



**UNIVERSITY OF CALIFORNIA  
HASTINGS COLLEGE OF THE LAW  
Policy on Discrimination, Protected-Status Harassment, Sexual Harassment,  
and Sexual Assault and Violence Related to Students**

**POLICY STATEMENT**

The University of California, Hastings College of the Law (“Hastings”) is a community of students and professionals committed to upholding the principles of academic integrity and honesty and the highest standards of professional conduct in teaching, learning, research, and service. In expression of this commitment, and in strict compliance with federal, state, and local laws, Hastings has adopted this policy prohibiting acts of discrimination, bias, protected-status harassment, sexual harassment, and sexual assault and violence against students, and establishing procedures for responding to violations against students by students, employees, other students, or third parties.

Every student has the right to pursue his/her academic or professional career in an atmosphere that is safe and free from prohibited acts of discrimination, harassment, or violence, including sexual abuse, rape, sexual assault, domestic violence, intimate-partner violence, stalking, sexual coercion, or other forms of sexual violence by or against students. Bigotry, harassment, or intimidation is particularly insidious when directed at a member or group of the Hastings community on the basis of actual or perceived age, color, creed, physical or mental disability, ethnicity, gender, gender identity or expression, marital status, national origin, race, religion, sexual orientation, military or veteran status, or any combination of these or related factors; and, to the degree it constitutes prohibited bias activity, such conduct will also not be tolerated. The occurrence of prohibited activity violates the trust that is essential to the thriving of Hastings’ academic and professional environment, threatens the well-being of UC Hastings students and ultimately undermines Hastings’ core mission.

**POLICY SCOPE**

This policy is binding upon all students of Hastings and describes processes by which redress and remediation can be provided to individuals or groups who believe they have been the victims of prohibited conduct. Where sexual misconduct is involved, this policy is presumed to supersede all other procedures and policies set forth in other Hastings policies. This policy establishes standards and procedures for the reporting and investigation of complaints, the dispensation of disciplinary action, and the provision of information pertaining to the pursuit of criminal or other legal action, where appropriate. Members of the Hastings community who have relevant information are expected to cooperate with any investigations conducted pursuant to this Policy. Ignorance of this policy is not an excuse for its violation. Acts in retaliation for complaints filed pursuant to this policy will not be tolerated.

Hastings will respond to the fullest extent of its authority to violations of this policy. This policy applies to allegations of misconduct made by or against students regardless of where and through what medium the misconduct may have occurred, to the degree that the conduct giving rise to the complaint is related to Hastings’ social, cultural, academic, extracurricular, educational, or professional activities. Additionally, although there is no geographical limitation to applicability of this policy, sexual

misconduct that is alleged to have occurred at a significant distance from Hastings' property may be more difficult for Hastings to investigate.

Complaints regarding inappropriate workplace conduct that is not covered by this policy should be directed to the UC Hastings Department of Human Resources. Complaints by faculty of unlawful discrimination in reappointment, promotion, and tenure are governed by procedures set out in the UC Hastings Faculty Rules and Regulations. Complaints alleging misconduct by students that is not covered by this policy are governed by the UC Hastings Student Conduct Code and should be directed to the Office of the Associate Academic Dean.

## **LEGAL BASIS FOR THIS POLICY**

Age Discrimination in Employment Act of 1967

California Penal Code

Civil Rights Act of 1991

Department of Education, Office of Civil Rights, "Dear Colleague Letter" (April 4, 2011)

Equal Employment Opportunity Commission's Guidelines on Sexual Harassment

Family Education Rights and Privacy Act (FERPA)

Genetic Information Nondiscrimination Act (GINA) of 2008 (effective November 21, 2009)

Title IX of the Education Amendments of 1972

Titles VI and VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991

United States Constitution

Violence Against Women Reauthorization Act of 2013, incorporating the Campus Sexual Violence Elimination Act (Campus SAVE Act)

## **POLICY DISTRIBUTION**

A copy of this policy shall be sent to all Hastings students. A copy of the policy is available on the Hastings website, at: [www.uchastings.edu](http://www.uchastings.edu).

## **NOTICE OF NON-DISCRIMINATION**

U.C. Hastings College of the Law ("Hastings") prohibits all its employees and students, and anyone participating in its social, cultural, academic, extracurricular, educational, or professional activities, from engaging in any form of prohibited discrimination, protected-status harassment, sexual harassment, sexual assault/violence, or other conduct described in this policy, and expects all individuals to refrain from committing such acts.

## **ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES**

Hastings will make arrangements to ensure that students with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined in this policy. Requests for accommodations must be made to the Disability Resources Program, whose office is in room 464 of the 198 McAllister Street building. The telephone number is (415) 581-8948.

## **IMPORTANT INFORMATION FOR INDIVIDUALS WHO MAY BE VICTIMS OF SEXUAL ASSAULT/VIOLENCE**

If you suspect that you or someone you know may have been a victim of sexual assault, even if you are not certain, you are strongly encouraged to seek immediate assistance. Regardless of whether or not you ultimately decide to file a complaint, seeking immediate medical assistance can be critical to your own physical and mental health, and is critical to the collection of evidence, without which prosecution may not be possible. Until you obtain medical assistance, *it is imperative that you do everything you can to avoid showering, brushing your teeth, or using the toilet.* If you have already showered or feel you cannot wait to bathe, place your clothing in a paper (not plastic) bag and bring it with you to the clinic or hospital. Seeking assistance can also help you to deal with the shock, inability to concentrate, fear, guilt, depression, self-blame, guilt, and shame, that are but a few of the emotions that survivors of sexual assault/violence experience. Assistance is also available for you to obtain important accommodations that can protect you from an unsafe environment. You do not and should not have to suffer alone.

**WHERE TO GO / WHOM TO CALL:** Assistance is available 24 hours a day, 7 days a week, from the Hastings Department of Public Safety, located on the ground floor of the 198 McAllister Street building, or by phone, at (415) 565-4611. A Public Safety Officer will be able to document your complaint and/or escort you to San Francisco General Hospital's Emergency Department, where staff are trained and certified in providing treatment to potential victims of sexual assault and/or violence. The Hastings Public Safety Officer may remain with you through as much of the process as you would like, and will be available to escort you to wherever you decide you will be staying afterwards. You may also have a friend accompany you. The Public Safety Officer can assist you in reaching out to a critical support person in your life, such as a family member, a friend, or a roommate, if that is something you would like to do, but the thought of doing so yourself feels too overwhelming. A list of external resources that are available to you as a possible survivor of sexual assault/violence is provided in Appendix D of this policy.

**WHAT YOU SHOULD EXPECT WHEN SEEKING MEDICAL TREATMENT:** Medical treatment will address pregnancy prevention and prophylactic treatment for sexually-transmitted diseases, including HIV and hepatitis, as well as any bodily or psychological injury that may have resulted from the assault. You have the right to decline any or all tests and medications. A rape kit consists of a series of tests used to help collect evidence after someone has been sexually assaulted. It contains forensic equipment appropriate to detect, collect, and preserve evidence. The evidence collected may later be used in court if you decide to press charges against the person who assaulted you. It is important to know that you can have a rape kit done even if you do not yet know if you will want to report the assault to law enforcement and press charges. Having the rape kit done will preserve your options as you process what happened to you and figure out what you would like to do.

**IMPORTANT TIMELINES TO KEEP IN MIND:**

- (1) A rape kit can only be done within 5 days of the assault. Evidence degrades rapidly, and can be destroyed as a result of showering, brushing of teeth, or use of the toilet, although a rape kit is still recommended in those cases for collection of possible residual evidence.
- (2) Evidence collected during a rape kit is saved, anonymously, for 90 days, in a secure location, in order to allow you time to consider whether you would like to file a complaint with law enforcement. After 90 days, the evidence is destroyed.
- (3) HIV prophylactic treatment must be started within 36 hours of the assault.
- (4) Emergency birth control is most effective if started within 72 hours of the assault.
- (5) If an IUD is inserted within one week of an assault, it can help prevent pregnancy.

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## CONDUCT PROHIBITED UNDER THIS POLICY

Following is a detailed list of acts that constitute violations under this policy. A student may seek redress for such acts in accordance with the procedures contained herein.

**BIAS ACTIVITY:** Bias activity is defined as an act of bigotry, harassment, or intimidation that occurs on the Hastings campus, within an area that impacts the Hastings community, or through social networking sites, e-mail, instant messaging, text messaging, or other social media, that targets an individual or group based on EEEEO-protected status. Bias is action taken against a person or group of individuals that one could reasonably and prudently conclude is motivated, in whole or in part, by the alleged offender's bias against an individual's actual or perceived aspect of diversity, including age, ancestry or ethnicity, color, creed, disability, gender, gender identity or expression, height, immigration or citizenship status, marital status, national origin, race, religion, religious practice, sexual orientation, socioeconomic status, or weight. Although bias is not always a violation of the law or of this policy, such behavior does implicate Hastings' commitment to diversity and inclusiveness, and will not be tolerated to the degree it is prohibited.

**DATING VIOLENCE (INTIMATE PARTNER VIOLENCE):** The term "dating violence" or "intimate partner violence" describes violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and, (iii) The frequency of interaction between the persons involved in the relationship.

**DOMESTIC VIOLENCE:** The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**HATE CRIME:** A variety of specified offenses, as defined by the California Civil and Penal Code, in which: (a) the person against whom the offense is committed or intended to be committed is selected in whole or in substantial part because of his/her race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age or disability or position in a labor dispute, or because a person is perceived to have one or more of these characteristics, regardless of whether the belief or perception is correct; or (b) the act(s) constituting the offense is/are committed in whole or in substantial part on the basis of a belief or perception regarding the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age or disability or position in a labor dispute, regardless of whether the belief or perception is correct.

**PROHIBITED DISCRIMINATION:** Prohibited discrimination occurs when any decision that impacts employees or students constitutes negative and/or different treatment of an individual on the basis of his/her Equal Education and Employment Opportunity (EEEEO)-protected class status. Discriminatory conduct includes decisions in which the EEEEEO-protected class status was the sole or a contributing factor.

**PROTECTED-STATUS HARASSMENT:** Protected-status harassment, including sexual harassment, occurs when an individual is targeted with verbal, written, visual, or physical conduct, including through social networking sites, e-mail, instant messaging, text messaging, or other social media, based on that person's

EEEEO-protected status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment. The conduct constitutes harassment under any of the following conditions: (1) the conduct is direct; (2) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; (3) submission to, or rejection of, such conduct by an individual is used as the basis for an employment or academic decision affecting that person; (4) the conduct is sufficiently severe or pervasive to alter the conditions of the victim's employment or academic pursuits, and creates a work or educational environment that a reasonable person would find abusive.

**SEXUAL EXPLOITATION:** Sexual Exploitation means any act of taking non-consensual, unjust or abusive sexual advantage of another person for one's own advantage or benefit, or to benefit or advantage anyone other than the person being exploited. Sexual exploitation includes, but is not limited to: (1) causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person; (2) prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another); (3) non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet; (4) exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants); (5) voyeurism; and, (6) knowingly or recklessly transmitting a sexually-transmitted disease (including HIV) to another individual.

**SEXUAL HARASSMENT:** Sexual harassment in either the work or educational environment is a form of protected-status harassment defined as unwelcome sexual advances, requests for sexual favors, and other oral, written, visual, or physical conduct of a sexual nature. Title IX also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Equally included and prohibited are such acts that are conducted via electronic communication, such as social networking sites, e-mail, instant messaging, text messaging, and other social media. Conduct may constitute prohibited sexual harassment when one or more of the following circumstances is present: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic involvement; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; (3) such conduct has the purpose or effect of unreasonably interfering with the individual's work performance, academic performance, or participation in extracurricular activities, or of creating an intimidating, hostile, or offensive working or educational environment.

