



Annual Security and Fire & Safety Report 2015

Prepared for: San Diego

October 1, 2016

Table of Contents

Introduction.....	3
Campus Overview	4
Reporting a Crime or Other Emergency	5
Phone Numbers and Resources.....	6
Access to Campus Facilities	6
Woodbury University Security	7
Timely Warnings.....	8
Emergency Notification Systems.....	8
Evacuation Procedures	8
Sexual Misconduct Programs and Policy	9
Megan's Law and Sex Offender Registrant Information	32
Security Awareness Programs	32
Alcohol and Other Drugs Policy.....	33
Missing Student Protocol.....	35
Crime Statistics	35
Fire Safety	40

Introduction

Woodbury University's Annual Security and Fire Safety Report contains information that is important for all members of the campus community, and is published in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This report is a joint effort compiled by the Woodbury University Clery Collaboration Team, with representation from Campus Security, the Student Affairs, Human Resources, and San Diego campus administration. The report contains policies, procedures and crime statistics for the most recent three-year period.

This report is distributed to all currently enrolled students (full and part time) and all employees. It is also available on the university website at www.woodbury.edu/security. Hard copies may be requested by contacting the Woodbury University Security Department:

Woodbury University San Diego Campus
2212 Main Street
San Diego, CA 92113
Tel: (619) 235-2900
Fax: (619) 235-2901

The purpose of this document is threefold:

- To educate members of the Woodbury community about crime-reduction and victim assistance services and protocols;
- To optimize transparency regarding crimes that have occurred on campus;
- To inspire and invite all constituents to engage in our collective mission of minimizing crime and promoting safety.

You are encouraged to review this report in its entirety and consider how it may assist you in preventing and responding to crime on campus.

Campus Overview

The Woodbury University San Diego Campus began operation in the Fall of 1998. In response to the increasing number of transfer students from San Diego Community College programs of architecture, Woodbury University brought the last three years of a full professional degree program in architecture from its main campus in Burbank/Los Angeles to San Diego. Under the leadership of President Dr. Kenneth Nielsen, we entered into a Memorandum of Understanding agreement with San Diego Mesa Community College to embark on a public private relationship allowing students the opportunity to complete a five year, accredited, first professional degree program in architecture from Woodbury University.

For the first three years the San Diego campus was located in the Naval Training Center in Point Loma, a seaside community in the southwestern most area of San Diego County. The campus relocated in 2001 to a four story building on the corner of 8th and C in downtown San Diego. The program expanded to offer the full five year Bachelor of Architecture program in 2004 and added a one year post professional program in Real Estate Development in 2005. For the past 7 years the campus has been located in a single story, renovated industrial building in the historic neighborhood of Barrio Logan. We added a professional Master of Architecture Program in 2013.

The San Diego Campus consists of nearly 100 students. We are a non-residential campus. The address for the San Diego Campus is 2212 Main Street, San Diego CA 92113.

Woodbury University is unique among private institutions in its diversity. Woodbury University has an extensive history of helping students of diverse gender, race, ethnicity, and economic class to achieve their dreams. Today, our student body consists of approximately 43% White, non-Hispanic students, 30% Hispanic students, 7% Asian students, 15% international students, and 5% African-American students. The White, non-Hispanic students comprise diverse populations as well, including a large and growing number of students of Armenian heritage. The majority of Woodbury's students are the first in their families to go to college and a far higher percentage than at other colleges come from families with limited economic means.

Reporting a Crime or Other Emergency

Woodbury University encourages the reporting of crime as soon as possible to campus security and/or the San Diego Police Department Central Division. Accurate and prompt reporting can reduce crime on campus and aid in the dissemination of timely warnings to the campus community. Campus security personnel can be reached 24 hours a day, seven days a week by calling 619-633-9895 or 619-235-2900 ext. 5 on the San Diego campus. Contact information for additional resources are outlined in the “Phone Numbers and Resources” section of this document.

See Something? Say Something!

You may be the first person to notice that someone on campus needs help. With that in mind, Woodbury University has several means by which any member of the campus community may report behavior that may impact the safety of any individual or of our campus community as a whole.

- If you observe an imminent threat to anyone’s personal safety, call 911 immediately, then notify campus security at 619-633-9895 or 619-235-2900 ext. 5 on the San Diego campus.
- For less immediate concerns (i.e., decline in academic performance, excessive absences from class, marked change in personal dress or hygiene), any faculty, staff or student may submit an Early Alert to the Chair’s Office at the San Diego Campus or by emailing early.alert@woodbury.edu.
- Students who wish to submit a concern anonymously may do so via the Anonymous Online Concern Form at <http://my.woodbury.edu/Students/Pages/home.aspx>.
- Students who wish for the details of any incident to be kept confidential may speak with on-campus mental health counselors in Counseling Services. Counselors are available to all students free of charge, and may be reached at 619-235-2900 ext. 424 or via email at counseling.services@woodbury.edu.
- Faculty and staff seeking confidential support may contact Woodbury’s Employee Assistance Program at (855) 283-1915 or by visiting www.mylifevalues.com.

Phone Numbers and Resources

San Diego Campus Security (24 hours/day; 7 days/week)	(619) 235-9895
On Site Security Liaison -San Diego Campus	(619) 235-2418
Global Protective Services (security management company)	(661) 295-1241
Facilities Burbank Campus	(818) 252-5171
Facilities San Diego Campus	(619) 235-2418
Student Affairs (main number)	(818) 252-5232
Health Services Burbank Campus	(818) 252-5238
Counseling Services San Diego Campus	(619)235-2424
Counseling Services Burbank Campus	(818) 252-5237
Associate Dean of Students	(818) 252-5252
Human Resources	(818) 252-5110
San Diego Campus General Information	(619) 235-2900
San Diego Police Department: Central Division	(619) 531-2000

Access to Campus Facilities

Woodbury University, while a private university, is in many respects a public resource. Our facilities are used not only by Woodbury community members, but also by people drawn to campus for a variety of reasons. There is a mutual benefit from such use; however, there are also those who come to Woodbury University for unacceptable reasons. Those with legitimate business are welcome on campus, though specific buildings are not open to the general public. Entrance may be denied and trespass laws invoked for persons found in or around campus buildings without reasonable cause.

