

# ANNUAL SECURITY & FIRE SAFETY REPORT 2023

SANTA CLARA UNIVERSITY



## JESUIT SCHOOL OF THEOLOGY IN BERKELEY

1735 LE ROY AVENUE  
BERKELEY, CA 94709  
(510) 549-5000

**SANTA CLARA UNIVERSITY**  
500 EL CAMINO REAL  
SANTA CLARA, CA 95053  
(408) 554-4000





## A COMMUNITY COMMITMENT TO SAFETY

Santa Clara University (“SCU” or “University”) and its Jesuit School of Theology (“JST-SCU”) in Berkeley value the safety and well-being of our students, staff, and faculty, and visitors. The University community can only remain safe and secure through the cooperation of community members. By working together, we all can continue to make SCU and JST-SCU a safe and welcoming university.

To comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Office of the General Counsel prepares the Annual Security & Fire Safety Report, and works with several University offices and public agencies - such as Campus Safety Services, Risk Management and Compliance, the Office of Student Life, the Office of Equal Opportunity and Title IX, and local law enforcement to gather the information herein. The purpose of this report is to provide vital safety information, such as crime statistics and fire and safety data, to the campus community and to inform current students and employees, prospective students and their families, and prospective employees of the many ways in which the University strives to keep this community safe.

The contents of this report were compiled while adhering to all Federal, State and Local guidelines for COVID-19.

The [Prepared SCU](#) webpage contains the latest information on the University’s COVID-19 response framework as well as statistics on campus. SCU is committed to keeping our campus community healthy, safe, and informed.

The Annual Security & Fire Safety Report for JST-SCU is available on the [JST-SCU Campus Safety](#) webpage. The Annual Security & Fire Safety Report for SCU’s Main Campus is maintained on the [Clery Act Compliance](#) webpage. Additionally, both reports are made available on the [Clery Act Compliance](#) webpage. A hard copy of the report can be requested by contacting Campus Safety Services at (408) 554-4441 or [clerycompliance@scu.edu](mailto:clerycompliance@scu.edu).

JST-SCU is a member of a consortium of eight theological seminaries and ten centers and affiliates called the Graduate Theological Union (“GTU”). Where noted, some policies of JST-SCU are developed and maintained by the GTU. The [GTU Campus Crime and Safety Report \(Clery Act\)](#) is available for review.



# PROCEDURES FOR REPORTING CRIMES AND OTHER EMERGENCIES

## Reporting Crimes and Other Emergencies on Campus

JST-SCU does not have an on-campus safety staff. JST-SCU urges faculty, staff, students, and guests to make use of the extensive resources of the City of Berkeley Police and Fire Departments and the University of California at Berkeley Department of Public Safety. JST-SCU encourages students and employees to be responsible for their own safety and security. Members of the GTU community, including students studying at JST-SCU, or any other person authorized to be present on the JST-SCU campus, should report any suspected criminal activity or other emergency that poses a threat to life or property.

If immediate danger to life or property exists, dial 911 from a landline or (510) 981-5911 from a cell phone to reach the City of Berkeley Police Department or (510) 642-3333 to reach the UC Berkeley Police Department (UCPD).

If immediate danger is not present, call the Berkeley Police Department at (510) 981-5900 or Campus Safety Services at (408) 554-4441.

In all cases, incidents should be reported to Campus Safety Services, the GTU Vice President for Administration and Finance or other GTU and JST-SCU senior administrators.

The appropriate administrator will make sure every report received under this policy is investigated and will take appropriate action to remedy the problem.

Santa Clara University urges that all crimes be reported. Since JST-SCU and the GTU do not have campus law enforcement staff, a report should be made to the City of Berkeley Police Department. After such a report is made, the crime should be reported to Campus Safety Services and the appropriate GTU or JST-SCU administrator.

Incidents that may or may not be crimes may also be reported to "Campus Security Authorities" defined as those with responsibility for controlling access to buildings or facilities and officials having significant responsibility for student and campus activities. Campus Security Authorities report campus crimes and safety related incidents to Campus Safety Services and the City of Berkeley Police Department.

<b>Berkeley Police Department</b>	<p><b>Emergencies:</b> (510) 981-5911</p> <p><b>Non-emergencies:</b> (510) 981-5900</p>
<b>UC Berkeley Police Department</b>	<p><b>Emergencies:</b> (510) 642-3333</p> <p><b>Non-emergencies:</b> (510) 642-6760</p>

## Voluntary, Confidential Reporting

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing a voluntary, confidential report. With your permission, Campus Safety Services can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure your future safety and the safety of others. With such information, the University can keep an accurate record of the number of incidents involving students, faculty, and staff, as well as determine where there is a pattern of crime concerning a particular location, method, or assailant, and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University.

## Anonymous Reporting

Reporting "anonymously" means that the reporting party reports to the University without identifying themselves, and want someone in the University to be aware of the experience, but do not want to be involved in an administrative investigation.

If you would like to report a crime or related concern but do not wish to reveal your identity, Santa Clara University offers an anonymous reporting option. EthicsPoint is a website that the University provides for individuals to anonymously and confidentially report activities that may involve illegal, unethical, or other conduct that violates University policy. You may file a report online at [EthicsPoint](#).

Or, by dialing toll-free (888) 552-8060. EthicsPoint does not generate or maintain any internal connection logs with IP addresses. EthicsPoint makes these reports available only to specific individuals within the University who are charged with evaluating the type of violation and location of the incident. EthicsPoint is checked routinely; however, it should NOT be used for emergency purposes.

EthicsPoint reports are initially shared with the Chief Operating Officer/Senior Legal Counsel and Vice President for Finance and Administration. An anonymous report of alleged discrimination, harassment, sexual misconduct, and retaliation is forwarded to the Director, ordinarily within 24 hours. The University may be limited in its ability to investigate or respond to anonymous reports if it does not have sufficient information from which to follow up on such a report.

## **Timely Warning**

University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. Timely warnings are issued on a case-by-case basis for Clery Act crimes or other serious incidents reported to campus security authorities or local police agencies and that pose “serious and ongoing threats” to students and employees on campus or in the immediate campus community.

