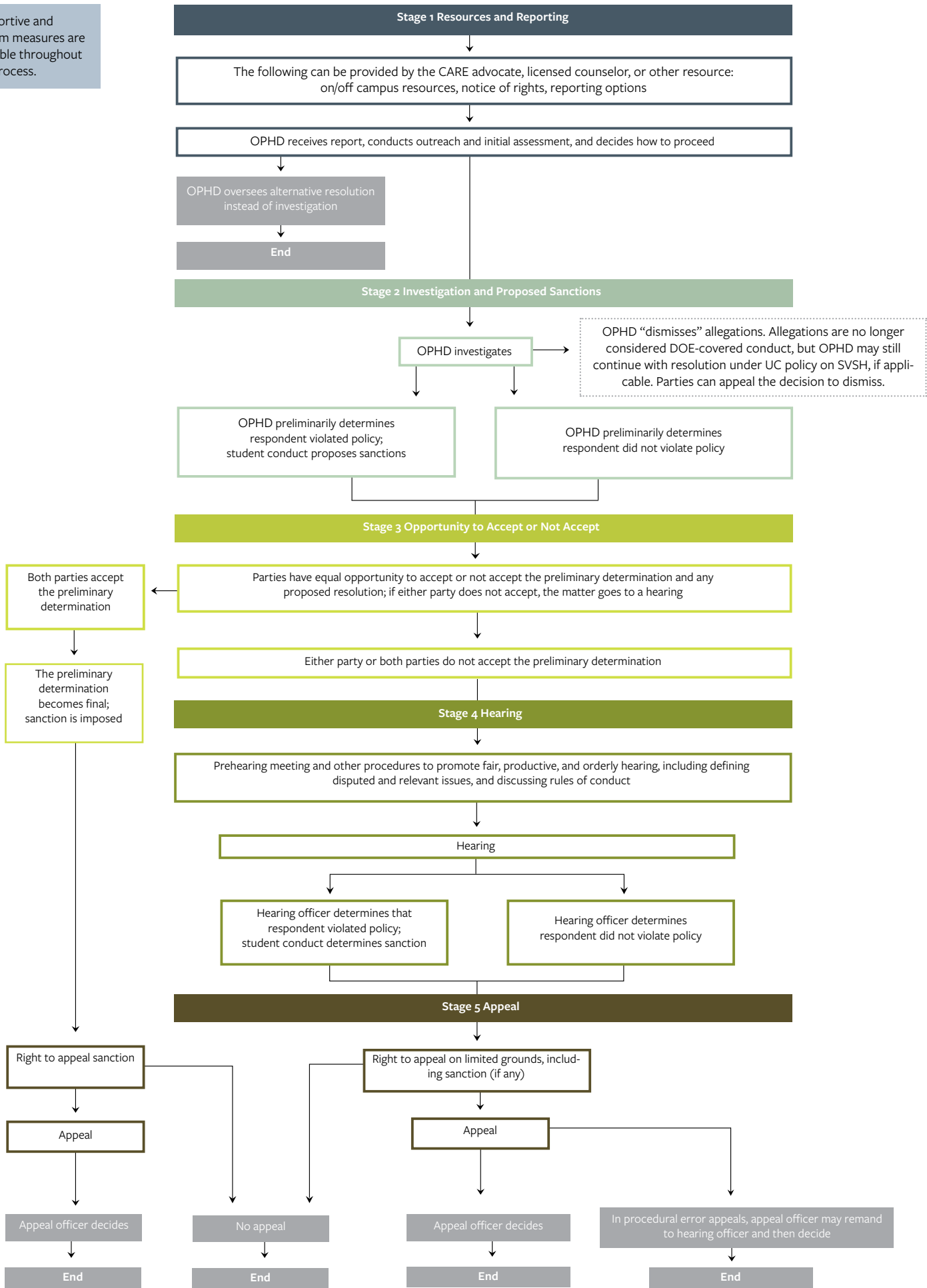
For all non-DOE-covered conduct see flow chart 2

Supportive and interim measures are available throughout the process.



\*Please see the PACAOS Appendix E for full procedural details

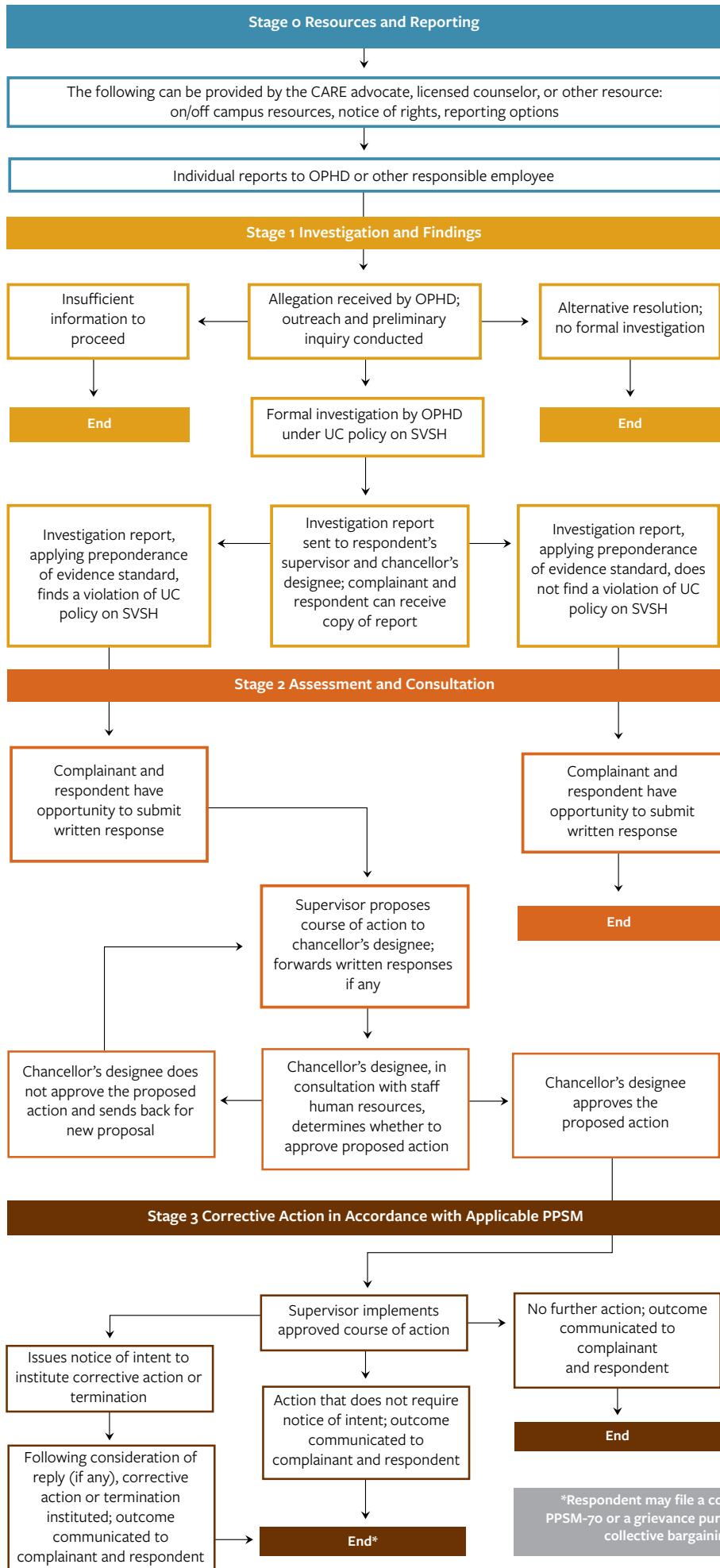
Supportive and interim measures are available throughout the process.