San Diego Campus

The San Diego campus has two primary entrances—one off of the parking lot and one directly off Main Street. The double doors at the Main Street entrance are open during business hours (weekdays from 8:00am to 6:00pm) and otherwise accessible by key card. The entrance closest to the parking lot is accessible by key card entry 24 hours a day, seven days a week and is staffed by a security officer at all times.

Woodbury University Security

Personnel

Woodbury University contracts with private security companies to provide security services on both campuses 24 hours day, seven days a week. All campus security officers are registered with the Bureau of Security and Investigative Services as licensed security guards. Security personnel receive training in patrol procedures, report writing, first aid, CPR, and the use of Automatic External Defibrillators (AED). Security officers are uniformed, unarmed, and have the same powers to arrest as any private citizen. Security's primary responsibilities are to monitor activities throughout the institution, respond to requests for service, enforce policies, and provide escorts to and from vehicles, classrooms or residence halls.

Security is overseen by a full-time Administrators employed by Woodbury University whose office is located on site.

Authority and Jurisdiction

When and if the need arises, security personnel are authorized to make a citizen's arrest of any and all persons creating disturbances against the general peace, interfering with the security of campus facilities or grounds, or interfering with or disturbing the safety and general welfare of the university community. When such a citizen's arrest is necessary, security will, as promptly as possible, notify the San Diego Police Department Central Division to render assistance as needed and necessary.

While campus security personnel are responsible for handling all calls and responding to emergencies and crimes in progress, jurisdiction for investigating crimes on campus ultimately lies with the San Diego Police Department. All crime victims and witnesses should immediately report crimes to campus security and/or the local police. Prompt reporting will aid in the apprehension of offenders and ensure timely warnings to the campus community.

Woodbury University does not maintain any off-campus student organization facilities.

Memorandums of Understanding with Local Jurisdictions

Woodbury University Security Department works in full cooperation with the San Diego Police Department. The university is entirely within the border of City of San Diego. SDPD Central Division is the primary agency of jurisdiction. The university enjoys informal positive communication with the Police Department as well as the Fire Department. This quality level of communication is critical when handling crimes of violence and ensures serious crimes are promptly and effectively reported, investigated and prosecuted.

Timely Warnings

Woodbury University's Security Department or their designee will issue a timely warning for any Clery Act crime that has been reported to campus security or local police agencies and is considered to represent a serious or continuing threat to students and employees. It does so through its *Send Word Now* program, which is a rapid, multi-faceted email, voicemail, and text messaging system for notifications. Clery Act crimes include: murder, manslaughter, sex offenses, aggravated assault, burglary, robbery, arson, motor vehicle theft, hate crimes, domestic violence, dating violence, and stalking. Warnings may be issued for other types of crimes as well, though they are not required by law. Crimes reported to Counseling Services staff are exempted from timely warning requirements.

Emergency Notification Systems

Should an emergency or dangerous situation pose an immediate threat to the campus community, members will be notified via *Send Word Now* program without unreasonable delay unless university administration determines that immediate notification would place the Woodbury University community at greater risk or would compromise efforts to contain, respond to, or mitigate the emergency. Criteria for notifying the entire Woodbury University community would be determined by the format of: nature of the problem, its location, and action required. This process would be confirmed by the Security Department via input from Security and/or Maintenance.

Senior administrators—including but not limited to the Senior Vice President, Academic Affairs, Vice President, Administrative Services, Vice President, Information Technology and Dean of Students or a designee— have the authority to activate the *Send Word Now* system. Notifications are composed in consultation with security personnel with the goal of ensuring that individuals are aware of the situation and know what steps to take to safeguard their personal and community safety. All students, faculty and staff are prompted to update their contact information when they log on to the university network at the beginning of each semester. Woodbury tests the emergency notification system at the beginning of each academic year.

The university phone system also has the capability of sending audible emergency notifications that can be heard within facilities that house networked Cisco phones. Faculty and staff who are part of the university's emergency response team are trained in sending these emergency alerts.

Should the emergency possibly affect the outside boundaries of the University community, Security will call 911.

Evacuation Procedures

Emergency response procedures are published and disseminated to all campus community members at the beginning of each academic year. Additionally, evacuation maps are posted in each campus building and an evacuation drill is held during the fall semester.

The San Diego campus has two evacuation zones. One is located directly across Main Street and the other is located two blocks Northeast on Sampson. It is a parking lot across from the Bank of America on the corner of Sampson and National.

Faculty and staff serve as building captains to assist in the safe evacuation of campus facilities, while zone captains monitor their assigned zones in the building and its perimeter.

Sexual Misconduct Programs and Policy

Prevention Programs

All students are required to complete the online training *Think About It*, an online substance abuse and sexual assault prevention program that prepares students to confront and prevent dating violence, domestic violence, sexual assault and stalking. These topics are also discussed during new student orientation and during programs offered by Counseling Services, Residence Life and Greek Life throughout the academic year.

All faculty and staff are also required to complete an online training focused on recognizing and reporting sexual misconduct in accordance with U.S. Department of Education requirements.

Institutional Values

Woodbury University is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of our community including students, faculty, staff, and guests. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This policy prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, stalking, intimate partner violence, and sexual exploitation. Misconduct of this nature is contrary to Woodbury's institutional values and prohibited by state and federal law.

Woodbury University encourages the prompt reporting of any incident of sexual misconduct to the University. Upon receipt of a report, the University will take prompt and effective action to end the misconduct, remedy the effects, and prevent its recurrence. This policy has been developed to reaffirm these principles, define community expectations, provide recourse for those individuals whose rights have been violated, and provide fair and equitable procedures for determining when this policy has been violated.

Scope of Policy

This policy applies to all Woodbury University community members including students, faculty, staff, volunteers, vendors, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity with the University or on University property. This policy applies to conduct occurring on Woodbury University property or at University-sanctioned events or programs that take place off campus, including study away or internship/work experience programs, and may also apply to other off-campus locations when

WOODBURY UNIVERSITY

the University determines that the off-campus conduct has a direct impact on the educational mission and interest of the University.