In deciding whether to issue a timely warning, the University considers all of the facts surrounding the incident such as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. Incidents that may result in issuing a timely warning include the following Clery Act crimes:

- Murder
- Non-Negligent Manslaughter
- Manslaughter by Negligence
- Sexual Assault
- Hate crimes
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle

### [Full Clery Act Crimes Definitions](#)

The intent of a timely warning is to enable members of the campus community to protect themselves. A timely warning will include information that promotes safety and aids in the prevention of similar crimes.

Such information may include:

- A brief statement of the incident
- Possible connection to other incidents, if applicable
- Physical description of the suspect, if available
- Composite drawing of the suspect, if available
- Date and time of the incident
- Other relevant information

The University will issue a timely warning as soon as it determines there is a serious and ongoing threat to students or employees on campus and/or in the immediate campus community. The determination will be made based on the information that Campus Safety Services or Santa Clara Police Department has available to it at the time. The Director of Campus Safety Services or his designee is responsible for preparing and distributing timely warning reports. In most instances, the timely warning will be issued through the [SCU Bronco Alert](#) system to all students, faculty, and staff. Depending on the particular circumstances of the crime or threat, Campus Safety Services may also post information and safety bulletins through the SCU Bronco Alert system.

Anyone with information about a Clery Act crime or other serious incidents should report the circumstances to Campus Safety Services at (408) 554-4444.

The GTU maintains an alerting and warning service designed to contact faculty, students, staff, and other interested parties to warn of situations on or near campus that may pose an immediate threat. The GTU Alert system provides urgent and important information and instructions in other emergencies. This is an opt-in service. Members of the campus community must visit GTU-Alert and follow the instructions to activate the service.

JST-SCU community members are also encouraged to sign up for UC Berkeley's preferred campus and communications platform "[WarnMe](#)" to receive alerts, advisory, and community communications. UCPD utilizes the WarnMe service to provide timely notification of such situations as crime alerts, Clery Act notifications, or congested areas as the result of traffic, demonstrations or other law enforcement activities.

You may register your email address and/or mobile phone number on the Non-UC-Berkeley Affiliate (Public) signup page.

## **Campus Security Authorities**

While the University prefers that community members promptly report all crimes and other emergencies to Campus Safety Services or the Santa Clara Police Department, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as Campus Security Authorities (CSAs).

These individuals are “officials of an institution who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” CSAs are required to report all crimes to Campus Safety Services as soon as reasonably possible.

CSAs are required to report Clery Act crimes disclosed to them to Campus Safety Services or the Compliance Coordinator for statistical purposes and inclusion in the Annual Security and Fire Safety Report. If confidentiality is requested, these individuals may report Clery Act crimes without disclosing identifying information of the parties involved. All CSAs receive annual training.

## **Missing Person Notification Policy**

In compliance with the Higher Education Opportunity Act, the Missing Person Notification Policy addresses the manner in which the University will proceed in the event that a student residing in campus housing on the Main Campus is believed to be missing. A “missing student” is a currently enrolled Santa Clara University-JST student who is reported missing and residing in an on-campus student housing facility under a University housing agreement. A student is considered to be missing if the student’s whereabouts have not been established for a period of 24 hours, or if there is information within the 24-hour period that suggests the student is missing. Upon notification of a missing student, Campus Safety Services will immediately begin efforts to locate the missing student using all available resources.

Reports of missing students or any concern that a student is missing should be immediately directed to representatives of the following: Campus Safety Services at (408) 554-4441, 24 hours a day, 7 days week; Berkeley Police Department at (510) 981-5911; Office of the Dean at (510) 549-5040.

In support of this policy, students are encouraged on an annual basis to provide the University with the name and contact information of someone for the University to notify in the event the student is determined by Campus Safety Services or the local law enforcement agency to be missing. Students can confidentially provide this contact information through eCampus. The missing person contact information is confidential, will be accessible only to authorized University officials, and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

If a student is believed missing, the University will initiate steps to locate him or her or to determine why the student has not been seen. Campus Safety Services will implement the Emergency On-Call Protocol for the Office of Student Life and the Office of Residence Life and will notify the appropriate law enforcement agency upon receipt of information that establishes an active student is missing. Such notification shall be in a timely fashion, and must be made within 24 hours of the receipt of this information. Additionally, the University will notify the contact person, if the student has designated one, within 24 hours and inform the local law enforcement agency that has jurisdiction in the area that the student is missing.

If the police determine that the student is missing, they will initiate their own investigation. The University will support their investigation by providing whatever technical assistance is appropriate, including posting notices, providing photos of the student, class schedule, and any other information relevant to the search for the missing student.

If a student is determined to be missing and is under 18 years of age and not emancipated, the University is required by law to notify a custodial parent or guardian, in addition to any additional contact person designated by the student, within 24 hours of when the student is determined to be missing.

## **Procedures for Preparing the Annual Security Report**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act 20 U.S.C. § 1092(f)) requires Santa Clara University to make its security policies and procedures, as well as statistics for specific criminal offenses, available to current and prospective students and employees through the Annual Security and Fire Safety Report. The Office of the General Counsel, in coordination with the Office of Student Life; Campus Safety Services; Environment, Health and Safety; Risk Management and Compliance; and the GTU prepares the Annual Security and Fire Safety Report. The report is maintained on the [Clery Act Compliance website](#) and is available in hard copy format upon request by calling (408) 554-4441.



The Annual Disclosure of Campus Crime Statistics is prepared by the representatives of the Office of the General Counsel, Risk Management and Compliance, Campus Safety Services, the Office of Equal Opportunity and Title IX, the Office of Student Life, and the GTU.

The GTU publishes its own Campus Crime and Safety Report in compliance with the Clery Act, which can be found [here](#).