Because of protections afforded by academic freedom, in evaluation of condition (3) above, speech and other expression occurring in the context of instruction or research will not be considered sexual harassment unless this speech or expression also meets one or both of the following criteria: (a) it is meant to be either abusive or humiliating toward a specific person or persons; or, (b) it persists despite the reasonable objection of the person or persons targeted by the speech.

Condition (3) will be evaluated on the basis of an objective standard: the question is whether the conduct would interfere with a reasonable person's work, academic performance, or participation in extracurricular activities, or whether it would create an intimidating, hostile, or offensive working or educational environment in the mind of a reasonable person.

**SEXUAL INTIMIDATION:** Sexual intimidation includes, but is not limited to: threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent; stalking or cyber-stalking; and, engaging in indecent exposure. Equally included and prohibited are such acts that are conducted via electronic communication, such as social networking sites, e-mail, instant messaging, text messaging, and other social media.



**SEXUAL VIOLENCE:** Sexual violence refers to physical acts perpetrated without consent or when a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All such acts of sexual violence are forms of sexual harassment that are covered under Title IX and should be reported as soon as possible to the Hastings Department of Public Safety, which will take appropriate action and immediately notify the appropriate Hastings administrators. The Department of Public Safety shall notify: (1) the Provost & Academic Dean if a dean is the accused; (2) the Chancellor & Dean or his/her designee if the Provost & Academic Dean is the accused; (3) the Board of Directors, through the General Counsel and Secretary of the Board of Directors, if the accused is the Chancellor & Dean. In all other cases, the Department of Public Safety shall notify Title IX Coordinator, deputy coordinator(s), and/or the Office of the Associate Academic Dean and/or his/her designee.

**PUBLIC LEWDNESS:** Intentional exposure of the private or intimate parts of the body in a sexually-suggestive manner in public or in private premises when the perpetrator of the exposure may be readily observed. Public lewdness is a type of sexual assault.

**RAPE:** Rape is a type of sexual assault defined as occurring when, without consent, there is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or use of a person's mouth on another person's genitalia.

**SEXUAL ABUSE:** Sexual abuse is a type of sexual assault defined as touching of the sexual or other private parts of another person by forcible compulsion or without the latter's consent or with someone who is incapable of consent.

**SEXUAL ASSAULT:** Sexual assault is a broad category of prohibited conduct that includes, but is not limited to, public lewdness, rape, sexual battery, and sexual abuse.

**SEXUAL BATTERY:** Sexual battery is a type of sexual assault defined as touching of a sexual nature of a person by another person by forcible compulsion or without the latter's consent or with someone who is incapable of consent.

**SEXUAL COERCION:** Sexual coercion is when participation in sexual activity is obtained through employment of physically or emotionally manipulative statements or actions that expressly or implicitly threaten the person or a third party with negative action. Examples of sexual coercion include statements such as "I will ruin your reputation," "I will tell everyone," or "your career (or education) at Hastings will be over."

**STALKING:** Stalking describes a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his/her safety or the safety of others; or, (2) suffer substantial emotional distress. Stalking is defined as unwanted or obsessive attention by an individual or group toward another person. Stalking behaviors are related to harassment and intimidation and may include the act of physically following the victim, or following through digital-monitoring, such as through the use of social media or other technology (cyberstalking).

## **ALSO PROHIBITED UNDER THIS POLICY**

**BAD-FAITH COMPLAINT:** A complaint brought is brought in bad faith if it is malicious, knowingly false, or fundamentally frivolous. An individual who is aggrieved because of a bad-faith complaint may invoke

any applicable disciplinary or grievance procedure in order to seek disciplinary action against the party who brought such a complaint.

**PROVIDING FALSE OR MISLEADING INFORMATION:** Any individual who knowingly provides false information to Hastings officials, or who intentionally misleads Hastings officials who are involved in the investigation or resolution of a complaint may be subject to disciplinary action. An individual who is aggrieved as a result of such conduct may invoke any applicable disciplinary or grievance procedure in order to seek disciplinary action against the party who provided the false or misleading information.

**RETALIATION:** Retaliation is defined as an act of revenge, reprisal, or injury upon an individual or group who has exercised the right to file a written complaint or make an oral or written report of conduct that is prohibited under this policy, or who has participated in an investigation into allegations of such activity, or who has opposed discriminatory or sexual harassing conduct, including sexual violence or assault. Equally included and prohibited are such acts that are conducted via electronic communication, such as social networking sites, e-mail, instant messaging, text messaging, and other social media. Any individual who in good faith believes he/she is the victim of a retaliatory act may invoke any applicable disciplinary or grievance procedure in order to seek disciplinary action against the retaliating party.

## **DUTIES ARISING UNDER THIS POLICY**

**HASTINGS' POLICY ON MANDATORY REPORTING:** Hastings defines all employees and faculty as mandatory reporters. Employees and faculty who know or should know about any conduct involving a student that is in violation of this policy are expected to contact the campus appropriate UC Hastings administrator or the Title IX Coordinator without delay. In the case of potential sexual violence, the Hastings Department of Public Safety should be notified first; in such cases, the Department of Public Safety shall immediately notify the appropriate Hastings administrator. The Department of Public Safety shall notify: (1) the Provost & Academic Dean if a dean is the accused; (2) the Chancellor & Dean or his/her designee if the Provost & Academic Dean is the accused; (3) the Board of Directors, through the General Counsel and Secretary of the Board of Directors, if the accused is the Chancellor & Dean. In all other cases, the Department of Public Safety shall notify Title IX Coordinator, deputy coordinator(s), and/or the Office of the Associate Academic Dean and/or his/her designee. Regardless of who is the first to be notified, the Title IX Coordinator must immediately be informed, and he/she will take responsibility for leading any administrative inquiry and response to potential incident(s). Reporting is not a matter of individual discretion. First-responders other than those listed here are not authorized to take it upon themselves to attempt to investigate the matter or determine its severity and whether it rises to the level of a violation, but should leave this to the Public Safety Officers, the Office of the Associate Academic Dean, the Title IX Coordinator(s), and deputy coordinator(s), who are specifically trained to appropriately respond to potential violations. There will be no penalties for any unfounded report that is made in good faith. Moreover, retaliation for any inquiry or complaint initiated pursuant to this policy is strictly prohibited and will not be tolerated.

When reporting a violation under this policy, all Hastings faculty and employees may initially be able to omit personally-identifiable information (the name of the victim, the name of the accused, and other identifying details about witnesses, location, etc.). Subsequent to the initial report, campus officials may require additional information in order to fulfill Hastings' obligations under applicable laws, including, but not limited to, Title IX, the Clery Act, and/or FERPA. In taking these subsequent actions, Hastings will always be guided by the goals of empowering the victim and allowing the victim to retain as much control over the process as possible, but no employee (other than counselors, healthcare providers, and clergy) can or should promise confidentiality. Counselors and healthcare providers are statutorily barred from reporting information that is protected under confidentiality, but Hastings' policy mandates that

certain non-personally-identifiable information must be reported (*See* Appendix A for a definition of personally-identifiable information). The General Counsel is available, as needed, to provide guidance to counselors and healthcare providers on how such reports can be made without compromising their paramount duty to protect patient/client confidentiality.

Some events that put an institution on notice, triggering mandatory reporting, are obvious, such as when a student files a formal complaint or making a report to campus security of sexual assault. Some less obvious but common triggers for an investigation include: (1) a student files a report of sexual assault with local police, who alert the institution; (2) a student's parents or friend call an administrator to complain that their child was the victim of sexual misconduct; (3) an article in the local paper details campus assaults of which the institution was unaware; or, (4) an administrator receives an anonymous voicemail, e-mail, or written message alleging sexual misconduct.

**DUTY TO COOPERATE WITH INVESTIGATIONS:** Hastings students have a duty to cooperate with investigations conducted under this policy. When conducting an investigation, the Title IX Coordinator and/or the deputy coordinator(s) will advise all concerned parties to maintain the confidentiality of witnesses. If the concerned parties choose not to discuss the matter with the investigator, the matter will proceed and could result in an adverse finding or determination.

**DUTY TO REASONABLY MAINTAIN CONFIDENTIALITY:** In order to permit Hastings to conduct a fair and thorough investigation under this policy, it is recognized that participants in the process should be protected from unreasonable or undue publicity concerning information they reveal during the investigation. Hastings will make every feasible effort to protect the confidentiality of the testimony and records produced in the procedures under this policy. No one participating in the procedures under this policy may reveal any information learned in the course of so doing. The Title IX Coordinator and/or deputy coordinator(s) will underscore the importance of confidentiality in meetings with parties and witnesses.

However, Hastings cannot guarantee that confidentiality will be maintained. Information regarding alleged sexual misconduct must be handled in accordance with applicable state and federal laws, including, but not limited to, Title IX. Under circumstances that pose potential imminent harm to the community, Hastings may be required by law to inform the community of the alleged incident(s). Additionally, confidentiality violations by students or third parties may be out of Hastings' control.

Moreover, confidentiality does not mean that the details of the complaint will be withheld from the accused; nor does it mean that Hastings' administration is constrained from divulging the proceedings in appropriate circumstances. For example, Hastings may publicly divulge details of the outcome if one of the parties discloses selective or self-serving portions of the proceedings, or when a lawsuit emerges where the complaining or accused contests the findings or results of Hastings' investigation.

## **CONFIDENTIALITY AND REQUESTS TO NOT PURSUE A COMPLAINT**

**REQUESTS FOR HEIGHTENED CONFIDENTIALITY:** When a special request is made by complainants, alleged victims, or respondents, that information pertaining to the misconduct be regarded with a heightened degree of confidentiality, it should be noted that such requests may limit Hastings' ability to investigate and respond to the incident(s). Moreover, respondents have a right to know the name of their accuser(s) and information pertaining to the nature of the allegations, so that they can assert a defense against the complaint(s). It simply may not be feasible for Hastings to both adjudicate the complaint and maintain the confidentiality of the complainant and/or alleged victim(s) during that process.

Hastings' Associate Academic Dean and/or his/her designee, the Title IX Coordinator, and the deputy coordinator(s), or the appropriate Hastings administrator, will evaluate such requests in the context of Hastings' commitment to providing a reasonably safe and non-discriminatory environment by balancing: (1) the seriousness of the alleged misconduct; (2) the complainant's and/or alleged victim's age; (3) whether there are or have been other complaints of misconduct against the respondent; (4) the respondent's right to receive information about the allegations, if the information is maintained by Hastings as an "education record" under FERPA; and, (5) the applicability of any laws mandating disclosure. Either the Associate Academic Dean, his/her designee, the Title IX Coordinator, the deputy coordinator(s), or the appropriate Hastings administrator, shall notify the party making the special request if he/she determines that a higher degree of confidentiality cannot be maintained.

If the complainant nonetheless insist(s) on heightened confidentiality, Hastings shall notify the complainant: (1) of the ways in which Hastings' ability to investigate and respond to the incident may be limited; and, (2) that Hastings may still take such measures and impose such discipline as are determined by the Associate Academic Dean or another appropriate Hastings administrator, based on the findings and recommendations of the Title IX Coordinator, in order to comply with applicable laws and policies, and in order to limit the effects of the misconduct and prevent its recurrence; but, (3) that Hastings will honor the request for heightened confidentiality to whatever degree is feasible. For example, Hastings may issue a "no-contact" order or take other appropriate interim measures to ensure an individual's safety, even in the absence of a formal proceeding.

**REQUESTS TO NOT PURSUE A COMPLAINT:** A complainant (or alleged victim, if not the complainant) may determine after a formal or informal complaint has been filed that he or she does not wish to pursue resolution of the complaint through formal proceedings. Hastings takes such requests seriously, and will always be guided by the goals of empowering the victim and allowing the victim to retain as much control over the process as possible. However, Title IX requires such a request be evaluated in the context of the Hastings' commitment to provide a reasonably safe and non-discriminatory environment. In response to a request to not pursue a complaint, the College may proceed with a preliminary investigation into the alleged sexual misconduct and shall weigh the request(s) against the following factors: (1) the seriousness of the alleged misconduct; (2) the complainant's and/or alleged victim's age; (3) whether there are or have been other complaints of misconduct against the respondent; (4) the respondent's right to receive information about the allegations, if the information is maintained by Hastings as an "education record" under FERPA; and, (5) the applicability of any laws mandating disclosure.