This policy addresses all forms of sexual misconduct, including sexual harassment, sexual assault, stalking, intimate partner violence, and sexual exploitation against Woodbury community members of any gender, gender identity, gender expression, or sexual orientation. Woodbury University does not discriminate on the basis of sex in its educational, co-curricular, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that states the following:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

When used in this policy, “Complainant” refers to the individual who identifies him/herself as being a victim or survivor of sexual harassment, sexual assault, stalking, intimate partner violence, or sexual exploitation. “Respondent” refers to the individual who has been accused of prohibited conduct under this policy. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

If you have been Assaulted

Individuals who have been a victim of sexual assault, attempted sexual assault, or other form of sexual violence are encouraged to visit

<http://www.peaceoverviolence.org/emergency/sexual-assault-rape/what-to-do/> for comprehensive information regarding what to do, where to get support, and legal options including filing a report with law enforcement. Members of the University’s Title IX team, listed below, are also available for information and support.

Reporting, Confidentiality, and Privacy

Woodbury University has designated a Title IX Coordinator and Associate Coordinator to oversee the University’s review, investigation, and resolution of reports of sexual misconduct. The Title IX Coordinator and Associate Coordinator are:

- Responsible for the oversight of the investigation and resolution of all reports of sexual harassment, sexual assault, stalking, intimate partner violence, and sexual exploitation involving students, faculty, staff, vendors, and visitors;
- Assisted by designated Title IX team members, who are accessible to any member of the campus community for consultation and guidance;
- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- Available to advise any individual about the courses of action available within the University, both informally and formally, as well as within the community;
- Responsible for monitoring full compliance with all procedural requirements and time

frames outlined in this policy; and

- Responsible for training, prevention, and education efforts and periodic reviews of campus climate.

Title IX Coordinator: Natalie Avalos, VP Administrative Services/Human Resources
Hensel Hall HH102
(818) 252-5107
Natalie.avalos@woodbury.edu

Associate Title IX Coordinator: Shannon Hobbs, Interim Associate Dean of Students
Whitten Student Center
(818) 252-5252
Shannon.hobbs@woodbury.edu

Title IX Team Members: Jose Parral, Faculty, San Diego Campus
(619) 235-2900 Ext. 419
Jose.parral@woodbury.edu

Naira Zakarian, Sr. Human Resources Generalist
Hensel Hall HH102
(818) 252-5253
Naira.zakarian@woodbury.edu

Randy Stauffer, Interim Sr. VP Academic Affairs
Hensel Hall
(818) 252-5144
Randy.stauffer@woodbury.edu

Anyone wishing to report an incident of sexual misconduct is encouraged to speak with one of the above individuals. Additionally, the University considers any faculty or staff member (other than Counseling Services or Health Services staff¹) who have a responsibility for student welfare to be “responsible employees.” This means that informing them of an incident of sexual misconduct constitutes official notice to the institution; all such faculty and staff (including student staff such as Resident Advisors) are required to report such incidents to the Title IX Coordinator or Associate Coordinator. All members of the University community, even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of sexual misconduct to the Title IX Coordinator or Associate Coordinator. Reporting an incident of sexual misconduct does not mean that a disciplinary process will automatically be initiated. The Title IX team will conduct an initial assessment of the incident and will determine—keeping in mind the Complainant’s expressed

¹ Under California law, any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a **physical condition** to a patient/victim who he or she knows or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Violence, Domestic Violence, and Dating Violence).

WOODBURY UNIVERSITY

Preferences—the appropriate course of action to support and protect the safety of the Complainant and the community.

Woodbury University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. All University employees who are involved in the University's Title IX response, including the Title IX Coordinator, Associate Coordinator, team members, investigators, and hearing board members receive specific training about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy of all individuals involved.

Individuals with complaints of this nature also always have the right to file a formal complaint with the United States Department Education:

Office for Civil Rights, Region IX

U.S. Department of Health and Human Services

90 7th Street, Suite 4-100

San Francisco, CA 94103

800.368.1019 or 202.619.3257

800.537.7697 TDD

ocr@ed.gov

www.ed.gov/ocr

Additionally, any employee who believes that he or she has been the victim of sexual misconduct may file a complaint with the California Department of Fair Employment and Housing at www.dfeh.ca.gov or the United States Equal Employment Opportunity Commission at www.eeoc.gov.

To Report Confidentially

Students who wish for the details of an incident to be kept confidential may speak with on campus mental health counselors in Counseling Services. Counselors are available to all students free of charge, and may be reached at (818) 252-5237 or via email at counseling.services@woodbury.edu.

Faculty and staff seeking confidential support may contact Woodbury's Employee Assistance Program at (855) 283-1915 or by visiting www.mylifevalues.com. Additionally, any individual may contact 24- hour off-campus rape crisis counselors at (626) 793-3385.

Amnesty for Alcohol or Other Drug Use

Woodbury University encourages the reporting of prohibited conduct under this policy. It is in the best interest of this community that as many incidents as possible are reported, and that witnesses come forward to share what they know. To encourage reporting, an individual who reports sexual misconduct, either as a Complainant or third-party witness, will not be subject to disciplinary action by the University

for his or her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

Bystander Intervention

The University expects all community members to take reasonable and prudent action to prevent or stop an act of sexual misconduct. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the University and protected from retaliation.

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (under the Clery Act). All personally identifiable information is kept confidential, but statistical information regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) is compiled for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. Mandated federal reporters include any faculty or staff member (including student staff such as Resident Advisors) except for Counseling Services staff. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the Complainant and may be done anonymously.

Federal Timely Warning Reporting Obligations

Complainants of sexual misconduct should also be aware that University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

Prohibited Conduct and Definitions

Sexual misconduct includes, but is not limited to:

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Sexual Assault (or attempts to commit same)
4. Sexual Exploitation
5. Stalking

6. Intimate Partner Violence
7. Retaliation

Sexual Harassment

Sexual Harassment is:

- Any unwelcome sexual advances, requests for sexual favors, or other unwelcome written, verbal, or physical conduct of a sexual nature when:
 - submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress, and/or
 - submission to or rejection of the conduct by the individual is used as the basis of employment or academic decisions affecting the individual, and/or
 - submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available through the University, and/or
 - the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance or of creating an intimidating, hostile, or offensive work, educational, or living environment.

Sexual harassment can occur regardless of the relationship, position, or respective sex of the parties. It can occur between equals (e.g., student to student, staff to staff, faculty member to faculty member) or between persons of unequal power status (e.g., supervisor to subordinate, faculty member to student).

Harassment based on gender, gender identity, gender expression, sex or gender stereotyping, or sexual orientation, but does not involve conduct of a sexual nature, is also prohibited by this policy. This policy also prohibits harassment of a faculty or staff member by a student.