## **Crime, Incident and Fire Summary**

The Emergency Planning Manager maintains a public fire log for the Main Campus. With no security presence, a Daily Crime Log is not maintained for JST. This log is normally updated each business day and contains all fires reported to Campus Safety Services or Berkeley Fire Department that have occurred in the residential facilities at JST. The Jesuit School of Theology Fire Log is available for public inspection online. Logs are kept for seven years.

Additionally, the daily Crime and Incident Summary reflects crimes and major incidents that occurred during the previous 24-hour period. This summary is provided to key administrators in the University.

JST-SCU community members are also encouraged to sign up for the WarnMe alert platform to receive pertinent information regarding safety and criminal information in the surrounding areas of the JST campus.

# **CAMPUS LAW ENFORCEMENT**

## **Campus Safety Law Enforcement Authority**

Since JST-SCU and the GTU do not have a police department or any individual with police authority, the entities rely on the Police Department of the City of Berkeley. Campus community members are encouraged to contact this department immediately in the event of an emergency by calling 911. For non-emergencies, please call (510) 981-5900. Santa Clara University does not recognize any student organizations with non-campus locations, such as fraternities or sororities.

## Confidential Resources

The University has created "safe havens" for those students who want to approach a knowledgeable person for guidance and support who is also confidential, such as Campus Pastoral Counselor, Professional counselors at CAPS, and the Wellness Center. Confidential resources are available for students, faculty, and staff, and should be accessed when an individual would like to talk to someone in confidence without having that person share the information with anyone else.

Employee Assistance Program (EAP) benefits are available to assist faculty and staff. Santa Clara University's EAP benefits are provided by a third party administrator, Concern at 800-344-4222. Service is open 7 days a week, 24 hours a day

## Campus Pastoral Counselors and Professional Counselors

Campus [pastoral counselors](#) and [professional counselors](#) are not required to report crimes for inclusion in the annual disclosure of crime statistics.<sup>1</sup> As a matter of policy, they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics. Professional counselors and pastoral counselors are also strongly encouraged to voluntarily report incidents of crimes without personally identifiable information for inclusion in the annual crime statistics.

## Campus Advocates

Under the direction of the Assistant Director for Student Survivor Advocacy and Campus Support Services in the Wellness Center, Campus Advocates are trained University faculty and staff who provide support, help with accessing resources, or information about sexual assault, dating violence, domestic violence, and stalking. The staff in the Wellness Center and Campus Advocates are available for confidential conversations and support to a student during a university investigation and conduct process. Campus Advocates are available by contacting the Wellness Center. The Office of Equal Opportunity and Title IX can also provide assistance to reporting parties and respondents with identifying a confidential advisor.

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<sup>1</sup> A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who meets the definition of a counselor, is considered to be a counselor for the purposes of the Clery Act. A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition.

## **MONITORING AND RECORDING STUDENT OFF-CAMPUS CRIMINAL ACTIVITY**

JST-SCU operates no off-campus housing or off-campus student organized facilities. The Berkeley Police Department has jurisdiction over the campus and the surrounding property and provides to the Assistant Dean of Students reports of students who have been issued citations or arrested. The Assistant Dean of Students and the Office of Student Life address any potential violations of the Student Conduct Code through the University Student Conduct System.

The Berkeley Police Department, and in some cases UCPD are the proper law enforcement agency for any off-campus crime and safety concerns surrounding JST-SCU.

## **CAMPUS FACILITIES; SECURITY AND ACCESS**

All University students, faculty, and staff are issued a University ACCESS card for the purpose of photo identification as a Santa Clara University student, faculty, or staff member. The ACCESS card is also used to gain entry on an authorized basis to University facilities. Most buildings at the GTU and JST-SCU are not open to the public, but are intended for use by faculty, students, staff, vendors and others with legitimate business with JST-SCU. Access to these buildings is intended for the use of these people only.

Members of the JST-SCU community are charged with responsibility for safeguarding the spaces under their control, maintaining custody of the keys and ACCESS cards to which they have been entrusted, and reporting promptly the loss of any such keys or cards. Individuals who live in University housing have secured access to their residence halls and their rooms. Guests of residents are welcome in JST-SCU residential facilities. A guest is defined as any person who is not contracted to live in a residential facility. This definition includes JST-SCU students who live in other residence halls or who live off-campus. Students must accompany their guests while their guests are in the residential facilities.

The University Facilities Department maintains JST-SCU buildings and grounds with a concern for safety and security. The Facilities Department has procedures in place with departments throughout campus for reporting maintenance and repair issues for all JST-SCU properties. Any potential safety hazards are prioritized and repaired beginning with those that present the most immediate and significant safety concerns.



## CRIME AWARENESS AND PREVENTION PROGRAMS

JST-SCU does not have an on-campus safety staff. JST-SCU urges faculty, staff, students, and guests to make use of the extensive resources of the City of Berkeley Police and Fire Departments and the University of California at Berkeley Department of Public Safety.

There are numerous safety procedures and crime avoidance tips available from the City of Berkeley's [Police Department](#) and the University of California's [Police Department](#).

The University of California operates a night escort service called [BearWALK](#) that JST-SCU students may use. The service provides escorts who will walk students to their cars, a shuttle bus, public transportation, or home if students live nearby. Students may call (510) 642-WALK from dusk until 2:30 a.m. while UC Berkeley is in session. Geographical boundaries for the service are available [here](#).

### Personal Safety Programs

A companion safety tool to SCU Bronco Alert, the [Guardian App](#). With the Guardian App, you can receive important campus notifications, call, communicate with campus safety, and gain access to safety resources and documents. The app will also serve as a virtual escort on, and near campus, as well as a safety beacon during emergencies.

### Emergency Planning Website

To best inform the campus community of the University's emergency planning and preparedness efforts, the Emergency Planning [website](#) contains tools and resources for both Santa Clara and Berkeley campuses available for students, staff, faculty and parents or guardians to access.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

### Emergency Mass Notification System (SCU Bronco Alert)

In addition to the GTU Alerts, JST-SCU students, faculty, and staff may be notified of significant emergencies through the University's emergency mass notification system "SCU Bronco Alert". SCU Bronco Alert is activated as needed for significant emergencies, dangerous situations, or other conditions that present an imminent risk or immediate threat to the health and safety of students, faculty, staff, or visitors to the campus community, to University property or the environment, or as superseded by the Higher Education Act, state law, or other applicable procedure.