\*Please see the PACAOS Appendix F for full procedural details

60-90 Business Days for Investigation\*\*  
 \*\*Can be extended for good cause

40 Business Days to Issue any Notice of Intent

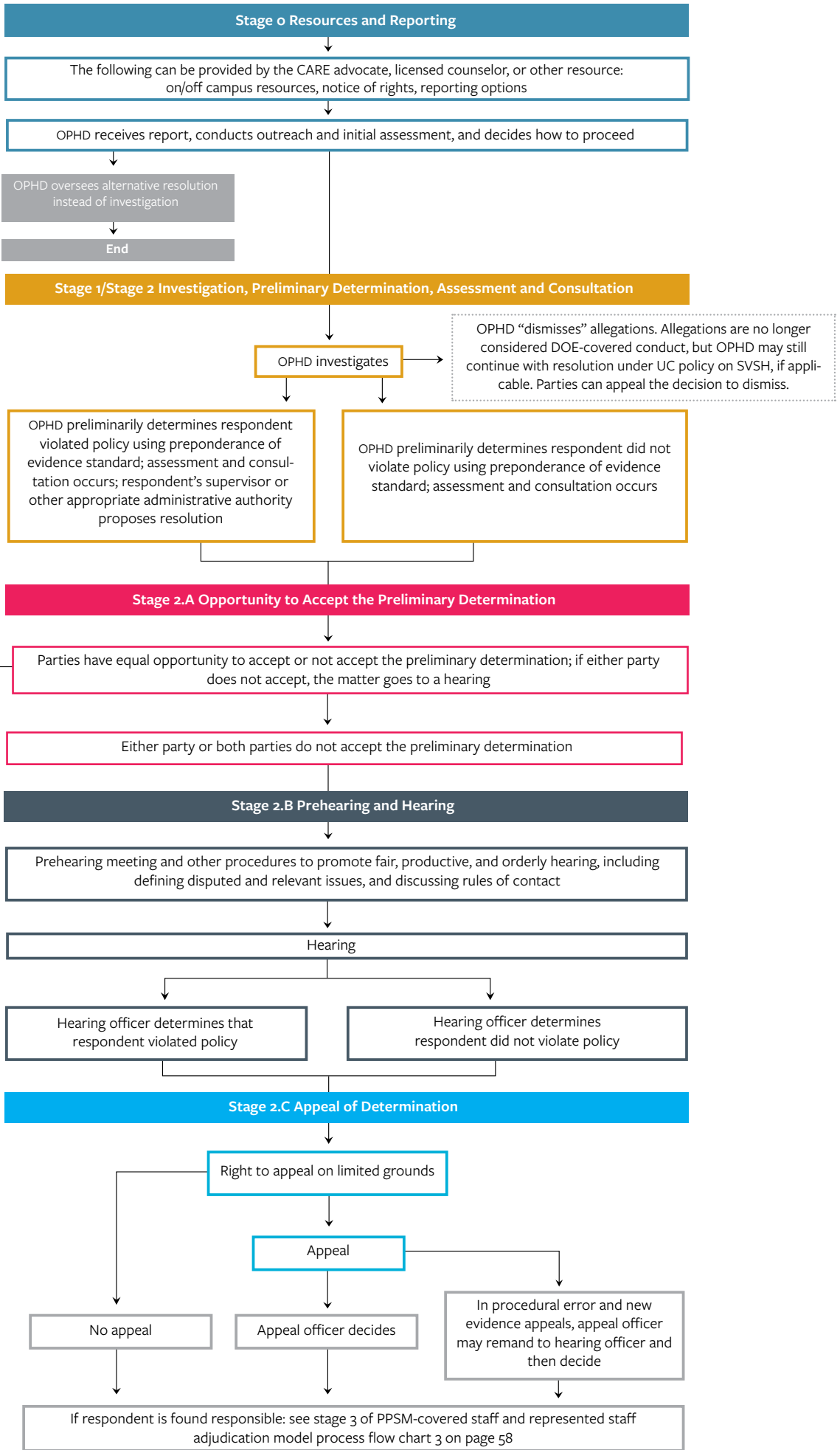


Supportive and interim measures are available throughout the process.  
 Respondent may be placed on investigatory leave at any time in accordance with PPSM-63 and any investigatory leave article in the applicable collective bargaining agreement.

\*Respondent may file a complaint pursuant to PPSM-70 or a grievance pursuant to the applicable collective bargaining agreement

Supportive and interim measures are available throughout the process.

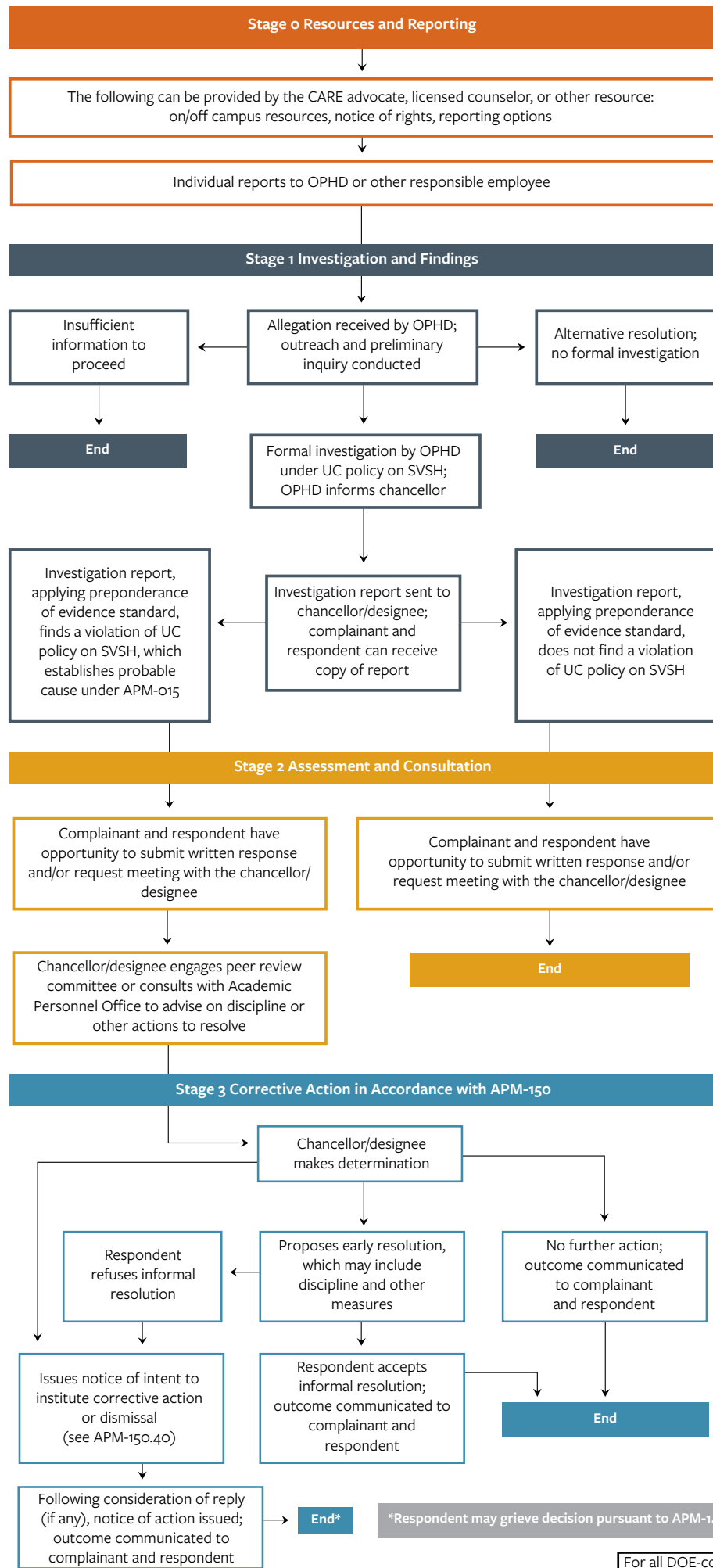
Respondent may be placed on investigatory leave at any time in accordance with PPSM-63 and any investigatory leave article of the applicable collective bargaining agreement.



For all non-DOE-covered conduct see flow chart 3

60-90 Business Days for Investigation\*\*  
 \*\*Can be extended for good cause

40 Business Days to Issue any Notice of Intent



Supportive and interim measures are available throughout the process.

Respondent may be placed on investigatory leave at any time in accordance with APM-150.

Notice of any proposed disciplinary action must be delivered no later than three years after the chancellor is deemed to have known about the alleged violation.

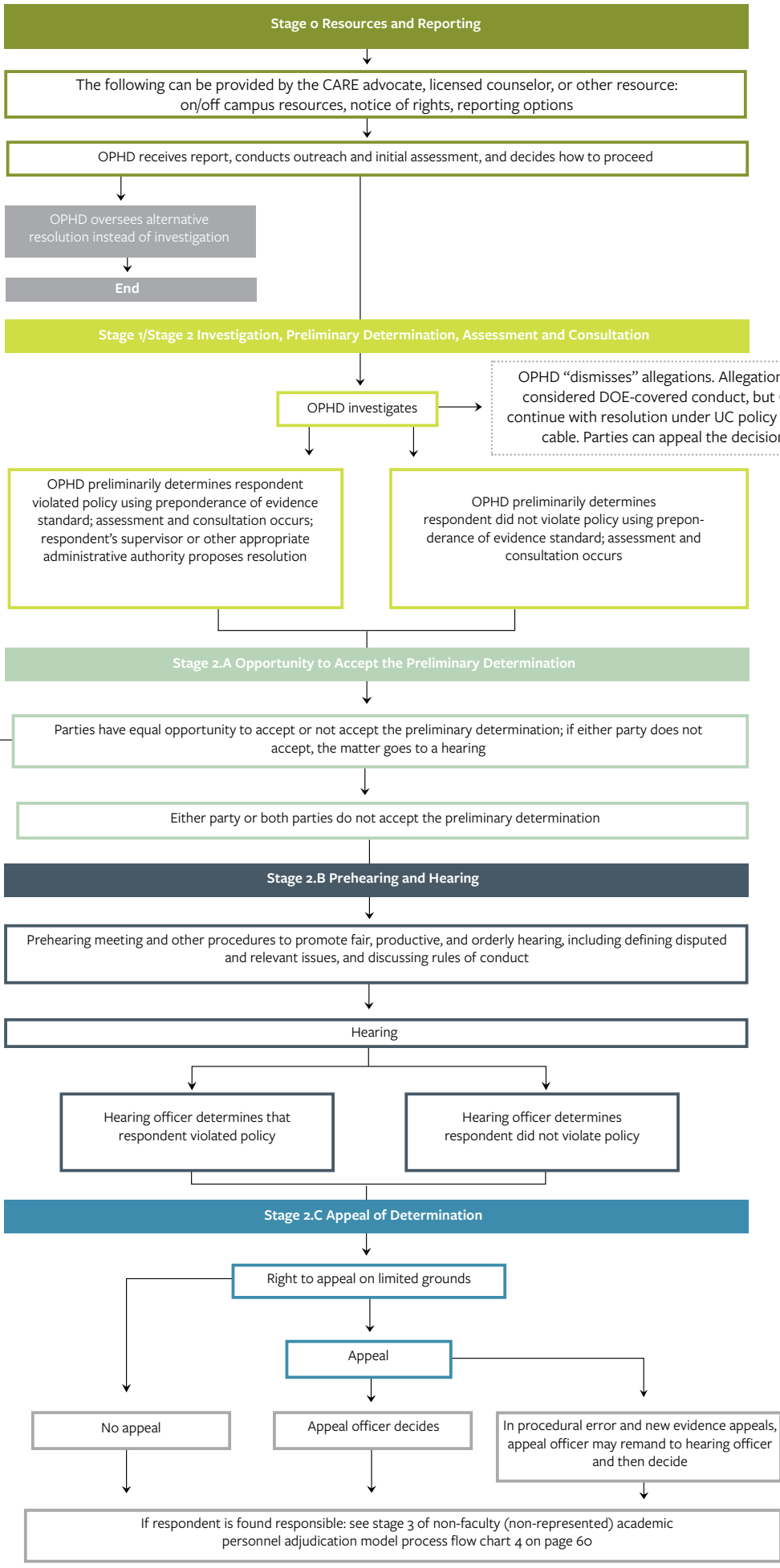
\*Respondent may grieve decision pursuant to APM-140

For all DOE-covered conduct see attachment 4.A



Supportive and interim measures are available throughout the process.