Even when Hastings is in receipt of a request to not pursue an investigation, Title IX requires that Hastings take reasonable action in response to the information known to it. Thus, Hastings may nonetheless take such measures and impose such discipline as are determined by the Associate Academic Dean or another appropriate Hastings administrator, based on the findings and recommendations in order to comply with applicable laws, and to limit the effects of the misconduct and prevent its recurrence. For example, Hastings may issue a "no-contact" order or take other appropriate interim measures to ensure an individual's safety, even in the absence of a formal proceeding. Where appropriate, the Associate Academic Dean or another appropriate Hastings administrator may alternatively recommend informal resolution of the complaint. (*See* sections pertaining to Informal Resolution and Mediation below). The complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

Finally, when a complaint is not pursued, Hastings will confidentially maintain all materials pertaining to the complaint for a period of at least three years, or until any external agency's investigation or legal action is concluded, whichever is later. Such records cannot be considered for any purpose in the mediation, investigation, or adjudication of future discrimination or harassment cases.

## **RELATED MISCONDUCT**

**LIABILITY FOR RELATED MISCONDUCT NOT OTHERWISE COVERED UNDER THIS POLICY:** Hastings may hear allegations of, and impose sanctions for, alleged misconduct that is related to the sexual misconduct at issue, even if such related misconduct is not, when standing alone, governed by this policy.

**OBTAINING LIMITED IMMUNITY FOR RELATED MISCONDUCT:** Hastings considers the reporting and adjudication of sexual misconduct cases on campus to be of paramount importance. Hastings may extend limited immunity from punitive sanctioning to victims, witnesses, and those reporting incidents and/or assisting the victims of sexual misconduct, for certain illicit behavior, if doing so is in the interest of providing an effective institutional response to sexual misconduct, and if those seeking immunity have acted in good faith. For those who are concerned about coming forward in advance of knowing whether limited immunity will or will not apply in a particular situation, Hastings has made available a “Silent Witness” form whereby inquiry can be anonymously made into the applicability of limited immunity to a particular situation. See below for more information about the “Silent Witness” option.

## **OPTIONS PRIOR TO OR IN LIEU OF A FORMAL COMPLAINT**

**HASTINGS’ TITLE IX COORDINATOR:** As a recipient of federal funds, the University of California, Hastings College of the Law (“Hastings”) is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* (“Title IX”), which prohibits discrimination on the basis of sex in educational programs or activities, admission and employment. Under certain circumstances, sexual misconduct constitutes sexual discrimination under Title IX. Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator. Hastings’ Title IX Coordinator is Scott Hallahan, whose office is in Suite B-6 of the 198 McAllister Street building. He may be contacted by phone at (415) 565-4611 or by e-mail at hallahan@uchastings.edu.

### **OPTION 1: SEEKING ADVICE**

Any employee, student, alumni, or visitor, who believes that he, she, another individual, or a group has been the victim of conduct that is prohibited under this policy, including sexual violence or other violence based on a protected status, or retaliation, in the context of employment, academic pursuit, or the living/learning environment, may consult with his/her supervisor, human resources representative, or the Title IX coordinator, for guidance on appropriate action and the availability of support services. Reports and inquiries concerning acts of sexual or other misconduct under this policy may also be directed to the Associate Academic Dean, or anonymously using the Hastings Silent-Witness Form, available at [www.uchastings.edu](http://www.uchastings.edu). For emergency assistance, call 911 or the Hastings Public Safety Department, at (415) 565-4611.

### **OPTION 2: FILING A COMPLAINT AS A SILENT-WITNESS**

In order to facilitate the reporting of violations under this policy by individuals or groups who are, for any number of reasons, reluctant to pursue informal or formal resolution through the processes described herein, a “Silent Witness Form” is available, through which incidents may be anonymously reported, and/or inquiries may be anonymously made pertaining to this policy, including inquiries into the applicability of limited liability to a particular situation. This form is available on the Hastings website, at: [www.uchastings.edu](http://www.uchastings.edu). You may complete and submit the form online. Responses to forms that contain inquiries will be issued through an electronically-generated number which will not compromise the anonymity of the witness or complainant. Notwithstanding the availability of this option, individuals

who choose to file anonymous reports are advised that it may be very difficult for Hastings to follow-up or take action on anonymous reports, especially when corroborating information is limited.

### **OPTION 3: INFORMAL RESOLUTION**

Students may have the option to resolve concerns of prohibited harassment and discrimination without an investigation under this policy, depending upon the nature of the complaint and other pertinent factors (*See* section on Heightened Confidentiality and Requests to Not Pursue a Complaint above). When the complainant (or alleged victim, if not the complainant) seeks informal resolution of the matter, such resolution may be achieved through the Title IX Coordinator, the deputy coordinator(s), the Associate Academic Dean and/or his/her designee, or the appropriate Hastings administrator. However, depending upon the nature of the complaint and the surrounding circumstances, combined with a balancing of other pertinent factors, it is important to note that other options may be foreclosed by the exercise of this option, including the option to file a formal complaint or an appeal. Complainant(s) and respondent(s) have a right to inquire into any potential consequences of choosing informal resolution, so that they will be empowered to make an informed decision about whether this option is best for them. The complainant's right to file external formal charges will under no circumstances be impacted by the exercise of this option.

### **OPTION 4: MEDIATION**

Mediation is an option that is available to complainants (or victims, if not the complainants) under certain circumstances. Mediation is only appropriate if (i) the alleged victim requests it; (ii) the respondent agrees to such resolution; (iii) the alleged victim and the respondent are both students of UC Hastings; and, (iv) the Office of the Associate Academic Dean and/or his/her designee, in consultation with the Title IX Coordinator and/or deputy coordinator(s), or the appropriate Hastings administrator, determines that informal resolution is an appropriate mechanism for resolving the complaint. However, mediation is not appropriate in cases involving allegations of sexual violence, even when the parties may mutually agree upon mediation as a course of action, and Hastings will not allow the use of mediation in cases involving complaints of this nature. Mediation tends to be particularly well-suited to situations involving conduct that was unintentionally or unknowingly offensive.

The primary objective in mediation is to permit the parties to resolve the dispute on their own, quickly and confidentially. It is an option that may be especially appealing to parties who have a heightened concern for confidentiality. Both the complaining party/parties and the alleged accused must agree to mediation in order for it to proceed. All parties maintain the right to proceed with a formal investigation throughout the mediation process and may make request that a formal investigation be initiated at any stage prior to, during, or upon the conclusion of the mediation process.

**MEDIATION PROCEDURES:** Once mediation is agreed upon as the next course of action, Hastings may appoint someone to mediate the complaint, subject to approval by the parties. Hastings reserves the right to engage an external investigator for this purpose. The mediator will interview the parties, including the complaining party, to determine: (1) the factual allegations on which the charge of discrimination or harassment is based, and (2) what terms would constitute satisfactory resolution of the complaint. The mediation process must be completed within twenty (20) business days, but is subject to extension, as necessary and mutually agreed upon by the parties, or upon a showing of good cause. A duty shall be imposed upon both parties to respect the confidentiality of the mediation process. The parties may not contact each other outside of the mediation, even to discuss the mediation.

The mediator will provide concurrent written notice to the alleged victim and the respondent, setting forth the date, time, and location of the mediation. Any party may challenge the participation of the mediator

by submitting a written objection to the General Counsel within three (3) business days of receipt of the notice of the mediation. Such objection must state the specific reason(s) for the objection. The General Counsel will evaluate the objection and determine whether to change the mediator. Failure to submit a timely and proper objection will constitute a waiver of any right of objection. Any substitution of the party serving as the mediator will be provided in writing to both parties prior to the date of the mediation.

**RIGHTS OF ALLEGED VICTIM:** During the mediation, the alleged victim may: (a) confront the respondent in the presence of, and facilitated by, the mediator; (b) communicate his or her feelings and perceptions regarding the incident and the impact of the incident (either by communicating directly with the respondent or by communicating indirectly with the respondent through the mediator); and/or, (c) relay his or her wishes and expectations regarding protection in the future.

**COUNSEL AND/OR OTHER ADVISORS:** Under no circumstances may legal counsel be present at the mediation on behalf of the alleged victim or the respondent. However, Hastings may seek advice from the Hastings' General Counsel or outside counsel on questions of law and procedure throughout the mediation process. Absent accommodation for disability, the parties may not be accompanied by an advisor during the mediation.

**RESOLUTION:** During the mediation, the mediator will attempt to facilitate the parties' resolution of the complaint. If the mediation results in a resolution between the parties, and is appropriate under the circumstances (giving consideration to the extent to which the resolution will protect the safety of the alleged victim and the entire school community), the informal resolution procedure will be concluded and the complaint will be closed. If the parties are unable to reach a resolution, the formal resolution process outlined in this policy will promptly commence.

**FAILURE TO APPEAR:** Both the alleged victim and the respondent are expected to attend the mediation. If either party fails to appear at the mediation, and such party was provided proper notice of the mediation as set forth above, then absent extenuating circumstances, the mediator may either direct that resolution of the complaint be determined according to the formal resolution process set forth above, or if the alleged victim fails to appear without good cause, dismiss the complaint.

**CONCLUSION OF MEDIATION:** If the complaint is mediated successfully, the mediator will prepare a mediation agreement presenting the agreed-upon terms and ensuring their compliance with Hastings' policies and procedures. All parties must sign the agreement in order for the dispute to be regarded as fully and finally resolved. If any party fails to comply with the executed agreement, the other party may seek the intervention of the General Counsel and the agreement may be used as evidence in any subsequent investigations pertaining to charges of sexual misconduct. Hastings will not retain any written record of the mediation process, except for a copy of the complaint and the executed mediation agreement, both of which will be made available to the complainant and the accused upon request.

**PRIVACY AND DISCLOSURE:** In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the informal resolution process is not open to the general public. Accordingly, documents prepared in anticipation of the mediation (including the investigatory report and the notice of the mediation) and other information introduced at the mediation may not be disclosed outside of the mediation, except as may be required or authorized by law.

**DOCUMENTATION:** Hastings will retain any documentation of the mediation for at least seven (7) years in the office of the Title IX Coordinator.

## **FILING AN INTERNAL FORMAL COMPLAINT**

**PERIOD OF LIMITATIONS:** Complainants are encouraged to file complaints of sexual misconduct within a reasonable time of the alleged action. Hastings recognizes that in certain situations, such as a subordinate-student relationship between a faculty member and student (*e.g.*, in relation to teaching, advising, research), complaints may not be initiated until the relationship has been terminated. However, Hastings strongly encourages individuals to file complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a complaint, especially a significant delay, may irretrievably compromise the subsequent investigation, including access to information and/or witnesses, particularly if neither the complainant nor the respondent is employed by Hastings or enrolled as a student at the time the complaint is filed.

**WHERE TO FILE A COMPLAINT:** In the case of potential sexual violence, the Hastings Department of Public Safety should be notified first; in such cases, the Department of Public Safety shall immediately notify the appropriate Hastings administrator. The Department of Public Safety shall notify: (1) the Provost & Academic Dean if a dean is the accused; (2) the Chancellor & Dean or his/her designee if the Provost & Academic Dean is the accused; (3) the Board of Directors, through the General Counsel and Secretary of the Board of Directors, if the accused is the Chancellor & Dean. In all other cases, the Department of Public Safety shall notify Title IX Coordinator, deputy coordinator(s), and/or the Office of the Associate Academic Dean and/or his/her designee. Regardless of who receives the complaint, the Title IX Coordinator must immediately be informed, and he/she will take responsibility for leading any administrative inquiry and response to potential incident(s). The Title IX Coordinator will undertake to resolve these complaints impartially, promptly, and confidentially, through either informal intervention, mediation, or formal investigation, depending upon the nature of the complaint, the preference of the complainant(s) (or victim(s), if not the complainant(s)), the surrounding circumstances, and a number of other pertinent factors cited throughout this policy.