First responders and other JST-SCU campus officials may be dispatched by the Campus Safety Services dispatch center as necessary, to any reported or suspected crisis first. First responders and other campus officials may initiate confirmation and verification of the existence of a crisis before emergency SCU Bronco Alert systems are activated (e.g., suspicious packages may require both a bomb squad assessment and evacuation order before SCU Bronco Alert is initiated).

Campus Safety Services and/or University Operations staff or designee may seek confirmation of a significant emergency or dangerous situation from one or more the following sources:

- Campus Safety Services;
- SCU University Operations (Facilities, Utilities, etc.);
- Other SCU-affiliated personnel;
- City of Berkeley Fire and Police Departments, and allied public safety agencies;
- Members of the community/general public through telephone and other communication systems, including social networking;
- Media reports originating from the incident scene (television, radio, etc.);
- Social Media (Facebook, Twitter, etc.)

The University shall attempt to notify the campus community as soon as possible through advisories, Timely Warnings, and Emergency Notifications as required under statute or other mandate. The University, without delay and taking into account the safety of the campus community, will determine the content of the notification, the appropriate segment(s) of the campus community to be notified, and initiate SCU Bronco Alert (unless issuing the notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency). The University will develop and maintain appropriate overlapping and redundant notification systems and provide the necessary resources to adequately ensure campus mass notification systems are fully operational. University employees shall follow the SCU Bronco Alert policy in accordance with the Clery Act and HEOA.

The University has established this policy (last updated in 2015) to provide guidance on the issuance of emergency notifications. This policy gives the University the flexibility in determining appropriate action steps in dynamic situations. Under this policy, the University will consistently apply four basic principles in accordance with federal statutes. These principles are:

- Attempt confirmation of a significant emergency or dangerous situation;
- Determine the appropriate geographic segment(s) of the campus community to receive a notification;
- Determine the content of the notification; and
- Initiate the notification system based on confirmation of facts or the circumstances of the incident using only trained and experienced emergency notification personnel.

In the absence of timely confirmation, the University may assume that a threat to the health or safety of the campus community is imminent and may issue a mass warning or advisory without delay.

The authority to activate SCU Bronco Alert as deemed appropriate for the protection of life, property, environment, or in the best interest of the public's health and welfare of the institution and campus community, is vested in the following officials:

- Vice Provost for Student Life
- Campus Safety Services Director & Assistant Director
- Emergency Planning Manager
- Campus Safety Services Supervisory Staff
- Director of Environment, Health and Safety



## Notifying the Campus Community

SCU may utilize the SCU website, social media (Twitter, Facebook), and other supplemental resources to disseminate emergency information to the larger SCU community, alumni, family, and media-related organizations. Social media sites also serve as redundant (back-up) contingency sites should the SCU web pages and server sites become overwhelmed by visitor overload during a crisis.

Information posted to Santa Clara University social media accounts and on the main website should be considered official. The Campus Community may rely on this information as authentic and verified.

During emergencies where there may be a high call volume to Campus Safety Services or after an initial SCU Bronco Alert has been sent, a phone bank has been setup to handle a large increase in incoming calls.

## Emergency Response and Evacuation Tests

SCU Bronco Alert tests are conducted regularly. The University conducts a public (announced) campus-wide test at least once annually. A reminder of testing is sent to subscribers at least 24 hours prior to the test. The system is exercised or used in conjunction with scheduled exercises to maintain awareness of the system by students, faculty, and staff. The University publicizes its emergency response and evacuation procedures in conjunction with at least one system-wide test or exercise per calendar year. In addition, the University displays [Emergency Procedures](#) signage in all classrooms and academic facilities campus-wide.

The Emergency Planning Manager maintains data and documentation that records the use of the emergency notification system. Data includes the date, approximate time(s), incident type, location, and the warning devices used of any issuance, to include system tests and exercises, and whether the test was announced or unannounced (routine maintenance). Campus Safety Services maintains and coordinates on-call and SCU Bronco Alert activation response status to ensure redundancy of personnel needed to activate campus warning systems.

# ALCOHOL AND OTHER DRUG USE POLICY

## Drug-Free Policies

It is the goal of Santa Clara University to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, dispensation, possession, and/or use of controlled substances or the unlawful possession, use, or distribution of alcohol is prohibited on the Santa Clara University campus, in the workplace, or as part of any of the University's activities. This includes the unlawful use of controlled substances or alcohol in the workplace even if it does not result in impaired job performance or unacceptable conduct.

The unlawful presence of any controlled substance or alcohol in the workplace and campus itself is prohibited. The workplace and campus are presumed to include all Santa Clara

University premises where the activities of the University are conducted.

Violations will result in disciplinary action up to, and including, termination of employment for faculty and staff or expulsion of students. A disciplinary action may also include the completion of an appropriate rehabilitation program. Violations may also be referred to the appropriate authorities for prosecution.

## Student Code of Conduct

The following acts may subject students to disciplinary action:

Illegal use, possession, or distribution of drugs. The use or possession of equipment, products, or materials that are used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance. Possessing, concealing, storing, carrying, or using any drug paraphernalia as defined in California Health and Safety Code §11364.5, including, but not limited to, objects intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body. A reported violation of this section will result in the confiscation and immediate disposal of drugs and drug paraphernalia by University officials.

## **Drug-Free Workplace Policy**

The following policy applies to all Santa Clara University employees pursuant to Policy 703 of the Staff Policy Manual and Section 3.6.10 of the Faculty Handbook:

Unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited in the workplace. Employees who violate this prohibition are subject to corrective or disciplinary action as deemed appropriate, up to and including termination.

As an on-going condition of employment, employees are required to abide by this prohibition, and to notify Human Resources of any criminal drug statute conviction they receive for a violation occurring in the workplace. Notification must be provided in writing no later than five days after such a conviction.