Respondent may be placed on investigatory leave at any time in accordance with APM 150.



For all non-DOE-covered conduct see flow chart 4



## Sex Offender Registration

### **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 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, 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 connection to UC Berkeley, show a photo ID, sign a statement attesting that they are not a registered sex offender, understand the purpose of the release of information, and understand 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, contact **UCPD Records Unit** by calling (510) 642-6760. The general public can view sex offender registration information at the **Megan's Law website**.

## Campus Security Policies, Crime Prevention, and Safety Awareness Programs

In addition to the many programs offered by the university police and university offices, UC Berkeley has established a number of policies and procedures related to ensuring a reasonably safe campus community. Crime is never the fault of the victim. UCPD encourages students and employees to take responsibility for keeping themselves, their belongings, and everyone with whom they live and work safe. Additional information can be found on the [UCPD Enhancing Safety On Campus and In the Community website](#).

### UCPD Tabling and Outreach

UCPD, upon request, conducts tabling and outreach at resource fairs and campus events such as: Golden Bear Orientation, [Caltopia](#), [Calapalooza](#), [Cal Day](#), and [Staff Appreciation Week](#).

### UCPD Security Surveys

UCPD conducts regular security surveys. A security survey is a comprehensive review of a specific location to identify opportunities for improving the safety and security of persons who use that space. A number of strategies might be considered including the use of physical security hardware and technologies; adjustments to the built environment; and changes to activities, procedures, or systems. Whether to address a specific issue or when attempting to understand and mitigate general safety concerns, UCPD staff is available to perform security surveys of university properties upon request. UCPD also participates in the review of campus architectural plans to optimize security systems and identify opportunities for crime prevention through environmental design. For questions about security surveys and architectural plan reviews, please send an email to [police@berkeley.edu](mailto:police@berkeley.edu) or call (510) 642-3722.

### UCPD Special Event and Security Assessments

The UCPD Special Events Unit (SEU) is responsible for working with campus partners to assess the needs of major campus events and other official or sanctioned activities that may pose unique safety and security concerns. This includes events for intercollegiate sports, high-profile visitors and speakers, international conferences, concerts and performances, campus ceremonies, dances or other social events, and many other one-time activities.

Campus events which feature dignitaries, celebrities, and other high-profile or at-risk persons may necessitate specific security measures and personnel. Similarly, special precautions may be needed for events or activities involving valuable property, equipment, or artifacts. Some planned events may be anticipated to draw large crowds or interfere with routine campus activities in ways that

require mitigation through public safety efforts.

For assistance with assessing events posing unique safety or security needs such as these, please contact the UCPD special events coordinator as soon as reasonably practicable, and no less than seven days in advance, by visiting UCPD, or by email to [ucpdspecialevnts@berkeley.edu](mailto:ucpdspecialevnts@berkeley.edu).

UCPD SEU is also responsible for reviewing all requests to serve alcohol at campus events in compliance with California law and university policy. Any event on campus at which alcoholic beverages will be served or sold requires review and approval by UCPD. California law and campus policy requires specific precautions for such events, including steps to ensure that no one under the age of 21 is served an alcoholic beverage. Organizers of events involving the service of alcoholic beverages on the UC Berkeley campus are encouraged to notify UCPD as soon as reasonably practicable, and must notify UCPD no less than seven days in advance. Notification to UCPD does not guarantee that alcohol service will be approved. For a summary of campus policies pertaining to alcoholic beverages at campus events please contact the UC Berkeley Office of Risk Services (ORS) and review the information on their [website](#).

### UCPD Safety Presentations

UCPD officers will provide safety presentations to the campus community, upon request. To help the campus community minimize the opportunity for crime and reduce its harmful impacts, UCPD provides education and promotes awareness on a variety of public safety topics. While UCPD is prepared to respond to a wide variety of crimes and safety threats, UCPD would much rather prevent them if possible.

UCPD officers can be scheduled to meet with groups or participate in events and provide safety and security information as needed. UCPD staff can also help identify other resources and authorities that might be appropriate and beneficial for any particular outreach need. Potential presentation topics include:

- General campus safety and resources
- Campus threat assessment & response
- Alcohol and substance abuse laws
- Avoiding scams & cybercrime
- UCPD's response to sexual violence, relationship violence, & stalking
- Police / community engagement efforts
- Pepper spray and self-defense information
- Vehicle laws and rules on and near campus
- Recommendations for safe protests and events

If you have a specific issue, concern, or context you would like UCPD to address, UCPD may be able to customize a presentation and/or partner with another campus or community resource. For

a custom topic, please contact UCPD at least four weeks ahead of time. For all other topics, UCPD requests at least a two-week notice. UCPD availability may depend upon other priorities, scheduling conflicts, or department needs. For more information, or to request a presentation or participation in an event, please send an email to [police@berkeley.edu](mailto:police@berkeley.edu).

### Night Safety Services

UC Berkeley offers free night safety services. The time of day determines what services are available. BearWalks are available from dusk to 2:30am The Bear Transit Night Safety Shuttles are free, and operate with varied schedules, found on the [night safety shuttle website](#). For more information or to make a request for services, you may visit the [UC Berkeley night safety website](#) or call (510) 642-9255.

### Cal Self-Defense for All

Cal Self Defense for All (CSDA) is a campus self-defense and empowerment program focused on building confidence, developing personal strategies (e.g. using one's voice, communicating boundaries) as well as learning physical resistive techniques in a supportive environment. Organized by the Gender Equity Resource Center (GenEq), opportunities are posted online once classes and locations are confirmed. Learn more on the [GenEq Linktree website](#).

### Physical Education Department Self-Defense Classes

The university physical education department facilitates the following three self-defense classes: **Taekwondo Self Defense**, **Yongmudo/Korean Self Defense**, and **Basic Self Defense**. These physical education classes are available to any registered student. Classes are offered every semester for Taekwondo Self-Defense, while Yongmudo/Korean Self-Defense and Basic Self-Defense are offered based on instructor availability. For more details, please contact the physical education department by emailing [peucb@berkeley.edu](mailto:peucb@berkeley.edu) or by calling (510) 642-3288.

### Residential Hall Security and Safety

The Residential Life Safety Program helps ensure resident safety through personal safety awareness messaging and dedicated student and professional staff including safety ambassadors, who provide a first contact point for students experiencing safety concerns and assist residents in checking in themselves and their guests; safety coordinators, who supervise safety ambassadors and provide educational services; and community service officers through UCPD, who staff BearWALK and provide additional security support. Everyone is expected to follow the safety instructions of the staff.

There are other enhanced safety efforts in the resident halls, including surveillance cameras, to help to reduce crime. These cameras are recording, but are not actively monitored. Residents are encouraged to always tap in for themselves, and only themselves, to help reduce risk of theft, damage to personal items, and decrease risks to the personal safety of all residents. The best way to prevent crime is to make these actions habitual. If residents see any suspicious behaviors, they are encouraged to notify a safety ambassador, call the RA on duty, or contact UCPD.

### Facilities: Security Alarms

The security alarm specialist manages the operations of all centrally-monitored campus security alarms with a focus on the security and safety of the campus community. The facilities team is dedicated to keeping these systems operational and up-to-date at all times.

Employees designated by their campus unit or department, as an alarm manager, are authorized to request the installation, modification, repair or removal of centrally-monitored security alarm systems for the buildings, facilities, or other areas they manage.

### Facilities: Electronic Access

At this time, card access additions can only be made by the Facilities Services Access Control Team. If you require card access, please contact your departmental access controller to submit a Facilities Services Electronic Access Request Form. For all other access control needs, please email [fs-eaccesscontrol@berkeley.edu](mailto:fs-eaccesscontrol@berkeley.edu).

The electronic access specialists manage all hard wired electronic locks and card keys systems across campus with a focus on the security and safety of the campus community, the facilities team is dedicated to keeping these systems operational and up-to-date at all times.

Access controllers for individual campus divisions and departments are authorized to request the installation, modification, repair, or removal of electronic access control devices, other types of door security hardware, and the clearances issuance for the buildings.

### Facilities: Lock and Key

Until further notice, all key pickups need to be scheduled directly by emailing [fs-lockandkey@berkeley.edu](mailto:fs-lockandkey@berkeley.edu).