**WHAT IS REQUIRED IN A COMPLAINT:** Formal complaints must be in writing, signed by the party filing it, and must contain a statement of the facts and circumstances involved in the alleged violation.

**WHAT TO EXPECT AFTER FILING THE COMPLAINT:** If, after an initial review, the Title IX Coordinator determines that the complaint does describe an alleged violation of this policy, the Title IX Coordinator will notify the accused that he/she/they has/have been named in a complaint and will proceed in accordance with this policy. Alternatively, if the Title IX Coordinator determines that the complaint does not describe an alleged violation of this policy, the Title IX Coordinator will notify the complainant(s) of his/her/their right, if any, to appeal under this policy and/or to seek alternative internal or external avenues of relief.

**INTERIM MEASURES:** Pending resolution of the matter, Hastings may recommend or impose interim measures in the interest of protecting the safety and well-being of members of the Hastings community. In taking these actions, Hastings will be guided by the goals of empowering the victim and allowing the victim to retain as much control over the process as possible, while also evaluating all options in the context of the Hastings' commitment to provide a reasonably safe and non-discriminatory environment for all members of the Hastings community. Some examples of measures that may be imposed are: (a) no-contact orders to prevent any contact between the complainant, the respondent, witnesses, and/or third parties; (b) escort for the complainant to ensure that he or she can move safely between classes, work, and/or activities; (c) changes to on-campus housing of complainant or respondent, with assistance from Hastings support staff in completion of the relocation; (d) arrangements to dissolve a campus housing contract and offering a pro-rated refund; (e) changes to work arrangements; (f) rescheduling of class work, assignments, and examinations; (g) arrangements for the complainant to take an incomplete in a



class; (h) relocation of the complainant or the respondent from one class section to another; (i) permission of a temporary withdrawal from Hastings; (j) provision of alternative course completion options; (k) provision of counseling services; and, (l) provision of academic support services. A review of interim measures may be requested by anyone involved and will be conducted by the appropriate UC Hastings Administrator or the Associate Academic Dean or his/her designee when students are involved.

## **THE FORMAL INVESTIGATORY PROCESS**

The purpose of a formal investigation is to gather evidence pertaining to the alleged misconduct, and to determine whether a preponderance of the evidence suggests that the accused has engaged in such conduct.

**EVIDENTIARY STANDARD:** The standard for evaluating evidence for possible violation under Title IX is a “preponderance of the evidence.” Preponderance of the evidence is defined as evidence that makes it more likely than not that the specific act of misconduct has occurred.

**TIMELINE FOR THE INVESTIGATION:** Hastings will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible. Hastings’ investigation and resolution of a complaint (not including an appeal, if applicable) will generally be completed within sixty (60) calendar days of the receipt of the complaint, subject to extension by the investigator, as necessary, or upon a showing of good cause. Hearings, if any, will take place after the conclusion of the investigation. If hearings have taken place, both the complainant(s) and the respondent(s) generally will receive a “Final Outcome Letter” within twenty (20) calendar days of the conclusion of the hearings. Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator may modify any deadlines contained in this policy as necessary and for good cause.

**WHAT TO EXPECT DURING THE INVESTIGATION:** Upon receipt of the complaint, the Title IX Coordinator, may initiate an investigation. Hastings reserves the right to hire an outside investigator for this purpose. The investigator will promptly begin his or her investigation, taking steps such as: (1) conducting interviews with the complainant, the alleged victim (if not the complainant), the respondent, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form; (2) visiting, inspecting, and taking photographs at relevant sites; and (3) where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal complaints, this step may be coordinated with law enforcement agencies). Throughout the investigation, the investigator will remain neutral. The investigator should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure, as contemplated by this policy, of any personally-identifiable information contained in the complaint, the investigative report, and/or any other documents the disclosure of which is contemplated by this policy in order to further the resolution of the complaint.

The investigator shall keep all parties informed of the investigation’s status, as appropriate. Adversarial hearings, including confrontation, cross-examination by the parties, and active advocacy by attorneys, are not permitted during the investigatory process. Throughout the investigatory process, the complainant and accused may seek the advice of personal attorneys and advisors, and these representatives may attend their clients’ or advisees’ investigative interview, but they may not respond to questions of their clients or advisees, nor may they pose questions. Throughout the investigatory process, the investigator may consult with the General Counsel as necessary to ensure compliance with this policy and other Hastings’ policies and procedures, as well as any mandates under local, state, and federal law.

**INVESTIGATORY PROCEDURE:** The process for investigating complaints under this policy will be distinct from the mediation process. The same person may not perform the functions of mediator and investigator in a single case. Investigations conducted by the Title IX Coordinator or by an outside investigator will be guided by the following process: (1) identify the individual alleged to have discriminated against or harassed the complainant (the accused); (2) thoroughly ascertain all facts in connection with the alleged incident, beginning by initially and separately interviewing the complainant and the accused; (3) ask how the complainant (or victim) responded to the alleged misconduct and determine what efforts were made, if any, at informal resolution of the matter; (4) during the first interview with the complainant(s) and/or victim, discuss confidentiality standards and concerns and ensure complainant and/or victim is/are aware of the ways in which confidentiality can and cannot be maintained; (5) during the first interview with the accused, inform the accused of all of the charges being made, and remind the accused of Hastings' policy against retaliation for making a complaint of misconduct; (6) determine in each initial interview whether a formal or informal resolution, or no resolution at all, is sought; (7) make all options clearly known to complainant(s) and accused; (8) make the timing of the process clearly known to complainant(s) and accused to allow sufficient time for preparation; (9) discuss potential interim measures, as appropriate; (10) determine the frequency and type of the alleged misconduct and, if possible, the dates and locations where the alleged misconduct occurred; (11) develop a thorough understanding of the professional or personal relationship, degree of control, and amount of interaction between the two parties; (12) determine whether the complainant and/or victim knows of or suspects that the accused has similarly behaved towards other individuals; (13) present to the accused all of the charges under investigation along with the evidence supporting them (and, if requested, a summary of the charges); (14) for the accused's explanation of the alleged behavior; as appropriate, interview witnesses proposed by the accused; (15) receive any other evidence that the accused wishes to present; and thoroughly examine and evaluate rebuttals made by the accused; (16) present to the complainant and/or victim additional information learned in the course of the investigation that will be germane to the outcome of the investigation.

**PROCEDURE FOR COMPLAINT FROM SOMEONE OTHER THAN THE VICTIM:** In the event that the complaint was made by someone other than the victim, the General Counsel will consider the following factors in determining whether it is reasonable for the investigator to further investigate the complaint: (1) the source and nature of the information; (2) the seriousness of the alleged incident; (3) the specificity of the information; (4) the objectivity and credibility of the source of the information; (5) whether the individuals who were allegedly subjected to the prohibited conduct can be identified; and, (6) whether those individuals wish to pursue the matter. In the event that the General Counsel determines that an investigation of the complaint should not be conducted, he or she will determine and document (in consultation, as necessary, with the Title IX Coordinator, the alleged victim, the respondent, and other Hastings administrators) an appropriate resolution for the complaint. The Title IX Coordinator will then inform the parties of that resolution.

**DISMISSAL OF THE COMPLAINT:** Upon the advice of the General Counsel, the Title IX Coordinator or outside investigator may dismiss a complaint and close the case when: (1) the complaint is not supported by sufficient facts; (2) it is clear on its face or from the Title IX Coordinator's initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue constitutes prohibited conduct; or, (3) the case does not fall within the jurisdiction of the investigator or describe conduct that is in violation of this policy. The Title IX Coordinator or outside investigator may also dismiss a complaint, upon the advice of the General Counsel, when: (a) the complainant fails or refuses to appear or to be available for interviews or conferences as necessary; (b) the complainant cannot be located after reasonable efforts have been made, and has not responded for at least ten (10) calendar days to a notice sent by the investigator to his/her last known residence, office, or e-mail address; (c) the complainant fails

to provide requested, necessary information; or, (d) the complainant fails or refuses to cooperate with the investigation to such an extent that the investigator is unable to reasonably resolve the charge.

If the Title IX Coordinator, upon the advice of the General Counsel, determines that a complaint should be dismissed, the complainant will be informed of that decision, and given an opportunity to submit a written response to the reviewer within ten (10) business days. If the dismissal is affirmed by the reviewer, the complainant shall have a right of appeal under the appeal procedures, described herein.

**REQUEST FOR WITHDRAWAL OF THE COMPLAINT:** If the complainant(s) (or victim(s), if not the complainant(s)) requests withdrawal of the complaint at any point during the investigation or the formal complaint process, Hastings will take such request very seriously; however, Title IX still requires that Hastings take reasonable action in response to the information known to it. Thus, Hastings may nonetheless take such measures and impose such discipline as are deemed necessary, warranted, and practicable under Title IX, in order to limit the effects of the misconduct and prevent its recurrence. For example, Hastings may issue a "no-contact" order or take other appropriate interim measures to ensure an individual's safety, even in the absence of a formal proceeding. The complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

**RESOLUTION BY AGREEMENT:** At any point during the investigation or the formal complaint process, the parties may suggest a settlement of the matter. The Title IX Coordinator, investigator, or outside investigator, or his/her designee, will serve as an impartial communicator so that the parties will not have direct contact. Any information provided to, or any discussions with, the investigator or designee in an attempt to settle the matter may not be regarded as part of the investigation. If the parties do not come to a settlement agreement, the formal complaint process will continue, as described herein.

**INVESTIGATOR'S REPORT OF FINDINGS:** Upon conclusion of the investigation, the investigator shall produce a written investigatory report, which shall include the scope of the investigation and a summary of the findings. The investigator will submit copies of the report, in confidence, to the General Counsel.

**REVIEW OF THE INVESTIGATORY REPORT:** The investigatory report will then be reviewed by the General Counsel. As part of the review process, the General Counsel may consult confidentially with the Title IX Coordinator or investigator concerning the sufficiency of the investigation and the findings, and/or may return the report for further investigation.

**DETERMINATION OF SANCTIONS AND/OR REMEDIES:** Once approved by the General Counsel, the investigatory report will then be forwarded to the appropriate UC Hastings administrator or the Associate Academic Dean when students are involved for the purpose of determining any and all appropriate sanctions against the complainant(s) and/or non-punitive remedies for the complainant(s).

**SANCTIONS AGAINST THE RESPONDENT(S):** Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for sexual misconduct, or both. Sanctions may include, without limitation: (1) withholding a promotion or pay increase; (2) reassigning employment; (3) terminating employment; (4) temporary suspension without pay; (5) compensation adjustments; (6) expulsion or suspension from Hastings; (7) disciplinary probation; (8) expulsion from campus housing, mandated counseling; and/or, (9) educational sanctions deemed appropriate by the Hearing Committee. The Hearing Committee will determine appropriate sanctions, giving consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. However, the Hearing Committee will review with the General Counsel those cases in which expulsion or suspension is under consideration, in order to ensure that minimal procedural due process requirements are satisfied. The

Hearing Committee will then forward its finalized recommendations regarding appropriate sanctions to the Title IX Coordinator.