The conduct alleged to constitute harassment under this policy will be evaluated from the perspective of a reasonable person similarly situated to the Complainant and considering all of the facts and circumstances.

A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

Examples of behavior that might be considered sexual harassment include, but are not limited to:

- Pressure for a date or a romantic or intimate relationship;
- Unwelcome touching, kissing, hugging, or massaging;

- Pressure for or forced sexual activity;
- Unnecessary and unwelcome references to various parts of the body;
- Belittling remarks about a person's gender or sexual orientation;
- Inappropriate sexual innuendos or humor;
- Obscene gestures of a sexual or gender-based nature;
- Offensive sexual graffiti, pictures, or posters;
- Sexually explicit profanity;
- Use of email, the internet, or other forms of digital media to facilitate any of the above-referenced behaviors.

Non-Consensual Sexual

Non-Consensual Sexual Contact is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force.

Sexual Contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another person with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Sexual Assault

Sexual Assault is:

- any sexual intercourse
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

Sexual Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sexual Exploitation

Occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another individual;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Stalking

A course of physical or verbal conduct directed at another individual that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party. A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Intimate Partner Violence

Intimate partner violence is often referred to as dating violence, domestic violence or relationship violence. Intimate partner violence includes any act of violence or threatened act of violence against a person with whom one is, or has been involved in, a sexual, dating, domestic or other intimate relationship. Intimate partner violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

Retaliation

Acts or attempts to retaliate or seek retribution against any individual or group of individuals involved in the complaint, investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others.

Consent: Force, Coercion, Incapacitation, Drugs and Alcohol

Consent: Consent means 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.

Consent consists of an affirmative, conscious, voluntary decision by each participant to engage in mutually agreed-upon sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other to engage in said activity. The following are essential elements of effective consent:

- Informed and reciprocal: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- Freely and actively given: Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.
- Mutually understandable: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.
- Not indefinite: Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain, or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

- Not unlimited: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

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

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).

Coercion: Coercion is unreasonable pressure for sexual activity. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

Incapacitation: Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual’s:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether an individual knew, or should have known, that the other party was incapacitated.

Alcohol and Other Drugs: In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual assault, stalking or intimate partner violence and does not diminish one's responsibility to obtain consent.

Interim Measures

Upon receipt of a report, the University will provide interim support and reasonable protective measures to prevent further acts of misconduct, and to provide a safe educational, work, and/or living environment. Interim measures will be implemented at the discretion of the University, and may be imposed regardless of whether formal disciplinary action is pursued.

Potential interim measures include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Imposition of a campus "no contact" letter;
- Rescheduling of exams and assignments (in consultation with appropriate faculty);
- Providing alternative course completion options (with the agreement of appropriate faculty);
- Change in class schedule, including the ability to take an "incomplete," drop a course without penalty or transfer sections (with the agreement of appropriate faculty);
- Change in work schedule or assignment;
- Change in on-campus housing;
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;
- Assistance from University staff in completing housing relocation;
- Limit an individual or organization's access to certain University facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;

- Interim suspension or University-imposed leave;
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

Options for Resolution

Upon receipt of a report, the University's Title IX team will conduct an initial assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual misconduct. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the Complainant's expressed preference for resolution.

At the conclusion of the assessment, the University may choose to pursue informal resolution, a remedies-based approach that does not involve disciplinary action, or refer the matter for investigation. The goal of the investigation is to gather all relevant facts and, if on the basis of such facts, there is reason to believe a violation of this policy has occurred, to take further disciplinary and/or remedial action as described below.

The initial steps for resolution of a complaint against a student or against an employee will involve the same stages: an initial assessment, investigation, and either informal or formal resolution.

Initial Assessment

In every report of sexual misconduct, the University will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the investigation may be initiated depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

Investigation

Where the Title IX assessment concludes that disciplinary action may be appropriate, the University will initiate an investigation. The University will designate an investigator who has specific training and experience investigating allegations of sexual misconduct. The investigator may be an employee of the University or an external investigator engaged to assist the University in its fact gathering. The University will typically use a team of two investigators, which may include the pairing of an external investigator with a University employee. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent and any witnesses. The interviews will be supplemented by the gathering of any physical, documentary or other

evidence. As part of the investigation, the University will provide an opportunity for the parties to present witnesses and other evidence.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in the *Reporting, Confidentiality and Privacy* section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The University will seek to complete the investigation within twenty (20) business days of receiving the report, but this time frame may be extended depending on the complexity of the circumstances of each case. At the conclusion of the investigation, the report will be forwarded to the Title IX Coordinator and/or Associate Coordinator.

Information gathered during the review or investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the Complainant and the University campus community, and impose remedies as necessary to address the effects of the conduct cited in the report. Where there is sufficient information set forth that, if proven, would constitute a violation of policy, the University will have the discretion to institute Formal Resolution proceedings against the Respondent. At the conclusion of the investigation, the University will notify all parties in writing, at the same time, that the investigation is complete and provide information about next steps in the process.

Based on the information gathered in the initial Title IX assessment and/or full investigation, the University will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

Informal Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent.

Where the Title IX assessment concludes that informal resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to University programs and to eliminate a hostile environment. Examples of protective remedies are provided in the *Interim Remedies* section of this policy. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX team or the University. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The University will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault or violence. The decision to pursue informal resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

Informal resolution will typically be completed within thirty (30) days of the initial report.

Formal Resolution

Disciplinary action against a Respondent may only be taken through Formal Resolution procedures. Because the relationship of students, staff, and faculty to the University differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy.

The specific procedures for Formal Resolution will vary based upon the role of the Respondent:

- For a *complaint against a student*, disciplinary action may be taken by the Dean of Students or his/her designee following a finding of responsibility by a Hearing Officer or Hearing Board in accordance with the Conduct Process outlined in the Code of Student Conduct.
- For a *complaint against a staff member*, disciplinary action may be taken at the conclusion of the investigation by the Director of Human Resources or his/her designee in accordance with procedures outlined in the Employee Handbook.
- For a *complaint against a faculty member*, disciplinary action may be taken at the conclusion of the investigation by the Provost or Faculty Executive Committee in accordance with procedures outlined in the Faculty Handbook.

Time Frame for Resolution

The University seeks to resolve all reports within sixty (60) days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the University will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Resolving Complaints against a Student

As outlined in the *Reporting* section of this policy, an individual who wishes to make a report of sexual harassment, sexual assault, stalking, intimate partner violence, or sexual exploitation is encouraged to make a report directly to a member of the Title IX team. In every instance under this policy, the

University, through the coordinated efforts of the Title IX team, will conduct an initial Title IX Assessment.