The lock and key specialist manages lock and key systems across campus with a focus on the security and safety of the campus community. The facilities team is dedicated to keeping these systems operational and up-to-date at all times. In addition, the lock

and key specialist directly manages the campus barrier pole system. Access controllers for individual campus divisions and departments are authorized to request the installation, modification, repair, or removal of mechanical locks, other types of door security hardware, and the issuance of new keys for the buildings.

For more information, please review the complete [UC Berkeley Campus Access Control Policy](#). Please note this policy was adopted in 1998 and is currently under revision due to substantial changes in workplace conventions and procedures as well as the transition of policy from UCPD to Facilities Services.

Before we can replace a lost or stolen key a police report must be filed with UCPD. To report a lost or stolen university key or credential (card-key), please contact UCPD at (510) 642-6760 (or (510) 642-3333 for TTY users) at any time of day or night to file a police report.

The Facilities Services Lock Shop is responsible for engineering key systems for all new construction and remodels. The lock shop provides a variety of other services including door re-keying, repair of existing hardware, installation of accessible automatic door operators, and lock installation.

The facilities locksmiths are security professionals; in addition to repairing and maintaining locking mechanisms for all campus buildings, they are ready to assist with Americans with Disabilities Act (ADA) issues and fire/life safety as applied to doors and hardware. For all lock shop requests, please call the Facilities Services Customer Service Center at (510) 642-1032.

### Supplemental CANRA Training

[Praesidium](#) is a company that provides expertise in youth protection through a system-wide partnership with the University of California. Their Armatus system houses training (which is also provided in the UC Learning Management System) that helps mandated reporters understand what [CANRA](#) reportable offenses are and offers courses on how to properly train staff to supervise children.

The training portal has topics focusing on how to hire well to prevent the privacy, access, and control abusers seek; how to provide supervision in various types of camp settings; "It Happened to Me" which is training on how to spot behavioral changes and key indicators in children who have been abused; and "Meet Sam" which is a training that focusing on what an abuser looks for in a program (e.g. lax policies, lax hiring practices, lax supervision, loners, etc.). The training is directed toward anyone with youth programming (e.g. summer camps, childcare workers, youth academic programs, healthcare workers, etc.), any ancillary staff who work in areas





where minors are regularly present (e.g. food service workers, janitors, front desk staff, etc.), and anyone who may receive a report of child abuse or neglect (e.g. Risk Management, OPHD, police, People & Culture, etc.).

### **Behavioral Risk/Response Team (BRT) and Students of Concern Committee (SOCC)**

The university has established two teams empowered to assess concerning situations and intervene if necessary: the **Behavioral Risk/Response Team (BRT)** 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 BRT and SOCC are composed of several campus units, each with personnel having special expertise and professional training. BRT will address behavior perceived as disruptive, intimidating, threatening, or violent, including actions or statements that express 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, as well as other concerning situations that do not involve threats.

The teams have been formed to augment existing systems and convene when individual service departments do not have adequate resources to respond to situations alone (including legal and psychological issues), coordinate communication internally and externally, and monitor the resolution of situations.

### **Threat Management Unit (TMU)**

**UCPD Threat Management Unit (TMU)** is an element of UCPD Criminal Investigations Bureau (CIB), and consists of detectives (sworn peace officers) who are assigned to assess, investigate, and manage the response to potential threats, in addition to their other duties as criminal investigators. To help educate the campus community on issues related to threat assessment and management, TMU detectives are available to provide affiliated groups with presentations on this topic. To learn more about available UCPD presentations, or to schedule a presentation, please email [police@berkeley.edu](mailto:police@berkeley.edu).

Do not ignore or downplay even indirect threats, as they could escalate into serious incidents. If you are the victim of a threat, you can report the incident to the police. 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 through UCPD, located at 1 Sproul Hall, or contact them by calling (510) 642-6760.

### **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. Requests for exemption to the weapons policy shall be directed to the following email: [police@berkeley.edu](mailto:police@berkeley.edu). Failure to comply with the university weapons policy will result in disciplinary and/or criminal action against violators.

## Missing Student Notification Policy

UC Berkeley, **Residential Life**, and **Residential and Student Service Programs** (RSSP) take the welfare of our students very seriously and have the following procedures in place to provide for each student's wellbeing. The missing student policy applies to any student who lives in an on campus student housing facility, regardless of their age, status, or whether they have registered a confidential contact person. Any person who is aware of a student who is missing should immediately report that information to UCPD.

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 a contact person who will be notified within 24 hours if the student has been determined missing by UCPD or local law enforcement. This contact is strictly for missing persons and can be the same as their general emergency contact, or students may also choose someone different. The missing student contact is registered, confidential, accessible only to authorized campus officials, and may not be disclosed except to law enforcement personnel in the furtherance of a missing person investigation. If a student is under 18 and not emancipated, the university will also notify a custodial parent or guardian in addition to notifying any additional contact person designated by the student within 24 hours of the determination that the student is missing.

Students residing in on campus housing specify emergency contact information in their housing application when accepting a housing offer. On the housing application, students are able to note whether the emergency contact(s) they provide will also serve as their missing student contact.

After providing this initial information, if a student wishes to change either their emergency contact or their missing person contact information, then the student must communicate the changes needed in writing to **UC Berkeley Housing** at [reshall@berkeley.edu](mailto:reshall@berkeley.edu), including the phone number and email address of their preferred emergency contact or missing student contact.

## 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 Life staff [e.g. resident assistant, (senior) resident director, and/or assistant director]. Residential Life 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. Residential Life staff will also immediately contact UCPD for consultation, and to convey any report Residential Life staff has received that a student is missing.

## Follow Up

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

If the search for the missing student is deemed unsuccessful, the director of residential life and/or assistant vice chancellor for student affairs, UCPD, and the dean of students will decide what further action(s) should be taken.

## Notifying Law Enforcement

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, UCPD will notify the local law enforcement agency that has jurisdiction in the area within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

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

## Daily Crime and Fire Log

UCPD and the Clery Division collaborate to maintain and publish a **daily crime log** of all crimes reported to UCPD that occurred within their patrol jurisdiction. This log identifies the type, location, and date/time each criminal incident was reported to UCPD. The most recent 60 days of the log is available online 24 hours per day to members of the public. Crimes are added to the log within 2 business days of receipt of the report. Upon request, a copy of log entries made prior to the most recent 60 days will be made available for viewing within 2 business days of the request.

The UC Berkeley **Fire Prevention Division** maintains a fire log of all fire incidents in on campus UC residential buildings that are reported to the fire prevention division. The daily fire log is updated as events are reported to the campus fire marshal. 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 **daily fire log** is available online. Anyone may obtain a hard copy of the daily fire log by emailing [fireprevention@berkeley.edu](mailto:fireprevention@berkeley.edu).

## UC Berkeley Policies Governing Alcohol and Other Drugs

### Alcohol and Drug Policy

The university strives to maintain a campus community and worksite 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 in **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 on 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 disciplinary action, up to and including dismissal, as set forth in the code of student conduct and in campus regulations; or may

be required, at the discretion of the university, to participate in educational workshops and services.

### Policies Specific to UC Berkeley Students

Any student who violates the drug and alcohol policies is subject to disciplinary action including sanctions as outlined in the **code of student conduct** in addition to any penalties resulting from violating local, state, and/or federal law. Disciplinary sanctions may include: warning, disciplinary probation, suspension, or dismissal 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 **Center 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 misconduct.

### California Alcohol and Drug Laws and Sanctions

California law prohibits furnishing and selling alcoholic beverages to minors (younger than 21) or obviously intoxicated individuals. Any person under 21 years of age who possesses any alcoholic beverage on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor. The penalties for violations of these laws may include substantial fines and jail. Alcohol may not be sold without a license or permit. State law also prohibits driving a motor vehicle under the influence (a blood alcohol level of .08 percent or higher creates a presumption of intoxication, but one can be charged with lower blood alcohol levels); drinking or possessing an open container of alcohol while driving; and operating a bicycle while intoxicated. Drunken driving penalties include jail or prison, fines of \$1,000 or more, driver's license suspension or revocation, and required drug/alcohol treatment programs. Refusing to submit to a test for blood alcohol can result in suspension of driver's license for up to 3 years. Sale or possession for sale of controlled substances such as cocaine, methamphetamines, heroin, ecstasy, GHB, ketamine, LSD, PCP, marijuana, and designer drugs is prohibited by law. Sentences are enhanced for previously convicted felons, for distribution within 1,000 feet of a school or university or within 100 feet of a recreational facility, and for distribution to a pregnant woman or to someone under 18 by one over 18. Property used in drug transactions can be seized. UCPD enforces all state laws related to alcohol and other drug use and possession.

### Alcohol and Other Drug Problem Prevention Programs

The University of California recognizes misuse of alcohol and other drugs as a treatable condition and offers programs and services for university employees and students with substance misuse problems in accordance with the **Federal Drug-Free Schools**



## Alcohol Poisoning is a Medical Emergency

Call for help. You could save someone's life. Call (510) 642-6760 or call 911.