**REMEDIES FOR THE COMPLAINANT(S):** Depending on the specific nature of the problem, remedies for the complainant (or victim, if not the complainant) might include, but are not limited to, the following: (a) no-contact orders to prevent any contact between the complainant, the respondent, witnesses, and/or third parties; (b) escort for the complainant to ensure that he or she can move safely between classes, work, and/or activities; (c) changes to on-campus housing of complainant or respondent, with assistance from Hastings support staff in completion of the relocation; (d) arrangements to dissolve a campus housing contract and offering a pro-rated refund; (e) changes to work arrangements; (f) rescheduling of class work, assignments, and examinations; (g) arrangements for the complainant to take an incomplete in a class; (h) relocation of the complainant or the respondent from one class section to another; (i) permission of a temporary withdrawal from Hastings; (j) provision of alternative course completion options; (k) provision of counseling services; (l) provision of academic support services; and, (m) reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

**FINAL DETERMINATION:** The Title IX Coordinator shall then issue a final determination in writing, concurrently, to the complainant(s) and respondent(s). If either the complainant(s) or respondent(s) object to the determination, including sanctions and/or remedies, the matter shall proceed to a formal hearing, as detailed below.

## **THE APPELLATE PROCESS: HEARINGS**

In the case of a contested final determination, either with regard to the findings, sanctions, or remedies, the complainant(s) and/or respondent(s), a Hearing Committee will be appointed to conduct a hearing, in which they will interview and question the complainant, the alleged victim (if not the complainant), the respondent, and any witnesses or other third parties whose testimony the Hearing Committee deems relevant. Upon conclusion of these proceedings, the Hearing Committee will make a final determination and issue a report. This determination will not be appealable, will be binding upon all parties, and will be implemented within ten (10) business days, subject to extension mutually agreed upon by the appellant and upon a showing of good cause.

**PERIOD OF LIMITATIONS:** Complainants or respondents may appeal a determination that a complaint of alleged misconduct pursuant to this policy is or is not meritorious, or that a discipline or remedy is inadequate/unjust, as long as the appeal is made within ten (10) business days of the Final Determination above.

**WHERE AND HOW TO FILE AN APPEAL:** Appeals must be filed in the form of a signed written statement, filed with the Title IX Coordinator, containing the following: (1) the specific grounds for an appeal (see below); (2) specific facts supporting the grounds for an appeal; (3) why/how the facts support a different conclusion; (4) the alternative outcome believed to be supported by the record. Appeals must be filed with: (1) the Provost & Academic Dean if a dean is the accused; (2) the Chancellor & Dean or his/her designee if the Provost & Academic Dean is the accused; (3) the Board of Directors, through the General Counsel and Secretary of the Board of Directors, if the accused is the Chancellor & Dean. In all other cases, any appeal must be filed with the Title IX Coordinator, deputy coordinator(s), and/or the Office of the Associate Academic Dean and/or his/her designee.

**GROUNDINGS FOR AN APPEAL:** Appeals may be grounded on any of the following bases: (1) the remedial actions awarded the complainant are not commensurate with the injury or is unjust; (2) the sanction is not

commensurate with the violation or is unjust; (3) the investigator or reviewer violated the fair application of relevant Hastings procedures and such violation may have had a prejudicial effect upon the outcome; (4) the investigator or reviewer committed a prejudicial error in interpreting the policy or code; (5) the investigator or reviewer rendered a decision clearly against the weight of the evidence; (6) germane new evidence was discovered after the decision and could not have readily been discovered before the decision, which would have impacted the outcome of the hearings.

**ACKNOWLEDGEMENT OF RESPONSIBILITY PRIOR TO THE HEARING:** At any time prior to the date of his or her designated hearing, the respondent may elect to acknowledge his or her actions and take responsibility for the alleged sexual misconduct. In that case, Hastings administration will propose sanction(s). If the victim and the respondent agree to such proposed sanction(s), then the complaint will be resolved without a hearing and without further rights of appeal by any party. If either the victim or the respondent objects to such proposed sanction(s), then a Hearing Committee will convene for the exclusive purpose of determining a sanction.

**COMPOSITION OF THE HEARING COMMITTEE:** The Chancellor & Dean of Hastings shall appoint the members of the "Hearing Committee" every two (2) years, and include at least three faculty and/or staff members. The Title IX Coordinator shall designate one member of the Hearing Committee as the Chair of the Hearing Committee. The Title IX Coordinator shall share the complaint and the investigative report with the Hearing Committee and, if only a portion of the misconduct alleged in the complaint justifies continuing to the hearing process, the Title IX Coordinator will specify which part(s) of the alleged misconduct will be the subject of the hearings.

**NOTICE OF THE COMPOSITION OF THE HEARING COMMITTEE:** Promptly after the appointment of the members of the Hearing Committee, the Title IX Coordinator shall provide concurrent written notice to the alleged victim and the respondent, setting forth the names of the individuals selected to serve on and chair the Hearing Committee. If only a portion of the alleged misconduct justifies continuing to the hearing process, the Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the hearings. The parties may challenge the participation of any member of the Hearing Committee by submitting a written objection to the Title IX Coordinator within three (3) business days of receipt of the notice of the composition of the Hearing Committee. Such objection must state the specific reason(s) for the objection. The Title IX Coordinator will evaluate the objection and determine whether to alter the composition of the Hearing Committee. Failure to submit a timely and proper objection will constitute a waiver of any right of objection. Any changes in the composition of the Hearing Committee will be noticed in writing to both parties prior to the date of the first hearing.

**NOTICE OF WITNESSES:** Within five (5) business days of receipt of the notice of composition of the Hearing Committee, the alleged victim and the respondent may provide the chair of the Hearing Committee with: (1) a list of witnesses, if any, that they propose that the Hearing Committee call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute; and, (2) a written statement of position. Not fewer than five (5) business days but not more than ten (10) business days after delivery of notice of the composition of the Committee to the parties, the Committee will provide a separate notice to each of the alleged victim, the respondent, and any witnesses or other third parties whose testimony the Committee deems relevant, requesting such individuals appear before the Committee. The notice should set forth, as applicable, the date, time, and location of the relevant individual's hearing. In its notices to the alleged victim and the respondent, the Committee will provide the names of the witnesses or other third parties that the Committee plans to call.

**FAILURE TO APPEAR:** If the alleged victim or respondent fails to appear before the Hearing Committee when requested to do so, and such party was provided proper notice of the hearing as set forth above,

then, absent extenuating circumstances, the Committee will proceed to determine resolution of the complaint.

**GENERAL PROVISIONS GOVERNING THE HEARING COMMITTEE:** The following provisions govern the members of the Hearing Committee.

1. *Training:* Members of the Hearing Committee must receive training every two (2) years in recognizing and responding to prohibited conduct under this policy.

2. *Recusal:* Any member of the Hearing Committee whose personal or professional relationships might interfere with providing a fair and unbiased hearing will recuse himself or herself from the proceedings. A member of the Hearing Committee who is in the same department as the accused will recuse himself or herself. Any party may challenge any member of the Hearing Committee who does not recuse him or herself. Following such a challenge, if a majority of the other members of the Hearing Committee present and voting, not including recused members and student members, votes in favor of recusal, then the challenged member will recuse himself or herself.

3. *Minimum 5 Members:* The remaining members of the Hearing Committee, not including recused members and student members, will participate in the proceedings. If there are fewer than five such remaining members of the Hearing Committee, the Hearing Committee will decline to hear the appeal until the Title IX Coordinator adds members to the panel to make a complement of five participating members. The participating members will be referred to hereinafter as the "members of the Hearing Committee."

4. *Confidentiality:* Each person who appears before the members of the Hearing Committee will be advised that he or she is obligated to treat everything that he or she learns in the proceedings as confidential, and may not disclose this information to any other person, unless compelled by law to do so.

5. *Chair:* The members of the Hearing Committee will elect a chair from among themselves. Subject to paragraph six, the chair will control the conduct of all proceedings and will make such procedural rulings as may be necessary to assure fairness and to avoid unnecessary delay, including rulings on the relevance of suggested witnesses or lines of questioning. The Hearing Committee may overrule any such decision by a majority vote of the members present and voting.

6. *Legal Advisor:* The Hearing Committee may request the appointment of an independent legal advisor to advise the Hearing Committee on all matters relating to the performance of its responsibilities hereunder.

7. *Responsibility to Be Fair, Even-Handed, and Respectful:* The Hearing Committee has a responsibility to conduct fair and even-handed proceedings, and to see that all parties and witnesses are treated in a polite, respectful manner.

**PROCEEDINGS OF THE HEARING COMMITTEE:** The following provisions govern the proceedings of the Hearing Committee.

1. *Attorney for the Parties:* Hastings will provide an attorney whose sole responsibility in these proceedings will be to support the charges and recommended sanctions of the investigation report. This attorney will be entitled to present witnesses and cross-examine witnesses (including the complainant or parties and the accused) who appear before the Hearing Committee. The accused and each complainant (or victim, if not the complainant) will be entitled to be accompanied and represented by an advisor or attorney of his or her own choice.

2. *Support Persons:* Both the alleged victim and the accused may have a member of the Hastings community present to support and assist them during their respective hearings. The chair of the Hearing Committee may disallow the attendance of such support person if such support person is also a witness or if, in the discretion of the chair of the Hearing Committee, such support person's presence would be obstructive to the hearing or otherwise warrant his or her removal from the hearing. A support person may communicate with a party privately, but he or she may not address the Hearing Committee, cross-examine witnesses, or have any other speaking role. A support person may not be an attorney. A support person must maintain confidentiality regarding any and all communications exchanged pursuant to this policy.

3. *Other Advisors:* Absent accommodation for disability and except as set forth in this policy, the parties may not be accompanied by any other individual during the hearing process.

4. *Evidentiary Matters:* Complainant and respondent will have an equal opportunity to present evidence during their respective hearings. Formal rules of evidence will not be observed during the hearings. The Hearing Committee may encourage the Title IX Coordinator to turn over to the accused all exculpatory evidence in their investigatory files. The complainant(s) and the accused, either personally or, if accompanied and represented by an advisor or attorney, through that advisor or attorney, will both be entitled to give evidence and to present witnesses on their behalf and to confront and cross-examine adverse witnesses (including the complainant, accused, or parties) who appear before the Hearing Committee. The Hearing Committee will not convict the accused unless the Hearing Committee, after evaluating all of the evidence, is satisfied that the charge has been proven by a preponderance of the evidence.

5. *Admissibility of Prior Misconduct:* Evidence of the past sexual histories of the alleged victim and the respondent will not be permitted at the hearings, with the following exceptions: (a) evidence is permitted to show that the alleged victim has in the past been formally disciplined by Hastings for falsely filing complaints alleging sexual misconduct; (b) evidence is permitted to show that the respondent has in the past been either convicted in a criminal proceeding or formally disciplined by Hastings for sexual misconduct; and, (c) evidence regarding the past sexual activity of the respondent (regardless of whether the respondent was formally charged with a violation of the policy with respect to such conduct) may be permitted to show that the respondent has engaged in a pattern of behavior similar to the alleged sexual misconduct at issue before the Hearing Committee, provided that (1) the respondent has not been found "not responsible" by Hastings in a proceeding related to such sexual activity, and (2) the chair of the Hearing Committee has made written findings both that the evidence is reliable and trustworthy and that the conduct is sufficiently and substantially similar to the conduct at issue before the Hearing Committee to suggest a pattern of behavior.

6. *Conduct of the Hearings:* The hearings will be conducted in an inquisitorial manner, which means that the Hearing Committee will be responsible for asking questions of the parties and the witnesses and developing evidence through testimony. The members of the Hearing Committee may question all those who appear in the hearings; however, the parties are prohibited from directly questioning one another. The members of the Hearing Committee may adjourn temporarily to consult concerning the questions to be asked. The chair of the Hearing Committee will resolve any questions concerning procedure or the admission of evidence or testimony (including the relevancy and reliability of the evidence and testimony). Members of the Hastings community are expected to provide truthful testimony. Witnesses may raise objections to any question posed to them, either personally or, if represented by an advisor or attorney, through that person. The Hearing Committee will rule on such objections in accordance with paragraphs five and six of the general provisions above. Finally, the respondent may choose not to testify or appear before the Hearing Committee; however, his or her

exercise of that option will not preclude the Hearing Committee from making a determination regarding the complaint filed against the respondent.