At the conclusion of the Title IX Assessment, the report will be referred for Informal Resolution or Investigation to determine if there is sufficient information to proceed with Formal Resolution. Informal Resolution is a non-judicial, remedies-based approach that does not involve disciplinary action against a Respondent. Formal Resolution is a judicial, sanctions-based approach that may involve discipline up to and including expulsion.

Initial Assessment

Upon receipt of a report, the University, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment. The first step of the assessment will usually be a preliminary meeting the Complainant and Title IX Coordinator or Associate Coordinator. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full forensic interview. At this meeting, the Complainant will be provided with information about resources, procedural options and interim remedies.

As part of the initial assessment of the report, the Title IX Coordinator or Associate Coordinator will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being needs;
- Notify the Complainant of his/her right to contact law enforcement and seek medical treatment, including the importance of preservation of evidence;
- Provide the Complainant with information about on- and off-campus resources, as well as the range of possible interim remedies;
- Explain the procedural options, including Informal Resolution and Formal Resolution;
- Discuss the Complainant's preference for manner of resolution and any barriers to proceeding;
- Explain the University's policy regarding retaliation.

This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

At the conclusion of the Title IX assessment, the Title IX Coordinator or Associate

Coordinator will determine the appropriate manner of resolution and, if appropriate, refer the report for further Investigation, Informal Resolution, or Formal Resolution.

The determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the University seeks action that would impact a Respondent, such as protective measures that restrict his or her movement on campus, the initiation of an investigation or the decision to involve the Respondent in Informal Resolution.

Investigation

Following the initial Title IX assessment, the University may initiate a prompt, thorough and impartial investigation. The Title IX Coordinator, in consultation with the Title IX team, will oversee the investigation.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent and any third party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved.

The University will designate an investigator who has specific training and experience investigating allegations of sexual misconduct. The investigator may be an employee of the University or an external investigator engaged to assist the University in its fact gathering. The University will typically use a team of two investigators, which may include the pairing of an external investigator with a University employee. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent. The Complainant and Respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information.

The investigation will usually be completed within twenty (20) business days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individual and the campus community, and impose remedies as necessary to address the effects of the conduct cited in the report.

Threshold Determination and Appeal of Insufficient Threshold

At the conclusion of the investigation, the investigator(s) will prepare a written report synthesizing the facts for review by the Title IX Coordinator. The investigator(s) is not charged with reaching a

determination as to responsibility, which is a function reserved for the University Committee on Student Behavior or other hearing body as designated by the Associate Dean of Students.

Upon receipt of the investigative report, the Associate Dean of Students, in consultation with the Title IX Coordinator, will review the report and make a threshold determination as to whether there is sufficient information upon which an adjudicator could find a violation of this policy. This threshold determination does not involve making a determination of responsibility, nor does it involve a credibility assessment. If the threshold has been established, the Dean of Students will, at the same time, issue a Notification Letter to the Respondent and the Complainant and refer the report for Pre-Hearing Procedures.

If the Title IX Coordinator, in consultation with the Title IX team, determines that this threshold has not been reached, the Complainant and Respondent will, at the same time, be notified in writing. The Complainant will have the opportunity to seek review by the Dean of Students (or designee) by submitting a written request for review within five (5) business days of receipt of the notification. If an appeal is filed, the Respondent will be notified and have the opportunity to respond. The Dean of Students may affirm the threshold finding, reverse the finding, or remand the matter for additional investigation as warranted. The Dean of Students will render a decision in writing, to both parties, at the same time, within ten (10) business days of receipt of the request for review. The decision of the Dean of Students is final. Where a designee is chosen, the identity of this individual will be shared with both parties.

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent.

Where the Title IX assessment concludes that informal resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and co-curricular activities at the University and to eliminate a hostile environment. Examples of protective remedies are provided in the section *Interim Remedies*. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX team or the University. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The University will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual assault or violence. The decision to pursue informal resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

Formal Resolution

Formal resolution of a complaint against a student under the Sexual Misconduct Policy will occur through the University Committee on Student Behavior (UCSB). A UCSB typically consists of four members (three voting members and one, non-voting Chair) who are drawn from a pool of trained faculty, staff, and students. All UCSB members must participate in annual training on the dynamics of sexual misconduct, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, evaluation of consent and incapacitation, the application of the preponderance of the evidence standard, sanctioning, and the University's policies and procedures. The training is coordinated by the Title IX Coordinator and Associate Coordinator in conjunction with campus and external partners.

The Complainant and the Respondent may submit a written request to the Associate Dean of Students that a member of the UCSB be removed. The request must clearly state the grounds to support a claim of bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised within two (2) business days of receipt of the Notice of Hearing. All objections must be raised prior to the commencement of the hearing. Failure to object prior to the hearing will forfeit one's ability to appeal the outcome based on perceived or actual bias.

NOTE: In most cases, it is possible to convene a UCSB; however if the hearing must be heard at or after the end of the semester or academic year and/or a full UCSB cannot reasonably be convened, cases may be heard by the Dean of Students (or designee), or the University may substitute an alternate method of adjudication at its discretion.

Advisors

Both the Complainant and Respondent may be supported by an advisor during all phases of the initial interview, investigation, and hearing process. The advisor cannot be a witness in the proceedings, nor may he or she participate directly in the hearing. Attorneys may not formally represent the Complainant or Respondent, as these procedures are entirely administrative in nature and are not considered legal proceedings. The UCSB Chair has the right to determine what constitutes appropriate behavior on the part of the advisor and whether the person may remain at the proceedings.

Hearing Procedures

1. Notice of Charges

Following the threshold determination that there is sufficient information to move forward with a hearing, the Dean of Students (or designee) will send written Notification Letter to both the Complainant and the Respondent. The Notification Letter provides each party with a brief summary of the conduct at issue and the specific provision of the policy violation(s) that are alleged to have taken place.

2. Pre-Hearing Meeting with Complainant and Respondent

Following the Notification Letter, the Dean of Students will contact the Complainant and Respondent to schedule separate meetings with each party. At this pre-hearing meeting, each party will receive an explanation of the hearing process and have the opportunity to ask any questions. If the Complainant and/or Respondent have elected to have advisors throughout the hearing process, the advisor is encouraged to accompany the Complainant/Respondent to this initial meeting.