If an employee receives such a conviction, the University shall take appropriate disciplinary action against the employee, up to and including termination, or require the employee to participate satisfactorily in an approved drug-abuse assistance or treatment program. Human Resources makes available information about drug counseling and treatment.

It is the responsibility of all University faculty, staff, and students to comply with this policy and to inform visitors of this policy.

## **Alcoholic Beverage Policy**

The Alcoholic Beverage Policy of Santa Clara University is based on the central and fundamental educational focus of the University of creating an environment that fosters learning. The University believes in personal responsibility, moral growth and development, awareness of communal consequences of personal choices, an obligation of citizenship, and responsible decision making. The University strives to build a community that is welcoming, hospitable, fair, inclusive, rooted in mutual understanding and appreciation, and respectful of diverse perspectives, traditions, and practices. Therefore, it is critical that the members of the University community be committed to the physical and emotional health and well-being of those who work, study, or congregate at the University. The policy serves as a guide and applies to all members of the campus community including students, parents, staff, faculty, alumni, and guests of the University.

The Alcoholic Beverage Policy is set in the context of the legal requirements governing the sale, consumption, and distribution of alcoholic beverages and in the context of community expectations for, not only upholding the laws but also sharing responsibility for the safety and welfare of other members of the community.



The University will not tolerate disregard for the law, or behaviors and practices that counter the education of the whole person, compromise rigorous and imaginative scholarship, inhibit moral and spiritual development, and constrain the University's fundamental values. Consequently, the University does not condone underage drinking and considers intoxication, disorderliness, or offensive behavior deriving from the use of alcoholic beverages to be unacceptable, regardless of a person's age, or on campus or off-campus status.

To cultivate a campus environment consistent with the stated goals and purposes of an educational institution, the University has adopted the following policies and procedures for the use of alcoholic beverages.

1. The service and consumption of alcoholic beverages on the University campus and at University-sponsored events off campus shall be done in compliance with applicable municipal, state, and federal laws and regulations, and in accordance with University policies and procedures. All persons on the University campus or at any University-sponsored event off campus where alcoholic beverages are being served or consumed are expected to abide by and respect all such laws, regulations, policies, and procedures. (Copies of applicable laws are available from the Office of Student Life. See the following section for a partial listing of laws.)
2. Alcoholic beverages at events held on campus shall be supplied and sold only by the University food service provider or another designated, licensed agent of the University, except in situations covered by No. 5 of this policy. No other individual person or private party shall supply or sell alcoholic beverages at on-campus events or hold the license for the sale of alcoholic beverages on campus.
3. Alcoholic beverages shall not be served or consumed in public areas of the University except at authorized University events. Public areas include all indoor and outdoor spaces on the campus except individual residences and private departmental work areas and offices.
4. Alcoholic beverages shall not be served or consumed at any University-sponsored intercollegiate or club sport athletic event or recreational sports activity.

5. The sponsorship of events by alcoholic beverage companies or distributors is limited to cash donations, donated products (other than those that directly promote or advertise alcoholic beverages) in support of fundraising or other special events as approved by the appropriate vice president, vice provost, or dean; and materials for University educational programs. The use of donated products for events that are held in Benson Memorial Center must also be approved by the University liaison to the food service contractor.
6. Alcoholic beverages may be served at on-campus events sponsored by University-affiliated student organizations whose membership is predominantly 21 years of age or older and/or at on-campus events specifically for the senior class, provided that University operating funds are not used to purchase the alcohol for the event.
7. The service of alcoholic beverages at all events on campus shall be in accordance with the Event Management Plan for Events with Alcohol, which should be submitted and approved by the Vice Provost for Student Life or designee.
8. For student organization-sponsored events off campus that include the service of alcoholic beverages, and that require University approval of the contract or agreement with the off-campus facility, an Addendum to Agreement must be signed by the service provider and received by the Vice Provost for Student Life or designee.

### **Select California State Laws on Alcohol**

1. It is a misdemeanor to sell, furnish, or give alcoholic beverages to a person under the age of 21.
2. It is an infraction for a person under the age of 21 to purchase or possess alcoholic beverages.
3. It is a crime to sell alcohol without a valid liquor license or permit.
4. It is a crime for any person to drink while driving, to have an open container of alcohol in a moving vehicle, or to drive under the influence of alcohol.
5. It is a misdemeanor to be intoxicated in a public place.
6. Intoxication is presumed at blood levels of 0.08 percent or higher and may be found with blood alcohol levels from 0.05 percent to 0.08 percent.

Students of legal drinking age (21 years or older) may consume alcoholic beverages in the privacy of their own rooms in the residence halls and neighborhood units, provided the space is not shared with an underage roommate. Regardless of age, excessive and inappropriate use of alcoholic beverages is strictly prohibited regardless of whether consumption occurred on or off-campus.

## **Student Code of Conduct**

The following acts may subject students to disciplinary action:

Possession, consumption, sale, or action under the influence of alcoholic beverages by persons under the age of 21; furnishing alcoholic beverages to persons under the age of 21; consumption of alcoholic beverages in a public place (all areas other than individual residences, private offices, and scheduled private functions); excessive and inappropriate use of alcoholic beverages. A reported violation of this section will result in the confiscation and immediate disposal of alcoholic beverages and related equipment.

## **Alcoholic and Marijuana Policies within University Housing**

In the interest of maintaining a safe and healthy living and learning environment, students are expected to either discourage misconduct, including the use of alcohol, marijuana, and other drugs, or report such violations. Students are responsible for removing themselves from all situations where alcohol, marijuana, or other drug policy violations are present. If a student chooses to not take such action and simply remains in the presence of the alcohol, marijuana, or other drug use, then they may also be in violation.

Any person under the age of 21 who is in possession of alcohol or is in a room where alcohol is knowingly or unknowingly present will be assumed to have been consuming alcohol, as it is difficult to determine who was drinking and who was not.