### UHS Emergency Warning Signs & Steps

#### 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 the person
- Put them in a recovery position to prevent them from choking on their own vomit
- Cooperate and don't obstruct police and emergency services

#### The recovery position is as follows:

1. With the person lying on their back, kneel on the floor at their side.
2. Extend the arm nearest you at a right angle to their body with their palm facing up.
3. Take their other arm and fold it so the back of their hand rests on the cheek closest to you, and hold it in place.
4. Use your free hand to bend the person's knee farthest from you to a right angle.
5. Carefully roll the person onto their side by pulling on the bent knee.
6. Their bent arm should be supporting the head, and their extended arm will stop you rolling them too far.
7. Make sure their bent leg is at a right angle.
8. Open their airway by gently tilting their head back and lifting their chin, and check that nothing is blocking their airway.
9. Stay with the person and monitor their condition until help arrives. Cooperate and don't obstruct police and emergency services.

**and Community Act** (DFSCA). The **UC Berkeley DFSCA biennial report** is also available. 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.

### Resources for Students, Faculty, and Staff

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. Find more information on the **UHS Alcohol and Other Drugs website**.

As part of the alcohol prevention and harm reduction program for the university, 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. The course is designed to help students make informed decisions about alcohol and better deal with drinking behavior that may occur around them.

**PartySafe@Cal** is a UHS initiative that aims to reduce alcohol-related risks and harm in the campus area. Our efforts operate simultaneously to reach the individual student, the student body as a whole, and the greater college community.

Services provided at the UHS Tang Center include the following for students:

- Medical, confidential counseling, and educational services for alcohol and other drug concerns. There is no charge for counseling support and all registered students can access services regardless of their insurance plan.
- **PartySafe@Cal**: Consultation and education for party goers and party throwers. Faculty, staff, students, and community can email **partysafe@berkeley.edu** with non-emergency questions, concerns or observations about your or campus events and culture.
- **Tobacco and smoking cessation resources**.

Faculty and staff can use the Employee Assistance Program (EAP).

For further information on the above programs visit:

- **UHS Alcohol and Other Drugs website**
- **UHS Social Services website**

## Definitions of Clery Reportable Crimes and Geography

### Primary Criminal Offenses

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**Murder/ Non-Negligent Manslaughter** – is defined as the willful (non-negligent) killing of one human being by another.

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

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

**Rape** – is 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.

**Fondling** – is 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.

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

**Statutory Rape** – is sexual intercourse with a person who is under the statutory age of consent.

**Robbery** – is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** – is 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** – is 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.

### Violence Against Women Act Offenses

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**Domestic Violence** – is a felony or misdemeanor crime of violence committed by:

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

**Dating Violence** – is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Stalking** – is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental

suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## Hate Crimes

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**Hate Crimes** - includes all of the primary criminal offenses that manifest evidence that the victim was intentionally selected because of the perpetrator's bias (categories listed below) against the victim, plus the following criminal offenses.

**Larceny/Theft** - is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

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

**Destruction/Damage/Vandalism of Property (except Arson)** - is 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.

## Categories of Bias

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**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.

**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 actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Gender** - preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

**Gender Identity** - preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity. Gender non-conforming describes a person who does not conform to the gender-based expectations of society. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

**Ethnicity** - a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that race refers to a grouping based mostly upon biological criteria, while ethnicity also encompasses additional cultural factors.

**National Origin** - a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

**Disability** - a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

## Liquor, Drug, and Weapon Arrests and Referrals

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

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

**Liquor Law Violations** - are defined as the violations of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Arrest** - persons processed by arrest, citation, or summons.

**Referred for Disciplinary Action** -- the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction. 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.

### **Clery Geography**

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**On Campus** - (i) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendors).

**On Campus Student Housing** - any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up campus.

**Noncampus Building or Property** - (i) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** - all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.



# UC Berkeley Clery Crime Statistics

Offense	On Campus			Student Housing (Subset of On Campus)			Noncampus Building or Property			Public Property			Unfounded		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
<b>Criminal Homicide</b>															
Murder and Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sex Offenses</b>															
Rape	18	34	17	4	26	13	6	7	8	1	1	3	0	0	0
Fondling	10	36	17	3	32	6	3	1	3	1	3	4	0	1	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	3	0	0	3	0	0	0	10	0	0	0	0	0	0	0
Robbery	12	14	25	1	0	1	1	1	3	15	14	24 <sup>c</sup>	1	1	0
Aggravated Assault	41	54	63	2	7	2	16	20	8	15	18	37 <sup>c</sup>	5	1	4
Burglary	51	55 <sup>a</sup>	48	14	16 <sup>a</sup>	15	18	19	56	0	0	0	0	4	0
Motor Vehicle Theft	41	81	307 <sup>b</sup>	0	1	1 <sup>b</sup>	25	19	37 <sup>b</sup>	34	38	38 <sup>b</sup>	1	0	0
Arson	9	10	20	0	1	1	1	3	1	2	1	0	0	0	0
<b>VAWA Offenses</b>															
Dating Violence	3	11	9	2	5	5	3	21	1	1	2	0	1	0	0
Domestic Violence	2	15	7	0	13	3	35	14	12	0	0	2	0	0	0
Stalking	17	38	49	7	17	13	5	11	9	0	3	2	0	0	1
<b>Arrests</b>															
Liquor Law Violations	7	6	0	0	0	0	1	0	1	16	12	0	0	0	0
Drug Law Violations	17	23	39	4	0	6	3	5	9	60	31	83	0	0	0
Weapons Law Violations	9	10	7	0	0	1	0	2	4	2	5	6	0	0	0
<b>Disciplinary Referrals</b>															
Liquor Law Violations	0	0	2	0	0	1	0	0	0	0	0	0	0	0	0
Drug Law Violations	15	15	33	15	14	30	0	1	1	0	0	0	0	0	0
Weapons Law Violations	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0

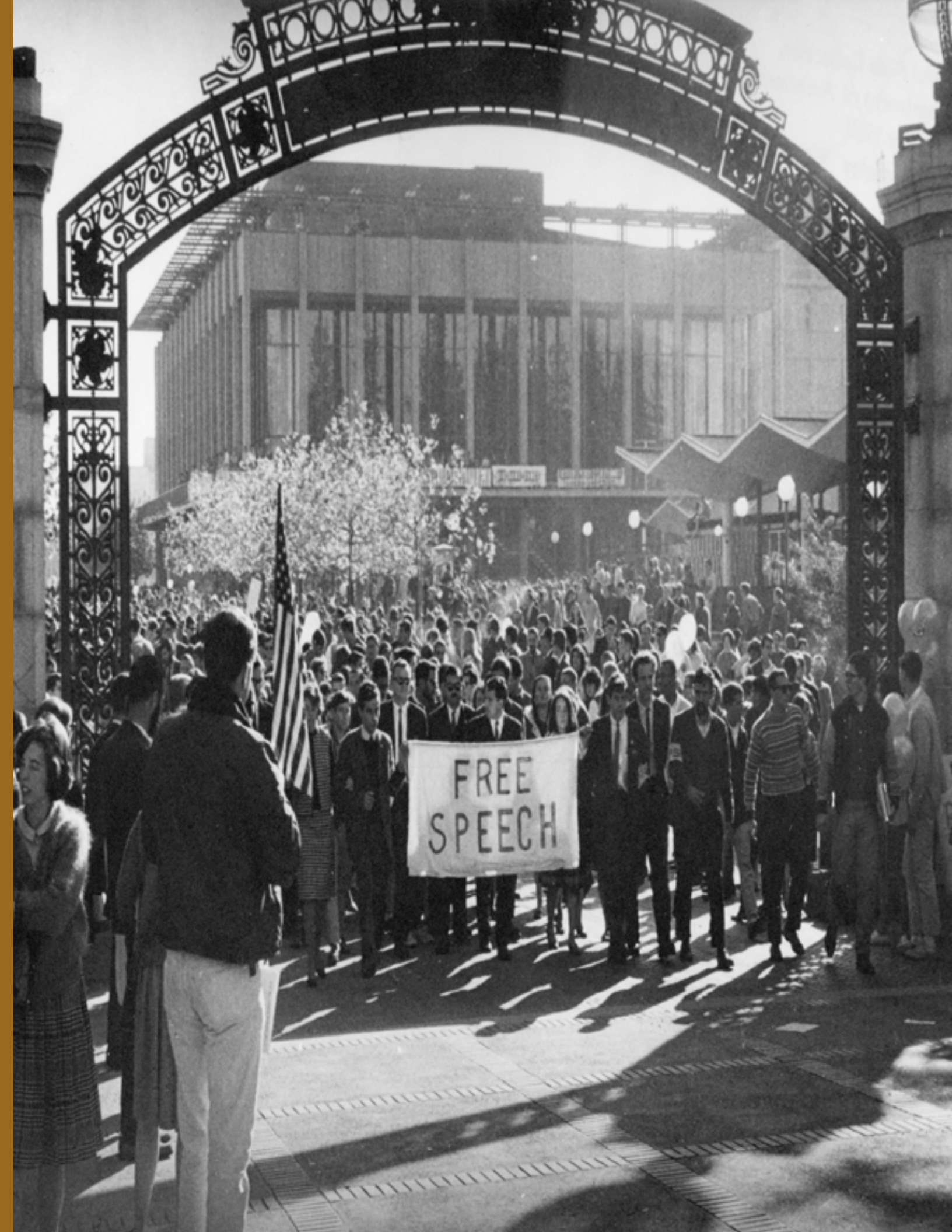
<sup>a</sup> In 2023, 1 case from 2021 was added to the on campus and on campus student housing burglary categories. The 2021 on campus burglary statistic was changed from 54 to 55, and the on campus student housing burglary statistic was changed from 15 to 16. These statistics were corrected on September 29, 2023.