3. Notice of Hearing

Once each party has met with the Dean of Students a Notice of Hearing is sent to the Complainant and the Respondent. The Notice provides the parties with the date, time, and place of the hearing, as well as the name(s) of the person(s) hearing the case.

In general, the hearing will be scheduled within ten (10) business days of the date of the Notice of Hearing. Under extenuating circumstances, this time frame may be extended.

4. Composition of the UCSB

The Complainant and the Respondent may submit a written request to the Associate Dean of Students that a member of the UCSB be removed. The request must clearly state the grounds to support a claim of bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised within two (2) business days of receipt of the Notice of Hearing. All objections must be raised prior to the commencement of the hearing. Failure to object prior to the hearing will forfeit one's ability to appeal the outcome based on perceived or actual bias.

5. Pre-Hearing Review of Documents

The Complainant and the Respondent will each have the opportunity to review all investigative documents, subject to the privacy limitations imposed by state and federal law, at least five (5) business days prior to the hearing. The investigative documents will include the investigation report, any witness statements or interviews, statements or interviews by both parties, and any other documentary information that will be presented at the hearing.

6. Witnesses

The Complainant, Respondent, and the UCSB all have the right to call witnesses. Witnesses must have observed the conduct in question or have information relevant to the incident and cannot be called solely to speak about an individual's character.

In general, neither party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the University's investigation. If either party wishes to call witnesses, whether or not they were previously interviewed as part of the University's investigation, the following must be submitted no later than five (5) business days before the hearing to the Dean of Students via e-mail or in hardcopy format:

- The names of any witnesses that either party intends to call;

- A written statement and/or description of what each witness observed, if not already provided during investigation;
- A summary of why the witness' presence is relevant to making a decision about responsibility at the hearing; and,
- The reason why the witness was not interviewed by the investigator, if applicable.

The Dean of Students will determine if the proffered witness(es) has relevant information and if there is sufficient justification for permitting a witness who was not interviewed by the investigator. The Dean of Students may also require the investigator to interview the newly proffered witness.

If witnesses are approved to be present, the Respondent and Complainant are provided with a list of witnesses and any relevant documents related to their appearance at the hearing no later than five (5) business days before the hearing. All parties have the opportunity to ask questions of witnesses (through the UCSB), regardless of who called them to the hearing.

7. Relevance

The Dean of Students will review the investigative report, any witness statements and any other documentary evidence to determine whether the proffered information contained therein is relevant and material to the determination of responsibility given the nature of the allegation. In general, the Dean of Students may redact information that is irrelevant, more prejudicial than probative, or immaterial. The Dean of Students may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

8. Prior Sexual History and/or Pattern Evidence

Prior Sexual History of a Complainant: In general, a Complainant's prior sexual history is not relevant and will not be admitted as evidence at a hearing. Where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of this policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted.

Pattern Evidence by a Respondent: Where there is evidence of pattern of conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the panel's determination of responsibility and/or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

The University, through the Dean of Students or Title IX Coordinator, may choose to introduce this information with appropriate notice to the parties. Alternatively, a party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the Dean of Students. The Dean of Students, in consultation with the Title IX Coordinator, will assess the relevance of this information and determine if it is appropriate for inclusion at the hearing.

To aid in an advance determination of relevance, the following must be submitted no later than five (5) business days before the hearing to the Dean of Students via e-mail or in hardcopy format:

- A written statement and/or description of the proposed information, if not already provided during investigation; and
- A summary of why this information is relevant to making a decision of responsibility at the hearing.

If this information is approved as appropriate for presentation at the hearing, the Respondent and Complainant will be provided with a brief description of the approved information no later than five (5) business days before the hearing.

9. Request to Reschedule Hearing

Either party can request to have a hearing rescheduled. Absent extenuating circumstances, requests to reschedule must be submitted to the Dean of Students with an explanation for his or her request at least three (3) business days prior to the hearing.

10. Consolidation of Hearings

At the discretion of the Dean of Students, in consultation with the Title IX Coordinator, multiple reports may be consolidated against a Respondent in one hearing if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct that would regularly have been heard under the Code of Student Conduct.

11. Alternative Testimony Options

A Complainant or Respondent may also request alternative testimony options that would not require physical proximity to the other party. Options include placing a privacy screen in the hearing room or allowing the Complainant or Respondent to speak outside the physical presence of the other by using relevant technology to facilitate participation. Any proposed alternative must be reviewed in advance of the hearing to ensure that it is consistent with the goals of a fair and equitable process. While these options are intended to help make the alleged Complainant or Respondent more comfortable, they are not intended to work to the disadvantage of the other party.

12. Hearings in Absentia

If a party does not attend a hearing for any non-emergency or compelling reason, the hearing may be held in his/her absence at the discretion of the Dean of Students.

A Respondent will not be permitted to withdraw from the University prior to the conclusion of an investigation or formal resolution under this policy. If a Respondent chooses not to participate, the University will move forward with the hearing and imposition of sanction(s), if any, in absentia. The Respondent's academic transcript will be marked Withdrawal Pending Judicial Action, or, if finally resolved in absentia, with the final outcome in accordance with regular practice under this policy.

13. Standard of Proof

The standard of proof utilized in sexual misconduct hearings is a preponderance of evidence standard, meaning it is more likely than not that a policy violation occurred.

14. Notification of Outcome

Both the Complainant and the Respondent will be notified of the outcome of the hearing and any sanction(s) imposed at the same time, in writing, within five (5) business days of the conclusion of the hearing.

Appeals

Either party may appeal the final outcome in writing to the Dean of Students

Development or designee (the "Appeals Officer"). The appeal will be conducted in an impartial manner by an impartial decision-maker. The appeal must be filed in writing within five (5) business days of receiving the written outcome. The appeal should consist of a plain, concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal.

The Complainant and/or Respondent may appeal only the parts of final outcome directly relating to him/her. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The only grounds for appeal are:

- A procedural or substantive error occurred that significantly affected the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- New evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction (a summary of this new evidence and its potential impact must be included).