Students of legal drinking age (21 years or older) may consume and possess alcoholic beverages in the privacy of their own rooms in the residence halls and apartments, provided the space is not shared with an underage roommate. Regardless of age, excessive and inappropriate use of alcoholic beverages is strictly prohibited, whether or not consumption occurred on or off campus.

Students hosting guests (including fellow SCU students and non-SCU guests) are responsible for their guests' adherence to the policy.

Possession and/or consumption of alcoholic beverages in public areas is prohibited. Public areas in residence halls refer to all areas other than individual rooms or living spaces, including but not limited to rooms with open doors, rooms with closed doors to which attention is attracted by noise, hallways and corridors, lounges, restrooms, and outdoor areas including private patios.

Empty alcohol containers, paraphernalia, and/or packaging within a student's room (including those decorative in nature) will be considered the property of the student. Students and their guests can be held in violation of the Alcohol Policy if there are empty containers and/or packaging materials in their rooms.

## **Marijuana Policy**

On November 8, 2016, voters in California passed Proposition 64, thereby allowing persons who are 21 and older to possess, transport, and buy up to 28.5 grams of marijuana and use it for recreational purposes. The Bureau of Marijuana Control is the state agency responsible for regulating and licensing marijuana sales.

It continues to be illegal to smoke marijuana in public and at locations where tobacco use is outlawed, such as restaurants, and within 1000 feet of a school, daycare or youth center when children are present. It is also illegal for motorists to smoke marijuana while driving.

Despite the change in state law regarding marijuana, Santa Clara University's policy remains unchanged: use and possession of marijuana on campus or in association with any university-sponsored or affiliated activity or program is prohibited. The policy complies with the federal Drug-Free Schools and Communities Act. Under this federal law, as a condition of receiving federal funds, an institution of higher education such as Santa Clara University must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on campus and as part of its activities and programs. At the federal level, this law includes any amount of marijuana.

California Proposition 215, passed in 1996, allows for the use of marijuana for medical purposes. Students who qualify under Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on university-owned or controlled property (including, but not limited to, residence halls, academic buildings, athletic facilities, and parking lots), or during a university sanctioned activity, regardless of the location.

Propositions 215 and 64 create a conflict between state and federal laws. When state and federal laws are in conflict, federal law takes precedence. If Santa Clara University does not comply with federal law and regulations on marijuana possession and use on campus and in university programs and activities, it risks losing federal funds for student financial aid, faculty research and other important programs and services.

Thus, the Santa Clara University must continue to abide by federal laws and regulations and university policy barring the use and possession of any amount of marijuana on campus or in association with any university-sponsored or affiliated activity or program. Students who fail to follow this policy are in violation of the Student Conduct Code and are subject to disciplinary action.

Students who fail to follow this policy are in violation of the Student Conduct Code and are subject to disciplinary action.

### **Community Resources**

#### [Alcoholics Anonymous](#)

East Bay AA  
(510) 839-8900

#### [Merritt Peralta Institute](#)

#### [Chemical Dependency Department](#)

3012 Summit Street, 5th Floor  
South Pavilion  
Oakland, CA 94609  
(510) 652-7000

#### [Narcotics Anonymous](#)

Alameda County  
(510) 444-4673

*PLEASE NOTE: Santa Clara University does not endorse or collaborate with any of the above-listed programs.*



## Drug and Alcohol Programs

The University educates students about alcohol and substance use through programs, publications, and other services offered by the Wellness Center. At new student orientation, all new students participate in a session on alcohol and substance abuse awareness and prevention. Students who are concerned about substance use, abuse, and rehabilitation are urged to contact the Wellness Center, Counseling and Psychological Services, or Cowell Health Center. The Wellness Center offers **BASICS** -- **B**rief **A**lcohol **S**creening and **I**ntervention for **C**ollege **S**tudents.

This program is appropriate for any student who uses alcohol and/or other drugs, whether students are concerned about substance use or just curious to learn about how their use compares to others. BASICS provides a structured, one-on-one opportunity to assess a student's risk, identify potential changes, and help individual students to reduce the risk of developing future problems. In addition to BASICS, the Wellness Center also offers CHOICES, an educational program addressing substance use, prevention, and harm reduction for college students. The program engages students in self-reflection and small group discussion about facts, risks and norms associated with substance use while equipping them with the information, strategies and skills to make wise decisions and encourage harm reduction strategies. Successful completion of an appropriate rehabilitation program, including participation in aftercare, may be considered as evidence of eligibility for reinstatement of student status. The Wellness Center also facilitates and supports the University's Collegiate Recovery Program (CRP). The mission of the CRP is to provide a supportive community where students in recovery, and those in hope of recovery, can achieve academic success while participating in a unique college experience free from addiction to alcohol and other substances.

Faculty or Staff members who are concerned about substance use, abuse, and rehabilitation are strongly encouraged to contact their physicians, health plan, the Employee Assistance Program (currently offered through United Behavioral Health), or the Department of Human Resources, which can refer them to appropriate resources (community or private agencies) that provide complete, confidential substance abuse counseling. Many health insurance plans provide coverage for substance abuse programs to address substance abuse and rehabilitation as well. Successful completion of an appropriate rehabilitation program, including participation in aftercare, may be considered as evidence of eligibility for continued or future employment.

## Other outside sources for students, faculty, and staff

Find a Treatment Center in Your Community (Nationwide)

- [verywell Mind](#)
- [Alcoholscreening.org](#)

See the personnel manual or student mailing for complete delineation of policy and educational programs for drug and alcohol abuse.

Several drug and alcohol counseling, treatment, and rehabilitation programs are available to JST-SCU faculty, students and employees. Merritt Peralta Institute's (MPI) Chemical Dependency Department may be reached at (510) 652-7000 for help in dealing with a drug or alcohol dependency problem.

The initial consultation is free and includes an assessment of the problem and the recommendation of a treatment plan. A local Alcoholics Anonymous program may be reached at (510) 839-8900 and a local Narcotics Anonymous program may be reached at (510) 444-4673.