<sup>b</sup> In 2022, 231 of the motor vehicle thefts reported were e-scooters, 41 were e-bikes, 18 were golf carts, and 4 were electric skateboards, all of which are classified as motor vehicles for the purposes of the FBI's Uniform Crime Reporting (UCR) Program.

<sup>c</sup> In 2024, 3 cases were added after new information was received from an external law enforcement agency. The 2022 public property robbery statistic was changed from 22 to 24, and the public property aggravated assault statistic was changed from 36 to 37. These statistics were corrected on January 26, 2024.

# University of California, Berkeley Hate Crime Statistics

2020 Hate Crimes			
Number Reported	Location	Crime	Category of Bias
5	On Campus	Aggravated Assault	Race
2	On Campus	Intimidation	Race
1	On Campus	Intimidation	Gender Identity
1	On Campus	Larceny	Religion
2021 Hate Crimes			
Number Reported	Location	Crime	Category of Bias
1	On Campus	Vandalism	Race
1	Public Property	Aggravated Assault	Religion
1	Public Property	Simple Assault	Sexual Orientation
1	Public Property	Simple Assault	Race
1	Public Property	Intimidation	Race
2022 Hate Crimes			
Number Reported	Location	Crime	Category of Bias
3	On Campus	Aggravated Assault	Ethnicity
1	On Campus	Aggravated Assault	Gender Identity
1	On Campus	Arson	Gender Identity
1	On Campus	Intimidation	Sexual Orientation
1	On Campus	Intimidation	Race
1	On Campus	Vandalism	Gender Identity
2	On Campus	Simple Assault	Race
1	Public Property	Simple Assault	Race



# Annual Fire Safety Report

## Preparation of the Annual Fire Safety Report

The **Higher Education Opportunity Act** enacted on August 14, 2008, requires institutions that maintain on campus student housing facilities to publish an Annual Fire Safety Report that contains information about campus fire safety practices and standards. The following report details all information required by this act for the University of California, Berkeley.

The Annual Fire Safety Report is prepared each year by the UC Berkeley Fire Prevention Division in order to provide the campus community and its leaders with current information on fire safety systems and procedures.

### Definitions

**On Campus Student Housing** – Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonably contiguous geographic area that makes up the campus.

**Fire** – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

### Fire Drills

Fire drills are conducted in all on campus residential facilities once per year. The drills generally occur within one month of the start of the fall semester. The UC Berkeley Fire Prevention Division conducts the drills in coordination with student housing staff. The drills are conducted in two different ways. One approach involves making residents aware that a fire drill will take place. Prior to the drill, the Fire Prevention Division will conduct a Zoom meeting to inform the residents that sometime in the near future they will be participating in a drill, during which they will be expected to practice and execute evacuation procedures. During this Zoom meeting, the fire prevention staff will deliver a 5-7 minute safety talk to the residents and staff. When the fire alarm system is activated, all residents are informed that a drill is taking place and that they are required to exit the building. The student housing staff will do a room check to ensure that all occupants have evacuated. The second fire drill approach involves making only the student housing staff aware of the drill scheduling. The residents are not made aware that the drill will take place. During the drill, the residents will be expected to practice and execute evacuation procedures. The student housing staff will do a room check to ensure that all occupants have

## Fire Drills

Residential Facilities	Frequency
Blackwell Hall	1
Bowles Hall	1
Channing-Bowditch Apartments	1/building
Clark Kerr Campus and Apartments - Buildings 2, 3, 4, 7, 8, 9, 10, 11, 12, 14, 16, and 17	1/building
Cloyne Court	1
Enclave Apartments	1
Fenwick Weavers Village	1
Foothill - Buildings 1, 2, 3, 5, 6, 7, 8, and 9	1/building
Ida Louise Jackson Graduate House	1
International House Berkeley (I-House)	1
Manville Apartments	1
Maximino Martinez Commons	1
New Sequoia Apartments	1
Panoramic Berkeley	1
Rochdale Apartments	1
Stern Hall	1
Unit 1 - Cheney Hall, Christian Mini-suites, Deutsch Hall, Freeborn Hall, Putnam Hall, Slotman Mini-suites, Central Building	1/building
Unit 2 - Cunningham Hall, Davidson Hall, Ehrman Hall, Griffiths Hall, Towle Mini-suites, Wada Apartments, Central Building	1/building
Unit 3 - Ida Sproul Hall, Norton Hall, Priestley Hall, Spens-Black Hall, Central Building, Beverly Cleary Hall	1/building

evacuated. Following the drill, a debriefing session will be held with the students, housing staff and UCB Fire Prevention Division staff.

### UC Berkeley Fire Incident Reporting

Students and employees should report all incidences of fire by calling 911 if calling from a landline or cellular phone, or calling the UCPD dispatch emergency number at (510) 642-3333.

### Fire Safety Policies

The majority of the student residents, approximately 8500, typically live in dormitories and apartments owned and operated by the **Resident Student Services Program Department (RSSP)**. Generally, there are approximately 570 students living in the **International House Berkeley (I-House)**, and 188 students living in **Bowles Hall**. Both are independent, self-supporting, non-profit organizations affiliated with the university.

Most years, about 175 students live in the university owned and **Berkeley Student Cooperative (BSC)** operated non-profit housing cooperatives that provide affordable housing to UC Berkeley students. The fire safety policy for each one of these entities varies slightly. A full version of the respective fire safety policies can be found below.



## For Resident Student Services Program (RSSP)

### Residents:

“**Earthquake Safety**” Guide

“**Fire Safety**” Guide

## For International House (I-House) Residents:

International House Berkeley – Resident Handbook

## For Berkeley Student Cooperative (BSC) Residents (Cloyne Court, Rochdale Apartments, & Fenwick-Weavers Village):

BSC Owner’s Manual

## For Bowles Hall Residential College (BHRC)

### Residents:

Bowles Hall Residential College Community Standards can be provided upon request.

Excerpts from each organization are listed below:

## Fire Safety Policies

### 1. Fire Hazards/Appliances

#### RSSP - Fire Safety

- Open coil, grease burning, or high heat appliances are not permitted in the residential facilities. This includes hot plates, space heaters, popcorn poppers, and rice makers. Coffee pots which are Underwriters Laboratories (UL) approved are permitted.
- Too many electrical appliances plugged into one circuit will overload that circuit and blow a fuse, causing power failure. Should this occur, contact a residential staff or facilities staff member.
- Don’t overload outlets.
- Don’t plug extension cords into each other.
- Candles are not permitted because of the increased fire danger resulting from open flames.
- Incense burning is not permitted.
- Halogen lamps are not permitted. These produce extremely high temperatures.
- Paper lamp shades are not permitted.
- Non-metal or perforated waste baskets should not be used in your room, as they are also fire hazards.
- Use only the fire retardant waste baskets that have been provided.
- Barbeques are not allowed to be used in rooms or on balconies.

#### I-House Resident Handbook

- All electrical appliances must be used responsibly and be in good working order, free of wiring defect, and approved for use by Underwriters’ Laboratory (UL). All cords and plugs must be grounded and free of frays.
- One microwave and one microfridge are allowed in any single or double room. The maximum storage capacity permitted for refrigerators is 4.5 cubic feet with a maximum height of 35inches. The maximum allowable wattage for microwave ovens is 800 watts. Only one coffee maker may be in use at a time in any residence hall room. Due to a sensitive heat/fire detection system, hot air popcorn poppers may not be used in residence hall rooms. Food-related appliances such as toasters, toaster ovens, crock pots, hot plates, waffle irons, rice cookers, broilers, etc. are strictly prohibited.
- Use of portable electric heaters in your room is prohibited. If there is a problem with the heat in your room, please submit a maintenance request online using the StarRez Portal.
- Use of halogen lamps in your room is prohibited. The Consumer Product Safety Commission (CPSC) has issued a warning to consumers that the light bulbs in most halogen lamps can reach very high temperatures and easily start a fire if they come in contact with curtains, clothes, or other flammable materials. Due to the increased fire and safety risk, halogen lamps are prohibited.
- No modifications to or changes in electrical wiring is permitted. No “splicing,” “octopuses,” or modification devices of any kind may be used to “add plugs” in your room or suite. UL approved, grounded power strips with fuses may be used only for computer and computer related hardware.

#### BSC Member’s Manual

- The BSC discourages the use of any appliance other than a personal iron, UL approved coffee makers, a small microwave, and/or mini refrigerator in bedrooms. The use of any appliance that has an open coil or creates heat or flame is strongly discouraged outside designated kitchen areas.
- Members should also avoid halogen lamps and decorative light strings due to their high fire danger. Do not overload electrical outlets and make sure that furniture and other items are not placed on top of or are causing damage to extension cords.

#### Bowles Hall Community Standards

In order to maintain an environment that is healthy, safe, and secure for all members of the Bowles Hall community, certain items are prohibited in or on the grounds of Bowles Hall including:

- Electrical appliances, such as hot plates, rice cookers or coffee makers, halogen lights, and bulk substances that constitute a fire hazard

- Incense, candles, and other open flames
- Microwave ovens

## 2. Smoking

Note: As of 2014, the University of California has transitioned to a tobacco and smoke-free campus.

### RSSP - Residential Code of Conduct

- In accordance with the UC Berkeley tobacco - free policy, smoking of any kind is not permitted within university housing or within properties owned or leased (e.g., courtyards, parking lots, etc.) by UC Berkeley. This prohibition is inclusive of the use of all tobacco products, including cigarettes, cigars, smokeless tobacco, electronic cigarettes, and vaporizers.