7. *Recording of Hearings:* All hearings will be tape-recorded. The Hearing Committee will permit the accused and the complainant or parties to listen to the tape recordings upon request. However, the parties may not take any written notes of the recordings.

**HEARING COMMITTEE'S DECISION:** Following the conclusion of the hearings, the Hearing Committee will confer and by majority vote determine whether the evidence (including the information provided in and by the investigative report, the parties' written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) establishes, by a preponderance of the evidence (it is more likely than not), that the respondent committed the misconduct. The Hearing Committee will base its findings of fact and conclusions solely on the evidence presented at the hearings. Only those members who attended all of the hearings may vote. The Chair will not vote, except in the event of a tie.

**HEARING COMMITTEE'S REPORT:** Within thirty (30) calendar days following the conclusion of the hearings, the Hearing Committee will issue a "final outcome letter." This letter will set forth the Hearing Committee's final determination regarding: (1) the violation(s) of this policy for which the respondent was found responsible, if any; (2) sanctions imposed on the respondent, if any; (3) any remedies instituted; and, (4) a discussion of the rationale for (1), (2), and (3). The report will include the name of the respondent(s). It may also set forth names of other individuals, such as a victim or witness, as long as those other individuals provide their written consent to such inclusion. However, when the respondent is a student, in order to comply with FERPA, the letter will not include information that is considered part of a respondent's "education record" (as that term is defined by FERPA), such as information about sanctions that do not pertain to the victim. The Hearing Committee will transmit this report to the appropriate Hastings administrator, and concurrently to the complainant (or victim, if not the complainant) and respondent(s), provided that both the complainant(s) and the respondent(s) sign a statement of confidentiality affirming that he/she understands that the proceedings and the outcome must remain confidential and cannot be disclosed unless disclosure is authorized or required by law.

**FINAL ACCOMMODATIONS AND CORRECTIVE ACTION:** In addition to any sanctions imposed on the respondent, promptly following the conclusion of the hearings and the Hearing Committee's issuance of the "Final Outcome Letter," Hastings administration will determine the final accommodations to be provided to the victim, if any, and the Title IX Coordinator will communicate such decision to the victim and, to the extent that it affects him or her, to the respondent. Hastings administration will also take steps, where necessary, to prevent the further harassment of or retaliation against the complainant (or victim, if not the complainant), or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing trainings for the school community, and providing sexual misconduct or other counseling for the respondent. Hastings administration will also, where appropriate, take steps to prevent the harassment of the respondent. Furthermore, Hastings administration will take prompt corrective action if the complainant (or victim, if not the complainant) experiences retaliation or is subjected to further sexual misconduct or if the original sanctions imposed on the respondent are ineffective to protect the safety and well-being of the complainant (or victim, if not the complainant), or other members of the Hastings community. In taking the above-outlined steps, Hastings administration will make every reasonable effort to minimize the burden on the complainant and/or alleged victim.

**CONFIDENTIALITY AND DISCLOSURE:** In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the complaint, the investigative report, the notices of hearing, and



the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearings, may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law. Before being given a copy of the Hearing Committee's report, both the complainant(s) and the respondent(s) will be required to sign a statement of confidentiality affirming that he/she understands that the proceedings and the outcome must remain confidential and cannot be disclosed unless disclosure is authorized or required by law. However, Hastings reserves the right to disclose information about the sanction when it directly relates to the alleged victim (*e.g.*, regarding implementation of a no-contact directive or the duration of a suspension).

**CONCLUSION OF THE APPEAL:** The appropriate Hastings administrator has the authority in his or her sole discretion to stay the sanctions pending any appeal. Upon the conclusion of the appellate process, the decision will become final and binding upon all parties, and will be implemented within ten (10) business days, subject to extension upon a showing of good cause. Following the conclusion of an appeal, the accused, complainant(s), or victim, if not the complainant, may file a rebuttal to the Hearing Committee's determinations, in writing, with the appropriate Hastings administrator.

**RECORD MAINTENANCE:** Hastings will confidentially retain documentation (including but not limited to the written complaint, notifications, the investigative report, any written findings of fact, petitions for appeal, and any written communication between the parties), for at least seven (7) years. Documentation pertaining to terminations, expulsions, or educational sanctions may be retained indefinitely.

## **FILING CHARGES EXTERNALLY**

**COMPLAINANT'S RIGHT TO FILE CHARGES EXTERNALLY:** The complainant (or victim, if not the complainant) has an inalienable right to file charges externally at any time, regardless of whether a complaint has been or will be filed internally. Charges may be brought externally either through institution of formal proceedings before a local, state, or federal agency, or through the filing of a lawsuit. Either the Hastings Department of Public Safety or the Title IX Coordinator shall be able to provide assistance in filing an external complaint with local law enforcement. Moreover, individuals may inform law enforcement authorities about particular sexual misconduct and discuss the matter with a law enforcement officer without incurring an obligation to make either a formal criminal complaint or an internal complaint.

Because sexual misconduct may in some instances constitute both a violation of Hastings policy and criminal activity, and because the Hastings grievance process is not a substitute for instituting legal action, Hastings encourages individuals to report alleged sexual misconduct promptly to campus officials and to law enforcement authorities, where appropriate. Individuals may, however, choose not to report alleged sexual misconduct to such campus officials and/or law enforcement authorities. Hastings respects and supports the individual's decision with respect to reporting; nevertheless, Hastings may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations at issue.

**A NOTE ON CRIMINAL CHARGES:** Complainants may freely exercise their right to file a criminal complaint, and they shall not be dissuaded from doing so either during or after the school's internal Title IX investigation. However, Hastings shall not wait for the conclusion of a criminal investigation or criminal proceeding to initiate proceedings pursuant to this policy, and shall take immediate steps to protect the student in the Hastings community. Hastings will take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, notwithstanding whether the sexual violence is the subject of a criminal investigation.

While police investigations may be useful for fact-gathering, it is also important to note that the standard for criminal investigations are different, and police investigations and reports are not determinative of whether sexual harassment or violence has violated Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. Criminal investigations into allegations of sexual violence do not relieve Hastings of its duty under Title IX to resolve complaints promptly and equitably.

## APPENDIX A: KEY TERMINOLOGY AND DEFINITIONS

Bad-Faith Complaint	A complaint brought is brought in bad faith if it is malicious, knowingly false, or fundamentally frivolous. An individual who is aggrieved because of a bad-faith complaint may invoke any applicable disciplinary or grievance procedure in order to seek disciplinary action against the party who brought such a complaint.
Bias Activity	Bias activity is defined as an act of bigotry, harassment, or intimidation that occurs on the Hastings campus, within an area that impacts the Hastings community, or through social networking sites, e-mail, instant messaging, text messaging, or other social media, that targets an individual or group based on EEEE-protected status. Bias is action taken against a person or group of individuals that one could reasonably and prudently conclude is motivated, in whole or in part, by the alleged offender’s bias against an individual’s actual or perceived aspect of diversity, including age, ancestry or ethnicity, color, creed, disability, gender, gender identity or expression, height, immigration or citizenship status, marital status, national origin, race, religion, religious practice, sexual orientation, socioeconomic status, or weight. Although bias is not always a violation of the law or of this policy, such behavior does implicate Hastings’ commitment to diversity and inclusiveness, and will not be tolerated to the degree it is prohibited.
Clery Act	The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092(f). Regulations implementing the Clery Act are located in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.
Coercion	<i>See Sexual Coercion</i>
Complainant	A person or group of people who believes he or she or the group has experienced prohibited conduct under this policy.
Complaint	A formal written statement filed with the Office of the Associate Academic Dean, the Title IX Coordinator, and/or deputy coordinator(s), or the appropriate Hastings administrator, alleging the occurrence of conduct prohibited under this policy and calling for official action or treatment in response.

Confidentiality	<p>In order to permit Hastings to conduct a fair and thorough investigation under this policy, it recognized that participants in the process should be protected from unreasonable or undue publicity concerning information they reveal during the investigation. Accordingly, no one participating in the procedures under this policy may reveal any information learned in the course of so doing. The Office of the Associate Academic Dean, the General Counsel, the Title IX Coordinator, and/or deputy coordinator(s), or the appropriate Hastings administrator, will underscore the importance of confidentiality in meetings with parties and witnesses. Hastings will take reasonable measures to protect the confidentiality of the testimony and records produced in the procedures under this policy, but cannot guarantee that confidentiality will be maintained.</p> <p>The protection of confidentiality must be consistent with the requirements of Title IX when Title IX protections are implicated. However, confidentiality does not mean that the details of the complaint will be withheld from the accused; nor does it mean that Hastings is constrained from divulging the proceedings in appropriate circumstances. For example, Hastings may publicly divulge details of the outcome if one of the parties discloses selective or self-serving portions of the proceedings, or when a lawsuit emerges where the complaining or accused contests the findings or results of Hastings' investigation.</p>
Consent	<p>Words or actions that show a voluntary agreement to engage in mutually-agreed-upon sexual activity. Consent is not present when one is incapable of consent, subject to coercion or threat of coercion, or subject to forcible compulsion. An individual may not presume consent by silence or context alone. Consent for one act does not imply consent for another act. <i>See also</i> Incapable of Consent.</p>
Disability	<p>The term "disability," as defined by the Americans with Disabilities Act of 1990 (ADA), means, with respect to an individual: a physical or mental impairment that substantially limits one or more major life activities of such individual; or, a physical or mental impairment that substantially limits one or more major life activities of such individual.</p>
Disciplinary Action	<p>Disciplinary action for prohibited conduct, may include an oral or a written warning, a written reprimand, a requirement to attend training, work restrictions, salary reduction or limitation, suspension, dismissal/termination, community work, fine, probation, educational classes, counseling, papers, directed study, letters of apology, restitution, orders to perform or to stop certain actions, or other educational sanctions. The appropriate Hastings official determines such action based on the recommendations in the investigation report.</p>
Discrimination	<p><i>See</i> Prohibited Discrimination</p>

Domestic Violence	Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
EEEEO (Equal Education and Employment Opportunity)	Federal, state, and local law prohibiting job discrimination based on an EEEEO-protected status.
EEEEO-Protected Status	Identities protected under federal, state, and local equal employment laws and regulations. These include: race, ethnic or national origin, color, gender (including pregnancy), age, creed, religion, actual or perceived disability (including persons associated with such a person), ex-offender status, military, or veteran status, sexual orientation, gender expression or identity, and an individual's genetic information.
Faculty Member	A person who holds appointment to an academic title (as specified in the Faculty Rules and Regulations).
FERPA	The Family Educational Rights and Privacy Act ("FERPA") is a federal statute codified at 20 U.S.C. § 1232g. Regulations implementing FERPA are located at 34 CFR Part 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.
Forcible Compulsion	Use of physical force or a threat, express or implied, that places a person in fear of physical harm to, or kidnapping of, himself, herself, or another person.
Harassment	<i>See</i> Protected-Status Harassment
Hate Crime	A variety of specified offenses, as defined by the California Civil and Penal Code, in which: (a) the person against whom the offense is committed or intended to be committed is selected in whole or in substantial part because of his/her race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age or disability or position in a labor dispute, or because a person is perceived to have one or more of these characteristics, regardless of whether the belief or perception is correct; or (b) the act(s) constituting the offense is/are committed in whole or in substantial part on the basis of a belief or perception regarding the race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age or disability or position in a labor dispute, regardless of whether the belief or perception is correct.