## Minimum Student Conduct Hearing Outcomes for Alcohol, Marijuana, and Other Drug Violations

This policy identifies the minimum standard for student conduct hearing outcomes for alcohol, marijuana, and other drug violations in accordance with the Student Conduct Code, University Alcohol Policy, and Alcohol and Other Drug Policy Within University Housing. The University reserves the right to apply these hearing outcomes for student misconduct that takes place on-campus, in campus operated facilities, in public or at non-affiliated properties.

### Alcohol, Marijuana, and Other Drugs

The phrase "alcohol, marijuana, and other drugs" broadly includes, without limitation, any stimulant, intoxicant, nervous system depressant, hallucinogen, or other chemical substance, compound or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use (e.g., the misuse of prescription drugs, over the counter drugs, or household products).

The operational definitions of the words alcohol, marijuana, and other drugs are:

**Alcohol:** Intoxicating beverages such as beer, wine, and liquor.

**Marijuana (aka Cannabis):** Comes from the dried flowering tops, leaves, stems, and seeds of the Cannabis sativa (hemp) plant.

**Other Drugs:** Illicit Drugs: Cocaine, heroin, ecstasy (MDMA), amphetamines, methamphetamines, hallucinogens (i.e. LSD, psilocybin mushrooms), and similar substances that are considered to be illicit drugs.

**Misuse of Prescription Drugs:** Misuse of prescription drugs, including opiates/pain-killers (i.e. morphine, oxycodone), stimulants (i.e. Ritalin), sedative-hypnotics (i.e. barbiturates, anxiolytics) and other psychoactive drugs is prohibited. This includes taking medication that is not prescribed to you, taking more than the prescribed dose of medication, or taking prescription medication for a reason other than the intended use (i.e. to produce a “high”)

### **Adherence to Local, State, and Federal Laws**

Santa Clara University adheres to local, state, and federal laws pertaining to alcohol, marijuana (including its various forms), and other drugs, and requires all University community members to follow local, state, and federal guidelines, laws, and regulations. In instances that may be in violation of local, state, or federal law, the University reserves the right to report such cases to law enforcement.

### **Alcohol, Marijuana, and Other Drug Programs and Services**

The Wellness Center and Cowell Center - Health and Counseling Services provide programs and support for students who are struggling with their use of alcohol, marijuana, and other drugs. These offices can also refer students to non-affiliated counseling and treatment facilities.

### **Cumulative Nature of Alcohol, Marijuana, and Other Drug Violations**

Through the University conduct process, hearing officers and hearing boards determine outcomes for student conduct hearings. When doing so, they take into account the nature of the violation and any previous violations of the Student Conduct Code.

When determining the hearing outcome for an alcohol, marijuana, and other drug violation, the University uses an 18 month timeline to identify if a violation is a first, second, third, etc.

violation. That is, if 18 months pass from the date of the previous alcohol, marijuana, or other drug violation without the student being found responsible for an additional alcohol, marijuana, or other drug violation then the outcome for an additional violation will be considered the same category as the previous violation. For example, if a student is found responsible for a first alcohol violation in October of their first year on campus and is found responsible for a second alcohol violation during May of their third year on campus, the violation will be considered a first violation because 21 months passed between each violation. It will not be considered a second violation unless the details of the violation are deemed egregious or serious enough to warrant an elevated response from the University.

Through the conduct process, Santa Clara University takes into account the student's whole behavior related to the Student Conduct Code. As such, repeated violations of the Student Conduct Code, even if those violations may appear disparate in specific details, will result in an elevated response from the University. Santa Clara University responds to violations of the Student Conduct Code related to alcohol, marijuana, or other drugs using a matrix of impact and occurrence.

### **Stages of Alcohol, Marijuana and/or Other Drug Violations at Santa Clara University**

Santa Clara University recognizes that students are emerging adults and are thus equipped to make their own decisions. At times, these decisions may be incongruent with University expectations and provide for the health, safety, and welfare of individuals. Santa Clara University distinguishes behavior surrounding alcohol, marijuana, and other drugs across the following categories in relation to potential impact to self, others, and property: A, B, and C. Santa Clara University reserves the right to refer violations surrounding controlled substances to local, state, or federal authorities.

It is up to the discretion of the University hearing officer or board to determine the category and outcomes for multiple violations in different categories.

Category	Description (In the Handbook)
A	Any behavior that is deemed as having low impact to self, others, and property. Low impact refers to situations in which a student is in the presence of prohibited activities (such as activities involving alcohol, marijuana, or other drug use) but is not participating in the behavior.
B	Any behavior that is deemed as having moderate impact to self, others, and property. Moderate impact refers to a student’s participation in prohibited activities and/or behavior involving alcohol, marijuana, and other drug use and the impact of the behavior is primarily limited to the misuse of the substance.
C	Any behavior that is deemed as having high impact on the individual, others, and property. High impact refers to excessive consumption, and/or distribution (including hosting or facilitating a gathering of others) of alcohol, marijuana, or other drugs or accompanying misconduct that is illegal and/or prohibited by the University, and is deemed by the hearing officer or hearing board to be severe in nature due to the scope and magnitude of the impact to self, others, and property (such as, though not limited to: the number of students involved, disruptive behavior, vandalism, threat of harm, incurred physical harm).

**Gatherings Resulting in Alcohol, Marijuana, and Other Drug Violations**

Students found responsible for hosting a gathering involving the illegal and/or University prohibited use of alcohol or marijuana, or for participating in such behavior in public areas will likely be considered a Category C violation. Violations involving controlled substances other than marijuana will be a Category C violation.

**Falsification of Identification for the Procurement of Alcohol or Marijuana**

The possession, procurement, or distribution of falsified United States federal or state government identification documents (“fake ID”), or altering, falsifying, forging, duplicating, or reproducing United States federal or state government identification documents is a serious legal offense and constitutes a crime in the state of California. Students found with falsified identification documents are in violation of the Student Conduct Code and will be subject to outcomes as determined by the hearing officer or hearing board.