The receipt of the appeal will be acknowledged in writing (which can include email). Each party will be given the opportunity to respond in writing to the other party's appeal. Any response by the opposing party must be submitted to the Appeals Officer within three (3) business days from receipt of the appeal. The appeals documents from each party will be considered together in one appeal review process.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The Appeals Officer shall first consider whether the appeal is timely filed and if so, whether the appeal is properly framed based on the two grounds. If the Appeals Officer determines that the appeal is not properly framed, the appeal will be denied.

If the appeal is based on procedural or substantive error, the Appeals Officer may return the complaint to the original UCSB with instructions to reconvene to remedy the error, or in rare cases where the error cannot be remedied, the Appeals Officer can ask that a new hearing occur before a newly constituted UCSB. In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the original UCSB to assess the weight and effect of the new information and render a determination after considering the new facts. The reconsideration of the UCSB is final.

Appeals are not intended to be full rehearing of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. This is not an opportunity for the Appeals Officer to substitute his/her judgment for that of the original hearing body merely because he or she disagrees with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error. The Appeals Officer can affirm or alter the original findings, depending on the basis of the requested appeal.

Sanctions imposed are implemented immediately unless the Dean of Students stays implementation in extraordinary circumstances, pending the outcome of the appeal. Pending graduation, study away, internships/work experience, or other events do not typically constitute extraordinary circumstances. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

The Appeals Officer will render a written decision on the appeal to the Complainant and Respondent within fifteen (15) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

Records

The Title IX Coordinator and Associate Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Title IX assessment, informal resolution or formal resolution.

Complaints resolved by means of Title IX assessment or informal resolution are not part of a student's conduct file or academic record or of an employee's personnel record.

Affirmative findings of responsibility in matters resolved through formal resolution are part of a student's conduct record and an employee's personnel record. Such records shall be used in reviewing an further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's personnel record.

Suspension, expulsion, and withdrawal pending disciplinary action may be noted on a student's transcript. The conduct files of students who have been suspended or expelled from the University are maintained in the Dean of Students Office indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of Students Office for no fewer than seven (7) years from the date of the incident. Further questions about record retention should be directed to the Dean of Students' Office.

***Further information regarding the conduct process may be found in the Code of Student Conduct in the Student Handbook.

Megan's Law and Sex Offender Registrant Information

The Campus Sex Crimes Prevention Act (CSCPA) of 2000, a federal law, requires institutions of higher education to provide the campus community with resources regarding where they may obtain information on registered sex offenders in the state of California. The law also requires sex offender registrants who are already required to register in the state to provide notice to each institution of higher education in which the person is currently enrolled as a student or employee (either full or part time, with or without compensation). (California Penal Code Section 290.009)

As the Woodbury University Security Department is not a law enforcement agency, the registration process must be conducted by the Los Angeles Police Department.

Megan's Law allows the public to access the sex offender registry. It also authorizes law enforcement to notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent the community. Public information regarding sex offenders in California may be obtained by viewing the Megan's Law website at www.meganslaw.ca.gov.

Security Awareness Programs

Crime prevention is everyone's responsibility. Without aware and involved citizens, no law enforcement or security agency can be effective in preventing crime. With this in mind, Woodbury University conducts a number of programs to educate members of the campus community and to create conditions conducive to a safe and secure living and learning environment. Examples of programs offered through both the Security Department and Student Affairs include, but are not limited to:

- First Aid
- CPR
- Self-defense
- Personal property protection
- Sexual assault prevention
- Responsible alcohol use
- Active shooter drill

Additionally, all students are informed about security procedures and practices during new student orientation. The university is in the process of adding information regarding security procedures and practices to the emergency contact portal page all faculty and staff must access at the beginning of each semester.

Designation of Emergency Contact by Residential Students

On an annual basis, each resident student, upon checking into his/her residence hall room, has the option to confidentially register an emergency contact (“missing person contact”) for Woodbury to notify when the student has been determined to be missing. The missing person contact information will be registered confidentially, will be accessible only to authorized University officials, and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

The missing person contact may be in addition to the general purpose emergency contact provided during the residence hall check in process. If a missing person contact is not formally declared, the University will notify the general purpose emergency contact.

If a student is under age 18 and non-emancipated, the student’s custodial parent or guardian (in addition to any designated missing person contact) will be notified in the event the student is deemed missing.

Alcohol and Other Drugs Policy

Woodbury University’s Alcohol and Other Drugs Policy complies with the requirements set forth by the Drug-Free Schools and Community Act Amendments of 1989. This act requires the university to certify it compliance with the regulations and confirm that it has adopted and implemented an alcohol and drug prevention program to prevent the unlawful possession, use, and/or distribution of illicit drugs or alcohol by all students and employees, both on school premises or during any university-sponsored activities.

The Alcohol and Other Drugs Policy provides members of the Woodbury community with the standards of conduct regarding the unlawful possession, use, and/or distribution of alcohol, controlled substances and marijuana; legal sanctions under local, state and federal law, as well as university sanctions.

Alcohol Policy

Woodbury must abide by state and local laws, and all campus policies reflect the application of law to university life. The laws of the State of California specify that people under the age of 21 may not consume, possess, or distribute alcohol. In addition, it is unlawful for any person to sell, furnish, or give any alcoholic beverage to anyone under the age of 21. Minors who use false identification in order to obtain alcoholic beverages are guilty of a misdemeanor. In compliance with state and local laws, Woodbury prohibits the illegal use of alcohol on university property and as part of any university-sponsored activity.

Drug Policy

Federal and state statutes specify that persons involved in the use, sale, or distribution of illegal drugs² are liable for criminal action, including arrest, fine, and imprisonment. Woodbury fully supports these laws by prohibiting the possession, use, sale, and/or distribution of illegal drugs on campus.

Woodbury does not shield its students from the law or from the consequences of their own behavior. Violations of California law, even within regularly scheduled university facilities, occur at the risk of the individuals and are not the responsibility of the university. The university does not, cannot, and should not serve as a safe haven from law enforcement agencies.

Substance Abuse Education

Woodbury University provides a number of substance abuse education programs to throughout the year. Examples of these programs include, but are not limited to:

- Responsible alcohol use/safe partying;
- Alcohol and drug use assessments provided by Counseling Services;
- Specific programming targeted toward fraternity and sororities;
- Educational meetings and workshops for students who may be sanctioned as part of the student conduct process.

² "Illegal Drugs" refers to "Controlled Substances" as defined in Schedules I through V, section 22 of the Controlled Substances Act (21 U.S.C. Section 812) and also found in the Health and Safety Code Section 11054-11058.