<p>Hostile Environment</p>	<p>Prohibited conduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits the individual or group’s ability to participate in or benefit from the school’s programs. Because the continuing effects of off-campus prohibited conduct can often be experienced in the educational setting, Hastings will consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus. The more severe the conduct, the less need there will be to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For instance, a single instance of rape is sufficiently severe to create a hostile environment. Hostile environment is determined by looking at the totality of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether the conduct unreasonably interferes with an individual's work performance, academic advancement, and participation in extracurricular activities or access to Hastings services.</p>
<p>Incapable of Consent</p>	<p>A person is incapable of consent if he/she is (1) less than seventeen years of age, (2) mentally disabled, (3) mentally incapacitated, (4) physically helpless, or (5) physically unable to give consent. For the purpose of determining ability to consent, a person is mentally disabled when his/her normal cognitive, emotional, or behavioral functioning renders him/her incapable of appraising the nature of his/her conduct; a person is mentally incapacitated when he/she lacks the cognitive ability to make important life decisions; and, a person is physically helpless when he/she is unconscious or for any other reason is physically unable to communicate willingness to act or is physically unable to give consent. Incapacitation for purposes of this definition may be permanent or temporary, and includes situations when the individual has lost cognitive ability due to ingesting alcohol or other drugs, either voluntarily or involuntarily.</p>
<p>Intimate-Partner Violence</p>	<p>Intimate-partner violence is physical force or abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Factors that can be considered include (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship.</p>
<p>Investigation</p>	<p>An investigation is defined as a systematic inquiry into allegations of prohibited discrimination, protected-status (including sexual) harassment, sexual assault/violence, or retaliation for opposing a discriminatory or harassing practice or for participating in an investigation, brought by complainants through the process described in this policy.</p>

Investigative Report	An investigative report is a written account of findings from a formal investigation, conducted by an investigator, into an allegation of prohibited discrimination, and/or protected-status (including sexual) harassment, sexual assault/violence, or retaliation for opposition to a discriminatory or harassing practice or for participation in an investigation.
Investigator	A representative from UC Hastings or an external investigator who has been trained to recognize and respond to violations under this policy, in strict compliance with Title IX, Dear Colleague Letter guidelines, and the Campus Save Act, and who is charged with the responsibility of investigating complaints of prohibited conduct using only those techniques and procedures that are consistent with the most current laws and regulations. The Investigator will either be the Title IX Coordinator, deputy coordinator, or an outside investigator retained by Hastings for this purpose.
Major Life Activities	For the purpose of establishing disability, major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
Mediation	An intervention between conflicting parties for the purpose of promoting reconciliation, settlement, or compromise in response to allegations of prohibited discrimination or protected-status harassment, including sexual harassment. Mediation is not employed in cases involving allegations of sexual assault/violence.
Personally-Identifiable Information	Personally-identifiable information (as that term is defined by FERPA) includes, but is not limited to: (1) a student's name; (2) the name of a student's parent(s) or other family members; (3) the address of a student or a student's family; (4) a personal identifier, such as a student's social security number, student number, or biometric record; (5) other indirect identifiers, such as a student's date of birth, place of birth, or mother's maiden name; (6) other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the Hastings community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or, (7) information requested by a person whom Hastings reasonably believes knows the identity of the student to whom the education record relates.
Preponderance of Evidence	This is the degree of credible evidence required to establish a meritorious claim under this policy, including claims of sexual harassment, assault, or violence. It is defined as evidence sufficient to

	render it more likely than not that the sexual harassment, assault, or violence has occurred. This preponderance is based on the probative value of the evidence—its probable truth and accuracy—not on the quantity of evidence.
Prima Facie	A legal term referring to what is apparent upon preliminary examination or consideration.
Prohibited Discrimination	Prohibited discrimination occurs when an employment or academic decision results in negative and/or different treatment of an individual based upon his/her Equal Education and Employment Opportunity (EEO)-protected class status. Discriminatory conduct includes decisions in which the EEO-protected class status was the sole or a contributing factor.
Protected-Status Harassment (See also Sexual Harassment)	Protected-status harassment, including sexual harassment, occurs when an individual is targeted with verbal, written, visual, or physical conduct, including through social networking sites, e-mail, instant messaging, text messaging, or other social media, based on that person's EEO-protected status that unreasonably interferes with the individual's work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment. The conduct constitutes harassment under any of the following conditions: (1) The conduct is direct. (2) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status. (3) Submission to, or rejection of, such conduct by an individual is used as the basis for an employment or academic decision affecting that person. (4) The conduct is sufficiently severe or pervasive to alter the conditions of the victim's employment or academic pursuits, and creates a work or educational environment that a reasonable person would find abusive.
Protection from Retaliation and Bad-Faith Complaints	This policy, along with certain local, state, and federal laws, prohibits any form of retaliation against a person who files or bears witness to a prohibited discrimination or protected-status harassment complaint, or has opposed discriminatory or harassing conduct. Violation of this prohibition may result in disciplinary action. At the same time, as with any complaint brought in bad faith, an individual who is aggrieved because a complaint was malicious, knowingly false, or fundamentally frivolous, may invoke any applicable disciplinary or grievance procedure in pursuit of action against the party that brings such a complaint.
Public Lewdness	Public lewdness is a type of sexual assault defined as the intentional exposure of the private or intimate parts of the body in a sexually-suggestive manner in public or in private premises when the perpetrator of the exposure may be readily observed.

Rape	Rape is a type of sexual assault defined as occurring when, without consent, there is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or use of a person’s mouth on another person’s genitalia.
Regarded as Having a Disability	Under the Americans with Disabilities Act, an individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this policy because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. However, this shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.
Respondent	The respondent is the person against whom a complaint or charge of prohibited discrimination, protected-status harassment, sexual assault/violence, or other prohibited conduct, has been made.
Retaliation	Retaliation is defined as an act of revenge, reprisal, or injury upon an individual or group who has exercised the right to file a written complaint or make an oral or written report of prohibited discrimination, and/or protected-status (including sexual) harassment, sexual assault or violence, or has participated in an investigation into allegations of such activity, or has opposed discriminatory or sexual harassing conduct, including sexual violence or assault.
Reviewer	A Hastings administrator who reviews investigation reports to make a final determination about what sanctions shall be imposed. The reviewer shall have access to the entire record upon which the investigation report is based. When a dean is the accused, the summary will be forwarded to the Provost & Academic Dean. If the Provost & Academic Dean is the accused, the investigation report is forwarded to the Chancellor & Dean, or his/her designee. If the Chancellor & Dean is the accused, the investigation report is forwarded to the Board of Directors through General Counsel and Secretary of Hastings’ Board of Directors.
Sanction	A disciplinary action imposed on an individual after a claim has been found to be meritorious, which may include corrective actions, educational sanctions, termination of employment, suspension, or dismissal from Hastings.
Scope of Title IX Protection	Title IX protects students from sexual harassment in a school’s education programs and activities. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school’s facilities, on a school bus, at a class or training program. Thus, certain prohibited activity that



	initially occurred off Hastings’ grounds or outside Hastings’ educational programs or activities may still be included under this policy.
Sexual Abuse	Sexual abuse is a type of sexual assault defined as touching of the sexual or other private parts of another person by forcible compulsion or without the latter's consent or with someone who is incapable of consent.
Sexual Assault	Sexual assault is a broad category of prohibited conduct that includes, but is not limited to, public lewdness, rape, sexual battery, and sexual abuse.
Sexual Battery	Sexual battery is a type of sexual assault defined as touching of a sexual nature of a person by another person by forcible compulsion or without the latter's consent or with someone who is incapable of consent.
Sexual Coercion	Sexual coercion is when participation in sexual activity is obtained through employment of physically or emotionally manipulative statements or actions that expressly or implicitly threaten the person or a third party with negative action. Examples of sexual coercion include statements such as “I will ruin your reputation,” “I will tell everyone,” or “your career (or education) at Hastings will be over.”
Sexual Exploitation	Sexual Exploitation means any act of taking non-consensual, unjust or abusive sexual advantage of another person for one’s own advantage or benefit, or to benefit or advantage anyone other than the person being exploited. Sexual exploitation includes, but is not limited to: (1) causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person; (2) prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another); (3) non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet; (4) exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants); (5) voyeurism; and, (6) knowingly or recklessly transmitting a sexually-transmitted disease (including HIV) to another individual.
Sexual Harassment (See also Protected-Status Harassment)	Sexual harassment in either the work or educational environment is a form of protected-status harassment defined as unwelcome sexual advances, requests for sexual favors, and other oral, written, visual, or physical conduct of a sexual nature. Equally included and prohibited are such acts that are conducted via electronic communication, such as social networking sites, e-mail, instant messaging, text messaging, and other social media. Title IX also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if

	<p>those acts do not involve conduct of a sexual nature. Conduct may constitute prohibited sexual harassment when one or more of the following circumstances is present.</p> <p>(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic involvement; (2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; (3) Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance, academic performance, or participation in extracurricular activities, or of creating an intimidating, hostile, or offensive working or educational environment.</p> <p>Because of protections afforded by academic freedom, in evaluation of condition (3) above, speech and other expression occurring in the context of instruction or research will not be considered sexual harassment unless this speech or expression also meets one or both of the following criteria: (a) it is meant to be either abusive or humiliating toward a specific person or persons; or, (b) it persists despite the reasonable objection of the person or persons targeted by the speech.</p> <p>Condition (3) will be evaluated on the basis of an objective standard: the question is whether the conduct would interfere with a reasonable person's work, academic performance, or participation in extracurricular activities, or whether it would create an intimidating, hostile, or offensive working or educational environment in the mind of a reasonable person.</p>
<p><b>Sexual Intimidation</b></p>	<p>Sexual intimidation includes, but is not limited to: threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent; stalking or cyber-stalking; and, engaging in indecent exposure. Equally included and prohibited are such acts that are conducted via electronic communication, such as social networking sites, e-mail, instant messaging, text messaging, and other social media.</p>
<p><b>Sexual Misconduct</b></p>	<p>Sexual misconduct describes a range of offensive, unwelcome behavior of a sexual nature. Such behavior will be reviewed under this policy and may or may not constitute a violation.</p>
<p><b>Sexual Violence</b></p>	<p>Sexual violence refers to physical acts perpetrated without consent or when a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All such acts of sexual violence are forms of sexual harassment that are covered under Title IX.</p>

Staff	An individual employed by Hastings to provide support, administrative, or executive services.
Stalking	Stalking describes a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his/her safety or the safety of others; or, (2) suffer substantial emotional distress. Stalking is defined as unwanted or obsessive attention by an individual or group toward another person. Stalking behaviors are related to harassment and intimidation and may include the act of physically following the victim, or following through digital-monitoring, such as through the use of social media or other technology (cyberstalking).
Student	<p>Generally, “student,” under this policy, is defined as any person who, at the time of the alleged misconduct, is/was enrolled or registered for any academic or scholarly activity at Hastings. Enrollment/registration is defined as extending through holidays or vacations, and is only terminated upon withdrawal or graduation, or upon absence from the school for a period exceeding two consecutive semesters.</p> <p>The term student shall be interpreted to mean any person, whether or not incidentally on Hastings’ payroll, who is currently: (1) registered as a JD candidate; (2) registered in the LL.M. or MSL programs; (3) a non-degree-candidate in the law school (<i>e.g.</i>, non-Hastings students attending Hastings courses through the Consortium on Law, Science &amp; Health Policy); (4) using Hastings facilities or property, or the property of a Hastings-related residential organization, in connection with academic activities; or, (5) on leave of absence or under suspension from being a student of Hastings.</p>
Title IX Coordinator	A Hastings official charged with the duty to coordinate Hastings’ compliance with Title IX, to oversee all Title IX complaints, and to identify and address any patterns or systemic problems that arise during the review of such complaints. The Title IX coordinator and/or his/her designee shall be available to meet with students, faculty, and staff regarding Hastings’ Title IX program, as needed, and to work with campus and other law enforcement officials, as necessary. The Title IX Coordinator shall retain ultimate oversight responsibility over any and all designees and/or deputy coordinators. Title IX coordinators shall have adequate training on what constitutes violations under this policy and must understand how Hastings’ grievance procedures operate.
Title IX Deputy Coordinator	A Hastings official or officials charged with the responsibility of supporting the Title IX coordinator, including support in handling and investigating complaints pursuant to this policy. However, notwithstanding the assignment of deputy coordinator(s) and/or designees, the Title IX Coordinator shall retain ultimate oversight responsibility.