Violating any other policy while smoking or using other tobacco products is prohibited.

### I-House Resident Handbook

- UC Berkeley and I-House are committed to providing a healthy, tobacco-free environment for students, faculty, and staff. International House and all adjacent university property are tobacco-free. The tobacco-free policy prohibits the use of all tobacco products including cigarettes, cigars, marijuana, water pipes, hookahs, “e-cigarettes,” and smokeless tobacco products on I-House property and grounds. To be specific, if you choose to smoke or use other tobacco products, you will have to leave I-House and the surrounding university property to do so. Tobacco use is prohibited in all areas of I-House and the adjacent university property, including the dining room patios, all floor lounges, the front steps, staff parking lot, and resident rooms. Smoking is prohibited in all common areas of I-House, including the dining room patios, all floor lounges, the front steps, and resident rooms. In accordance with local law, additional smoke-free areas are within 25 feet of any building, courtyard, exterior walkway, or balcony. This distance must be increased if the smoke is traveling towards a building or any window. As a courtesy to community residents, incense burning is not allowed.

### BSC Member’s Manual

- Smoking, candles, incense, and open flames are strictly prohibited at Cloyne Court.

### Bowles Hall Community Standards

- UC Berkeley and BHRC are smoke-free areas, and in accordance with the university and BHRC tobacco-free policies, smoking of any kind is not permitted within or on the grounds

of the UC Berkeley campus or Bowles Hall. This prohibition is inclusive of the use of all tobacco products, including cigarettes, cigars, smokeless tobacco, and electronic cigarettes.

## 3. Open Flames

### RSSP - Residential Conduct Code

- Use or possession of explosives, flammable substances, or any object that creates an open flame is prohibited. Examples include firecrackers, gasoline, lighter fluid, candles, incense, hookahs, and flame starters.
- Use or possession of appliances that produce heat or flame are prohibited outside of designated kitchen spaces. UL approved coffee makers, tea kettles, and personal irons are permitted in residential rooms.
- Use or possession of cookouts and barbecues (BBQ) is not permitted in residential facilities without approval from a residential staff member.

### I-House Resident Handbook

Open flames are not permitted in residential areas.

- Possession of explosives or flammable substances is not permitted. This includes firecrackers, flammable liquids such as lamp oil, gasoline, lighter fluid, or other chemicals that are toxic or explosive in nature.
- Candles or use of candles are not permitted.
- Use of any object that creates an open flame is not permitted. This includes candles, incense, matches, lighters and charcoal, hookahs, and flame starters.

### BSC Member’s Manual

- Cloyne Court Housing Contract, Section 21.A: Dangerous Materials. The possession of firearms, volatile solutions, explosives, fireworks, or other dangerous materials is strictly prohibited in or on the premises.

### Bowles Hall Community Standards

- In order to maintain an environment that is healthy, safe, and secure for all members of the Bowles Hall community, certain items are prohibited in or on the grounds of Bowles Hall including: Incense, candles, and other open flames.

## 4. Fire Evacuation Procedures

### RSSP – Fire and Earthquake Safety:

What to do if there is a fire:

- If you discover a fire, pull the alarm and call 911 (or dial 510-642-3333 from a cell phone) to confirm the fire department alert.
- Be sure to pull both the tamper cover alarm and the fire alarm lever.
- Some fire alarm stations are protected with tamper covers. Pulling the tamper cover to gain access to the fire alarm will activate the tamper alarm. This is a local alarm only and will not report the alarm condition to anyone. You must proceed to pull the lever on the fire alarm. By doing so, the building alarm will sound, enabling the entire facility to be evacuated and will alert UCPD and the Berkeley Fire Department of the activated alarm.
- Use an extinguisher with caution and always stay between the fire and the exit.
- If the fire becomes too large, close your door and leave the building at once. Be sure to wear shoes to avoid cutting your feet during the evacuation
- Take your keys with you.
- Be familiar with evacuation exits. Evacuate the building immediately. Walk, do not run.
- Do not use the elevator. Use the stairs.
- When smoke or heat is encountered, keep low or crawl to avoid inhaling toxic fumes.
- When the fire alarm sounds, feel your room door to see if it is hot before opening it.
- If the door feels hot or smoke prevents exit, keep your door closed and open a window until rescued.
- Do not reenter the building until authorized by the fire department. Tampering with fire safety equipment or refusing to evacuate during an alarm are serious violations of state law and will result in disciplinary action and possible criminal prosecution.

### I-House Resident Handbook

- When a fire alarm sounds, leave the building immediately using the stairs. Do not use the elevators. Learn at least two ways of exiting in the event that one is not available. Tampering with fire safety equipment, which includes alarms, pull stations, extinguishers, smoke detectors, and fire suppression sprinkler systems or refusing to evacuate during an alarm are serious violations of state law and will result in disciplinary action and possible criminal prosecution.

### BSC Member's Manual

- When you discover a fire, pull the alarm and call 911 from a landline telephone or (510) 981-5911 from a cell phone.

- Use an extinguisher with caution and always stay between the fire and the exit.
- Grease fires should be extinguished with baking soda, a pot lid, or chemical extinguisher—never water as this can cause serious injury.
- If the fire becomes too large, close your door and leave the building at once. Be sure to wear shoes to avoid cutting your feet during the evacuation. Take your keys with you.
- Evacuate the building immediately. Walk, do not run.
- Do not use the elevator. Use the stairs.
- When smoke or heat is encountered, keep low or crawl to avoid inhaling toxic fumes. Breathe through a cloth, if possible and take shallow breaths.
- When the fire alarm sounds, feel your room door to see if it is hot before opening it.
- Do not open the door if the knob is hot—try to exit through a window or fire escape.
- Do not re-enter the building until the alarm has been reset and you have received authorization from the fire department.
- Tampering with fire safety equipment or refusing to evacuate during an alarm are serious violations of state law and will result in disciplinary action and possible criminal prosecution.



## On Campus Student Housing Fire Safety Systems – Residence Halls/Apartments

Residential Facilities	Fire Sprinkler		Fire Alarm System			Fire Separations	
	Full	Partial	Smoke	Manual Pull	Notification Appliance	Corridor	Room/Apt
Blackwell Hall	X		X	X	X	X	X
Bowles Hall	X		X	X	X	X	X
Channing-Bowditch Apartments	X		X	X	X	X	X
Clark Kerr Campus and Apartments - Building 2	X		X	X	X	X	X
Clark Kerr Campus and Apartments - Building 3	X		X	X	X	X	X
Clark Kerr Campus and Apartments - Building 4	X		X	X	X	X	X
Clark Kerr Campus and Apartments - Building 7	X		X	X	X	X	X
Clark Kerr Campus and Apartments - Building 8	X		X	X	X	X	X
Clark Kerr Campus and Apartments - Building 9	X		X	X	X	X	X
Clark Kerr Campus and Apartments - Building 10	X		X	X	X	X	N/A
Clark Kerr Campus and Apartments - Building 11	X		X	X	X	X	X
Clark Kerr Campus and Apartments - Building 12	X		X	X	X	X	X
Clark Kerr Campus and Apartments - Building 14	X		X	X	X	X	N/A
Clark Kerr Campus and Apartments - Building 16	X		X	X	X	N/A	X
Clark Kerr Campus and Apartments - Building 17	X		X	X	X	X	X
Cloyne Court	X		X	X	X	X	X
Enclave Apartments	X		X	X	X	X	X
Fenwick Weavers Village	X		X	X	X	X	X
Foothill - Building 1	X		X	X	X	N/A	X
Foothill - Building 2	X		X	X	X	N/A	X
Foothill - Building 3	X		X	X	X	N/A	X
Foothill - Building 6	X		X	X	X	N/A	X
Foothill - Building 7	X		X	X	X	N/A	X
Foothill - Building 8	X		X	X	X	N/A	X
Foothill - Building 9	X		X	X	X	N/A	X
International House (I-House)	X		X	X	X	X	X
Ida Louise Jackson House	X		X	X	X	X	X
Manville Apartments	X		X	X	X	X	X
Maximino Martinez Commons	X		X	X	X	X	X
New Sequoia Apartments	X		X	X	X	X	X
Panoramic Berkeley	X		X	X	X	X	X
Rochdale Apartments	X		X	X	X	X	X
Stern Hall	X		X	X	X	X	X
Unit 1 - Cheney Hall	X		X	X	X	X	X
Unit 1 - Christian Mini-suites	X		X	X	X	X	X
Unit 1 - Deutsch Hall	X		X	X	X	X	X
Unit 1 - Freeborn Hall	X		X	X	X	X	X
Unit 1 - Putnam Hall	X		X	X	X	X	X
Unit 1 - Slottman Mini-suites	X		X	X	X	X	X
Unit 1 - Central Building	X		X	X	X	X	X

## On Campus Student Housing Fire Safety Systems--Residence Halls/Apartments

Residential Facilities	Fire Sprinkler		Fire Alarm System			Fire Separations	
	Full	Partial	Smoke	Manual Pull	Notification Appliance	Corridor	Room/Apt
Unit 2 - Cunningham Hall	X		X	X	X	X	X
Unit 2 - Davidson Hall	X		X	X	X	X	X
Unit 2 - Ehrman Hall	X		X	X	X	X	X
Unit 2 - Griffiths Hall	X		X	X	X	X	X
Unit 2 - Towle Mini-suites	X		X	X	X	X	X
Unit 2 - Wada Apartments	X		X	X	X	X	X
Unit 2 - Central Building	X		X	X	X	X	X
Unit 3 - Norton Hall	X		X	X	X	X	X
Unit 3 - Priestley Hall	X		X	X	X	X	X
Unit 3 - Spens-Black Hall	X		X	X	X	X	X
Unit 3 - Ida Sproul Hall	X		X	X	X	X	X
Unit 3 - Central Building	X		X	X	X	X	X
Unit 3 - Beverly Cleary Hall	X		X	X	X	X	X

### Fire Safety Education and Training Programs for Students, Faculty, and Staff

#### RSSP

All resident assistants (RAs) are required to participate in fire safety training seminars each year prior to the start of the fall quarter. The UC Berkeley [fire prevention staff](#) delivers the training.