Missing Student Protocol

The following protocol should be used upon discovering that a student has been missing or when someone suspects that a student may be missing:

Keep inquirers calm. Attempt to get as much information as possible about why they suspect a student may be missing. Any cases of suspected missing students should be referred to one of the following individuals immediately:

San Diego Campus Security	(619)633-9895
Shannon Hobbs, Interim Associate Dean of Students	(818) 252-5252
Mauro Diaz, Interim Dean of Students	(818) 252-5114

The Dean of Students will:

- Contact the student via phone or email.
- Check student's residence hall room, determine if student has been in class, determine if meal plan has been used, and make a reasonable attempt to locate the student's vehicle on campus.
- Check with roommates, friends, members of the residential community and others who may have relevant information.

If a student who has been reported missing is not located within 24 hours, the Dean of Students (or designee) will:

- Notify the student's designated missing person contact, general emergency contact, and/or the custodial parent or legal guardian as appropriate.
- Notify law enforcement agencies, coordinate efforts with those agencies as requested, and continue efforts to locate the student.

If a student is under age 18 and non-emancipated, the student's custodial parent or guardian (in addition to any designated missing person contact) will be notified in the event the student is deemed missing.

Crime Statistics

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. Woodbury University submits the annual crime statistics published in this report to the Department of Education. The statistical information gathered by the Department of Education is available to the public through the Department of Education website. In addition, a Daily Crime and Fire Log is available for review in the Whitten Student Center during business hours. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the Woodbury community obtained from the following sources: University faculty and staff, Resident Advisors, Campus Security, and the San Diego Police Department. Counseling and Health Services staff are not required by law to provide crime statistics,

WOODBURY UNIVERSITY

though they encourage clients/patients to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure.

In reading the crime statistics table it is important to note the following:

Woodbury University reports the number of persons who are charged with a violation of policy or law, not the number of persons who are found responsible for a violation of policy or law.

Definitions of Categories

Murder and Non-negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter

The killing of another person through gross negligence.

Robbery

The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

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

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a theft or a felony.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

Arson

The willful or malicious burning or attempt to burn, with or without intent of personal, public, or private property.

Hate Crimes

If a hate crime occurs where there is an incident involving the below listed crimes, the Clery Act requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document:

- Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or

constructive possession of another.

- Vandalism: The willful or malicious destruction, injury, disfigurement, or defacement of any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, and victim suffers minor injuries.

Crime Statistics: San Diego Campus

Crime Classification		Campus		Non-Campus	Public Property	Total	Unfounded
		On Campus Student Housing	On Campus Total				
Murder/Non Negligent Manslaughter	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Manslaughter by Negligence	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Rape	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Fondling	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Incest	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Statutory Rape	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Robbery	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Aggravated Assault	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Burglary	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Motor Vehicle Theft	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Arson	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0

WOODBURY UNIVERSITY

Hate Crimes	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Dating Violence	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Domestic Violence	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Stalking	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Weapons Arrests	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Weapons Violations Referred for Disciplinary Action	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Drug Arrests	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Liquor Law Arrests	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2015	n/a	0	0	0	0	0
	2014	n/a	0	0	0	0	0
	2013	n/a	0	0	0	0	0

Fire Safety

In August 2008 the Higher Education Opportunity Act (HEOA) became Public Law 110-315. It amended the Higher Education Act (HEA) to include new reporting requirements for all institutions of higher education beginning with the 2009 academic year. A major component for institutions that maintain on-campus student housing is publishing an Annual Fire Safety Report, keeping fire statistics, and maintaining a fire log.

Policies

For the health and safety of all members of the campus community, students are expected to comply with all university fire safety regulations as well as applicable local, state and federal law. The following Residence Hall Community Living Standards are relevant to fire safety:

Cooking

Cooking in rooms is strictly prohibited. Cooking appliances with exposed heating elements are not permitted in residents' rooms. Other than basic microwave use, all cooking must take place in the residence hall community kitchens. When cooking in community kitchens, all cooking devices must be attended to while in use.

Electrical Appliances

The following appliances are not permitted in the residence halls: any appliance requiring 220 volts or 1500 watts, air conditioners, or any appliance with an exposed heating element. Residents may have (per room): one small refrigerator (3.0 cubic feet or smaller capacity; 1.5 amps or fewer rating; Energy Star Qualified), one microwave (less than 700 watts), and one single-serve coffee machine.

Fire Safety

1. Tampering with fire doors, smoke detectors, pull stations, fire extinguishers, sprinkler heads, or other fire safety equipment is prohibited.
2. Students must immediately evacuate when a fire alarm sounds, and may not re-enter until the alarm has been silenced and students have been instructed to re-enter by university personnel.
3. Leaving items unattended on a residence hall stove or oven at any time is prohibited.
4. The following items are prohibited in the residence halls: candles and incense (even for decorative purposes), cooking appliances that are not university-approved, air conditioning units or ceiling fans not installed by the university, live Christmas trees and wreaths, and halogen lamps.

Hallways

Students must remove all personal belongings from the hallways. Items left in the hallways, including room furniture, are considered fire hazards and may be discarded or relocated.

Smoking

All facilities of the San Diego Campus operate in compliance with AB 846. As required by this law, Woodbury University, San Diego does not permit smoking within 20 feet of main entrances to buildings, exits or any operable windows. Smoking is allowed in designated outdoor smoking areas only.

Health and Safety Inspections

Health and safety inspections are conducted by Residence Life staff at least twice per year. Violations of health and safety policies discovered during health and safety inspections are addressed immediately, and residents who are found in violation of health and safety policies are subject to adjudication via the student conduct process. Potentially dangerous items found during health and safety inspections may be confiscated without the option of return.

Fire Safety Training

Residence Life staff members (both professional and paraprofessional) receive fire safety training prior to the beginning of each academic year. This training covers fire prevention, emergency preparedness and evacuation procedures, alarm systems, and hands-on fire extinguisher training.

Fire Drills

Fire drills are conducted in each residence hall at the beginning of each semester. Drills are coordinated by Residence Life staff and campus security personnel. They are unannounced to students and occur at varying days and times. Residents are required to evacuate any time a fire alarm sounds; failure to do so subjects a student to conduct review.

Reporting of Fires

All fires on campus, even if already extinguished and regardless of size, should be reported by contacting security at (619) 235-9895. In the event of an emergency, call 911 immediately.