## **APPENDIX B: EXAMPLES OF PROHIBITED DISCRIMINATION AND HARASSMENT**

Discriminatory conduct may take many forms. For disability-related grievances, Hastings' "Disability Discrimination Policy" should be consulted, and is part of the Disability Resources Program. Some examples of conduct that, when based upon a person's EEEEO-protected status, gives rise to a claim of discrimination, follow.

- (1) Denying an opportunity for which an individual is qualified;
- (2) Not considering a person for an opportunity that is open to others;
- (3) Paying disparate wages for equal work in positions that require equal skill, effort, and responsibility and that are performed under similar working conditions (except in cases of a seniority system; a merit system; a system that measures earnings by quantity or quality of production; or a differential based on anything other than an Equal Education and Employment Opportunity (EEEEO)-protected class status);
- (4) Singling out or targeting a person for different or adverse treatment on the basis of his or her EEEEO-protected class status, or for opposing prohibited discrimination, protected-status harassment, and bias activity, or for participating in an investigation regarding a claim of prohibited harassment or discrimination;
- (5) Failure to provide reasonable accommodation for a disability or religious belief or practice (unless the employer can establish that providing such reasonable accommodation will create an undue hardship on the operation of the business or academic program, or will violate another Hastings policy);
- (6) Reinforcing the use of stereotypes that unreasonably impact a person's environment or opportunities;
- (7) Failing, or refusing to hire, or discharging an employee, or discriminating against an individual in admission to, or employment in, any program established to provide apprenticeships or other training or retraining, because of genetic information with respect to the employee that, for example, reveals the potential manifestation of a disease or disorder
- (8) Failing, or refusing to hire or promote, or discharging an employee because of known or suspected caregiver responsibilities. For example, denial of promotion based on sex-based stereotypes that mothers with young children neglect their work duties or are unwilling to travel, denying male workers', but not female workers', requests for leave related to care giving responsibilities; or providing reasonable accommodations for temporary medical conditions, but not for pregnancy.

## **APPENDIX C: LOCAL AND NATIONAL RESOURCES FOR SURVIVORS OF DISCRIMINATION, PROTECTED-STATUS HARASSMENT, SEXUAL HARASSMENT, DOMESTIC VIOLENCE, INTIMATE VIOLENCE, AND SEXUAL ASSAULT/VIOLENCE**

Following is a sampling of hotlines and resources available to members of the Hastings community, including shelters and counseling services, who are experiencing or have experienced discrimination, protected-status harassment, sexual harassment, domestic violence, intimate violence, stalking, and/or sexual assault/violence. Many of these resources would also be able to confidentially provide appropriate referrals to perpetrators who are seeking help to understand and better manage behavior that they find themselves unable to control.

### **RAPE TREATMENT CENTER**

The Rape Treatment Center is located at 2727 Mariposa Street, Suite 100, and their number is: (415) 437-3000 (Note: Hotline is only available during business hours.)

San Francisco General Hospital Emergency Department is located at 1001 Portrero Avenue (at 23<sup>rd</sup> Street), San Francisco, California, 94110.

*To receive immediate attention* for sexual assault, you may either call 911, or, assistance is available 24 hours a day, 7 days a week, from the Hastings Department of Public Safety, located on the ground floor of the 198 McAllister building. Their phone number is (415) 565-4611. A Public Safety Officer will be able to document your complaint and/or escort you to San Francisco General Hospital's Emergency Department, where staff are trained and certified in providing treatment to potential victims of sexual assault and/or violence.

S.F.P.D. Sex Crimes Detail: (415) 553-1361

S.F.P.D. Domestic Violence Response: (415) 553-9225

Adult Children of Alcoholics (ACA): (415) 641-7373

Al-Anon: (415) 674-5633

Alcoholics Anonymous: (415) 674-1821

Alliance Health Project: (415) 476-3902

American Cancer Society: (415) 394-7100 or (800) 227-2345

Ann Martin Center: (510) 655-3379

Asian Women's Shelter for Sexual Assault/Domestic Violence: (415) 751-0880 or (877) 751-0880

Berkeley Depression and Anxiety Clinic: (510) 486-8998

California Institute of Integral Studies Counseling Center: (415) 776-3109

California State Bar Association Lawyers Personal Assistance Program: (800) 341-0572

Gaylesta, Inc.: (415) 729-3996

Berkeley Mobile Crisis Unit: (510) 981-5254

Berkeley Therapy Institute: (510) 841-8484

Goldengate Integral Counseling Center: (415) 561-0230

Center for Domestic Violence Prevention: (650) 312-8515 (24-hour hotline)

Cocaine Anonymous: (415) 312-8515

Community United Against Violence (CUAV): (415) 777-5500; Safety Line: (415) 333-HELP

Domestic Violence Crisis Line: (415) 255-0165

Drug Crisis Hotline: (415) 362-3400

Familias Unidas (bilingual/bicultural counseling at a sliding scale): (510) 412-5930

Haight Ashbury Alcohol Treatment Services: (415) 487-5641  
 Haight Ashbury Psychological Services: (415) 221-4211  
 Hastings Student Health Services: (415) 565-4612  
 Instituto Familiar de la Raza, Inc.: (415) 229-0500  
 Integral Counseling Center: (415) 648-2644  
 Iris Center (Counseling Services): (415) 864-2364  
 La Casa de las Madres: (877) 503-1850 (24/7 crisis line)  
 ManKind Hotline for Men who need help in controlling their violence and abuse towards their partners:  
 (415) 924-1070  
 Marina Counseling Center: (415) 562-2137  
 National Council on Alcoholism and Other Drug Addictions: (415) 296-9900  
 National Suicide Prevention Lifeline: (800) 237-TALK  
 Other Bar, The: (800) 222-0767  
 Park Presidio Psychotherapy Services: (415) 668-3904  
 Poison Control (24 hours): (800) 764-7661  
 Rape Treatment Center (24-hour): (415) 821-3222  
 Richmond Area Multi-Services: (415) 668-5955  
 Riley Center—Rosalie House: Phone: (415) 255-0165  
 Safe Place (Oakland): (510) 536-7233 (crisis hotline)  
 San Francisco AIDS Foundation: Hotline (415) 803-2437; Main reception (415) 487-3000; Crisis  
 services (415) 487-8000.  
 San Francisco Counseling Center: (415) 440-0500  
 San Francisco General 24-hour psychiatric advice and information: (415) 206-8125  
 San Francisco Lesbian Gay Bisexual Transgender Community Center: (415) 865-5555  
 San Francisco Mobile Crisis Unit: (415) 970-4000  
 San Francisco Suicide Prevention Hotline: (415) 781-0500  
 San Francisco Women Against Rape (SFWAR): (415) 647-7273 (available 24/7)  
 Spanish Mental Health Hotline (24 hours): (415) 989-5212  
 Stanford Counseling Institute: (650) 723-2113  
 Suicide and Crisis 24-hour hotline: (415) 781-0500  
 Westside Crisis Center: (415) 353-5050  
 Wright Institute: (510) 548-9716

**ADDITIONAL RESOURCES:**

<p>ManKind Hotline: (415) 924-1070</p>	<p>“ManKind” is operated by the Center for Domestic Peace and provides a hotline specifically to help men who are violent with their female partners. The two goals of ManKind are to help men end their immediate violence toward and abuse of their partners, and to engage men in community advocacy to change the attitudes, beliefs, and behaviors that support men's violence against women and girls. ManKind utilizes a peer education approach to teach men to stop their violence. ManKind includes several interlocking components and activities: education classes for male batterers, a men's 24-Hour Hotline, and the active participation of ManKind graduates in community change work.</p>
<p>Men Can Stop Rape</p>	<p>Men Can Stop Rape (MCSR) is a national Washington, DC-based 501(c)(3) nonprofit organization. Since its inception in 1997, MCSR has led the call to redefine masculinity and male strength as part of</p>

	<p>preventing men’s violence against women. Vital Voices (cofounded by Secretary of State Hillary Rodham Clinton) was recognized as “one of the most innovative prevention programs in the United States.” They have reached over 2 million youth and professionals with an award-winning youth program, the Men of Strength Club, the Campus Men of Strength program for college men, and the “My Strength is Not for Hurting” public-awareness campaign. Their mission is to mobilize men to use their strength for creating cultures free from violence, especially men’s violence against women. For more information, visit: <a href="http://www.mencanstopraper.org">www.mencanstopraper.org</a>.</p>
National Center for Victims of Crime	<p>The National Center for Victims of Crimes is a non-profit organization that advocates on behalf of victims’ rights, trains professionals who work with victims, and serves as a source of information on victims’ issues. For more information, visit: <a href="http://www.victimsofcrime.org">www.victimsofcrime.org</a>.</p>
National Sexual Assault Hotline Phone: (800) 656-HOPE	<p>The concept behind the hotline is simple. When a caller dials (800) 656-HOPE, a computer notes the area code and first three digits of the caller's phone number. The call is then instantaneously connected to the nearest RAINN member center. If all counselors at that center are busy, the call is sent to the next closest center. The caller's phone number is not retained, so the call is anonymous and confidential unless the caller chooses to share personally-identifying information. For more information, visit: <a href="https://www.rainn.org/get-help/national-sexual-assault-hotline">https://www.rainn.org/get-help/national-sexual-assault-hotline</a> or <a href="http://centers.rainn.org">http://centers.rainn.org</a>.</p>
National Sexual Violence Resource Center (NSVRC) (877) 739-3895	<p>The National Sexual Violence Resource Center (NSVRC) opened in July 2000 as a national information and resource hub relating to all aspects of sexual violence. Founded by the Pennsylvania Coalition Against Rape, the oldest and one of the largest state sexual assault coalitions, the NSVRC is funded through a cooperative agreement from the Centers For Disease Control and Prevention’s Division of Violence Prevention. The NSVRC staff collects and disseminates a wide range of resources on sexual violence including statistics, research, position statements, statutes, training curricula, prevention initiatives and program information. For more information, visit: <a href="http://www.nsvrc.org/">http://www.nsvrc.org/</a>.</p>
National Stalking Resource Center	<p>In 2000, the National Center for Victims of Crime partnered with the U.S. Department of Justice Office on Violence Against Women to create the Stalking Resource Center (SRC). Since its inception, the SRC has trained over 60,000 professionals who work with victims in all 50 states, two US Territories, the District of Columbia, the United Kingdom, and Germany and provided technical assistance to hundreds of communities seeking to enhance their response to stalking. For more information, visit: <a href="http://www.victimsofcrime.org/our-programs/stalking-resource-center">http://www.victimsofcrime.org/our-programs/stalking-resource-center</a>.</p>

<p>United States Department of Education, Office for Civil Rights, San Francisco Office</p>	<p>The U.S. Department of Education is the agency of the federal government that establishes policy for, administers and coordinates most federal assistance to education. It assists the president in executing his education policies for the nation and in implementing laws enacted by Congress. The Department’s mission is to serve America’s students—to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. San Francisco Office: 50 Beale Street, Suite 7200; (415) 486-5555.</p>
<p>United States Equal Employment Opportunity Commission, San Francisco District Office</p>	<p>The San Francisco District Office is open Monday through Friday, from 8 a.m. to 4:30 p.m., with walk-in services available on Tuesday and Thursday, from 8:30 a.m. to 3 p.m. The office recommends that visitors call for information prior to a visit, but states that appointments are not necessary.</p>
<p>United States Department of Justice (USDOJ) National Domestic Violence Hotline: (800) 799-SAFE TTY: (800) 787-3224 National Sexual Assault Hotline: (800) 656-HOPE</p>	<p>The mission of the Office on Violence Against Women (OVW), a component of the U.S. Department of Justice, is to provide federal leadership in developing the nation’s capacity to reduce violence against women and administer justice for and strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking. For more information, visit: <a href="http://www.ovw.usdoj.gov">www.ovw.usdoj.gov</a>.</p>