Residents in student housing receive the following safety education: participation in fire drills; fire safety information in the [Bear Necessities - Guide to Living on Campus at UC Berkeley](#); and attending hall safety meetings held by the RAs.

#### I-House

Once per year, a fire drill is held to familiarize residents with the alarm sound and with exit locations. You must leave the building and remain outside until permission is given to re-enter the building. Only the fire department or police department personnel in charge at the scene can grant permission to re-enter the building after an alarm is sounded. Fire safety information is presented at the International House town hall meetings and can be found in the [International House Resident Handbook](#).

#### BSC

Each house-level manager is required to attend a fire safety training session prior to the beginning of each semester. The [City of Berkeley Fire Department, UC fire prevention](#), or a certified fire safety training instructor delivers this training.

Residents receive the following safety education: participation in fire drills, fire safety information in the [BSC Owner's Manual](#), and voluntary emergency preparedness workshops during the course of the semester.

#### Bowles Hall

Fire safety training for residents includes an introduction to emergency evacuation procedures and the location of the assembly area outside the building as part of a mandatory orientation for all new residents. There is an unannounced fire drill at the beginning of the Fall semester. The campus fire marshal's staff meets with the residents after the fire drill to explain its significance. Food service staff are informed of the assembly location in case of an evacuation, and have a shutdown procedure for any active cooking equipment. In the case of an actual evacuation, UCPD or the Berkeley Fire Department will control re-entry into the building. Resident faculty and undergraduate fellows (UGFs) are trained on emergency procedures, such as how to shut down gas, electricity, and water in case emergency response personnel are not available. Faculty and UGFs ensure the building is properly evacuated during an alarm. Faculty continually check the building for fire code violations, especially for special events, and make timely corrections as necessary. There is an annual check (by Cintas) of the integrity of the fire detection, suppression, and alarm systems.

#### Plans for Future Improvements in Fire Safety

The UC Berkeley Fire Prevention Division currently does not have any fire system upgrades planned.





## 2020 Fire Statistics for On Campus Student Housing

Facility Name	Fires	Date Occurred	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Values of Property Damage
2020							
Blackwell Hall 2401 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Bowles Hall 1928 Stadium Rim Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Channing-Bowditch Apartments 2535 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 2 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 3 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 4 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 7 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 8 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 9 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 10 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 11 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 12 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 14 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 16 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 17 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Cloyne Court 2600 Ridge Rd.	0	n/a	n/a	n/a	n/a	n/a	n/a
Enclave Apartments 2503 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Fenwick Weavers Village 2415 Dwight Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 1 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 2 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 3 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 6 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 7 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 8 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 9 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Garden Village 2201 Dwight Way	0	n/a	n/a	n/a	n/a	n/a	n/a
International House (I-House) 2299 Piedmont Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a



## 2020 Fire Statistics for On Campus Student Housing

Facility Name	Fires	Date Occurred	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Values of Property Damage
2020							
Ida Louise Jackson House 2333 College Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Manville Apartments 2100 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Maximino Martinez Commons 2520 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a
New Sequoia Apartments 2441 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Rochdale Apartments 2424 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Panoramic Berkeley 2539 Telegraph Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Stern Hall Hearst Ave. & Highland Place	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Cheney Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 - Christian Mini-suites 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Deutsch Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Freeborn Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Putnam Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Slottman Mini-suites 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Central Building 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Cunningham Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Davidson Hall 2650 Haste St.	1	3/14/2020	3:13 PM	Unintentional - microwave cooking fire <sup>a</sup>	0	0	\$100 - 999
Unit 2 – Ehrman Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Griffiths Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Towle Mini-suites 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Wada Apartments 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Central Building 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Norton Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Priestley Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Spens-Black Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Ida Sproul Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 - Central Building 2400 Durant Way	2	3/7/2020	5:35 PM	Unintentional - clothes dryer machinery/industrial fire <sup>a</sup>	0	0	\$1000 - 9999
		10/26/2020	4:42 PM	Unintentional - stove cooking fire <sup>a</sup>			\$1000 - 9999
Unit 3 - Beverly Cleary Hall 2424 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a

<sup>a</sup> In 2024, this was revised to better reflect the language used by US Dept of Ed. The changes were made on January 26, 2024.

## 2021 Fire Statistics for On Campus Student Housing

Facility Name	Fires	Date Occurred	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Values of Property Damage
2021							
Blackwell Hall 2401 Durant Ave.	1	6/17/2022	8:16 PM	Intentional - suspect set fire to a standpipe cover on the building exterior <sup>a</sup>	0	0	\$0 - 99
Bowles Hall 1928 Stadium Rim Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Channing-Bowditch Apartments 2535 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 2 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 3 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 4 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 7 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 8 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 9 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 10 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 11 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 12 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 14 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 16 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 17 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Cloyne Court 2600 Ridge Rd.	0	n/a	n/a	n/a	n/a	n/a	n/a
Enclave Apartments 2503 Haeste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Fenwick Weavers Village 2415 Dwight Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 1 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 2 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 3 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 6 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 7 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 8 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 9 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Garden Village 2201 Dwight Way	0	n/a	n/a	n/a	n/a	n/a	n/a
International House (I-House) 2299 Piedmont Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a

<sup>a</sup> In 2024, this was revised to better reflect the language used by US Dept of Ed. The changes were made on January 26, 2024.

## 2021 Fire Statistics for On Campus Student Housing

Facility Name	Fires	Date Occurred	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Values of Property Damage
2021							
Ida Louise Jackson House 2333 College Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Manville Apartments 2100 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Maximino Martinez Commons 2520 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a
New Sequoia Apartments 2441 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Rochdale Apartments 2424 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Panoramic Berkeley 2539 Telegraph Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Stern Hall Hearst Ave. & Highland Place	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Cheney Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 - Christian Mini-suites 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Deutsch Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Freeborn Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Putnam Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Slotman Mini-suites 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Central Building 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Cunningham Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Davidson Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Ehrman Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Griffiths Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Towle Mini-suites 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Wada Apartments 2650 Haste St.	1	2/19/2021	2:00 AM	Unintentional - oven cooking fire <sup>a</sup>	0	0	\$1000 - 9999
Unit 2 – Central Building 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Norton Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Priestley Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Spens-Black Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Ida Sproul Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 - Central Building 2400 Durant Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 - Beverly Cleary Hall 2424 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a

<sup>a</sup> In 2024, this was revised to better reflect the language used by US Dept of Ed. The changes were made on January 26, 2024.

## 2022 Fire Statistics for On Campus Student Housing

Facility Name	Fires	Date Occurred	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Values of Property Damage
2022							
Blackwell Hall 2401 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Bowles Hall 1928 Stadium Rim Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Channing-Bowditch Apartments 2535 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 2 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 3 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 4 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 7 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 8 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 9 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 10 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 11 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 12 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 14 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 16 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Clark Kerr Campus and Apartments - Building 17 2601 Warring St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Cloyne Court 2600 Ridge Rd.	0	n/a	n/a	n/a	n/a	n/a	n/a
Enclave Apartments 2503 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Fenwick Weavers Village 2415 Dwight Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 1 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 2 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 3 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 6 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 7 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 8 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Foothill - Building 9 2700 Hearst Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a

## 2022 Fire Statistics for On Campus Student Housing

Facility Name	Fires	Date Occurred	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Values of Property Damage
2022							
International House (I-House) 2299 Piedmont Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Ida Louise Jackson House 2333 College Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Manville Apartments 2100 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Maximino Martinez Commons 2520 Channing Way	1	4/30/2022	0300	Undetermined	0	0	\$0-99
New Sequoia Apartments 2441 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Rochdale Apartments 2424 Haste St.	1	3/2/2022	0037	Unintentional - smoking materials <sup>a</sup>	0	0	\$100-999
Panoramic Berkeley 2539 Telegraph Ave.	1	11/14/2022	0823	Intentional - suspect set fire to flyers in the lobby <sup>a</sup>	0	0	\$0-99
Stern Hall Hearst Ave. & Highland Place	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Cheney Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 - Christian Mini-suites 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Deutsch Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Freeborn Hall 2650 Durant Ave.	1	8/23/2022	1712	Unintentional - open flames <sup>a</sup>	0	0	\$1000-9999
Unit 1 – Putnam Hall 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Slottman Mini-suites 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 1 – Central Building 2650 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Cunningham Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Davidson Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Ehrman Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Griffiths Hall 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Towle Mini-suites 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Wada Apartments 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 2 – Central Building 2650 Haste St.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Norton Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Priestley Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Spens-Black Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 – Ida Sproul Hall 2400 Durant Ave.	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 - Central Building 2400 Durant Way	0	n/a	n/a	n/a	n/a	n/a	n/a
Unit 3 - Beverly Cleary Hall 2424 Channing Way	0	n/a	n/a	n/a	n/a	n/a	n/a

<sup>a</sup> In 2024, this was revised to better reflect the language used by US Dept of Ed. The changes were made on January 26, 2024.

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