**Excessive and Inappropriate Possession and Use of Alcohol**



Regardless of a person’s age, Santa Clara University, prohibits the excessive and inappropriate use of alcoholic beverages (See Student Conduct Code, item 18). Excessive and inappropriate use is inclusive of, though not limited to, the amount of alcohol in a student’s possession, the amount consumed, and how a student consumes the alcohol.

Amount in Possession: Examples of excessive and inappropriate possession of alcohol include, but are not limited to: establishment of a private bar, storage of excessive quantities of alcohol, or possession and/or use of a tap or keg, kegerators, beer bong, or other equipment for the sole use of consuming alcohol. Excessive possession of alcohol is prohibited on campus premises and in campus-owned facilities, including but not limited to residential facilities.

Amount Consumed: The Centers for Disease Control and Prevention (CDC) and the Dietary Guidelines for Americans define standard drink sizes and moderate and excessive drinking as it pertains to alcohol consumption.

Standard drinks are defined as: one 12-ounce beer, one 8-ounce serving of malt liquor, one 5-ounce glass of wine, or one 1.5-ounce shot of distilled spirits.

Moderate drinking is defined as no more than 1 drink per day for women (not to exceed 7 drinks in a week) and no more than 2 drinks per day for men (1 drink per hour and not to exceed 14 drinks in a week).

Excessive drinking includes binge drinking, heavy drinking, any drinking by people younger than age 21, and drinking by anyone who is currently taking prescription or over-the-counter medications.

	<b>Binge drinking is defined by:</b>	<b>Heavy drinking is defined by:</b>
<b>Women</b>	4 or more drinks in a single occasion	8 or more drinks per week
<b>Men</b>	5 or more drinks during a single occasion	15 or more drinks per week

**Nature of Consumption (Drinking Games)**

Santa Clara University prohibits drinking practices, including drinking games, that encourage participants to consume alcohol or promote intoxication, and any paraphernalia that supports such activity. Whether or not alcohol is present, drinking games are prohibited. Playing drinking games or participating in activities that promote excessive consumption are prohibited in any campus facility and on campus property, including but not limited to residential housing facilities. Drinking games are incongruent with the University’s mission to promote a healthy learning environment for students. Examples of drinking games include, but are not limited to: beer pong, flip cup, king’s cup, and beer die.

**Schedule of Minimum Hearing Outcomes Related to Alcohol Violations**

<b>Category</b>	<b>1st violation</b>	<b>2nd violation</b>	<b>3rd violation<sup>2</sup></b>
<b>A</b>	Monetary fine \$50	Monetary fine \$75 Parental notification	Becomes Category B violation
<b>B</b>	Monetary fine \$50 Parental notification Educational outcome	Monetary fine \$75 Parental notification Alcohol educational program Housing contract probation	Monetary fine \$100 Parental notification Alcohol education program Housing contract cancellation Disciplinary probation
<b>C</b>	Monetary fine \$100 Parental notification Alcohol educational program Housing contract probation	Monetary fine \$200 Parental notification Alcohol educational program Housing contract cancellation Disciplinary probation	The full range of hearing outcomes (through expulsion from the University) may be implemented.

*It is up to the discretion of the University hearing officer or hearing board to determine the category and outcomes for multiple violations in different categories.*

**Marijuana and Other Drugs: Possession and/or Consumption**

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<sup>2</sup> Any subsequent violation outcomes will be at the discretion of the hearing officer or hearing board.

Santa Clara University adheres to local, state, and federal laws surrounding marijuana (including its various forms) and requires community members to follow local, state, and federal guidelines, laws, and regulations related to marijuana. In order to remain in compliance with federal law, Santa Clara University prohibits the possession, consumption, and/or distribution of marijuana (including its various forms) by Santa Clara University community members. For more information, refer to the Marijuana Policy, and the Smoke-Free and Tobacco-Free Policy in the Student Handbook.

Categories A, B, or C apply to marijuana hearing outcomes. The prohibited use of controlled drugs other than marijuana will minimally result in the administration of a Category C hearing outcome.

Category	1st violation	2nd violation	3rd violation <sup>3</sup>
<b>A</b>	Monetary fine \$50	Monetary fine \$75 Parental notification	Becomes Category B violation
<b>B</b>	Monetary fine \$50 Parental notification Educational outcome	Monetary fine \$75 Parental notification Marijuana or other drug educational program Housing contract probation	Monetary fine \$100 Parental notification Marijuana or other drug education program Housing contract cancellation Disciplinary probation
<b>C</b>	Monetary fine \$100 Parental notification Marijuana or other drug educational program Housing contract probation	Monetary fine \$200 Parental notification Marijuana or other drug educational program Housing contract cancellation Disciplinary probation	The full range of hearing outcomes (through expulsion from the University) may be implemented.

*It is up to the discretion of the University hearing officer or hearing board to determine the category and outcomes for multiple violations in different categories.*

### Compliance with Hearing Outcome

<sup>3</sup> Any subsequent violation outcomes will be at the discretion of the hearing officer or board.

Students must comply with all assigned outcomes by the deadline set forth in the hearing outcome letter. Failure to complete or comply with any assigned outcome or failure to meet an assigned deadline (if applicable) may result in further disciplinary action including, but not limited to, a \$150 late fee and/or placing a Registration Hold on a student's University account preventing the student from registering or adding a course until the assigned outcome(s) is completed.

## **GENDER BASED MISCONDUCT AND SEXUAL VIOLENCE**

### **Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq.**

Under Title IX, sexual assault, dating violence, domestic violence, and stalking are severe forms of sexual harassment and will not be tolerated at Santa Clara University. The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of California regard Sexual Harassment as an unlawful discriminatory practice. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the University community on the basis of sex is in violation of the Interim Policy on Discrimination, Harassment, and Sexual Misconduct. For a complete copy of the Policy or more information, please contact the Director of Equal Opportunity and Title IX Coordinator or the Assistant Secretary of Education within the Office for Civil Rights (OCR). The Director for the Office of Equal Opportunity and Title IX serves as the University's Title IX Coordinator

The University has a network of resources on and off-campus to assist parties in obtaining medical treatment, counseling, advocacy services, and other assistance. When a student, faculty member, or staff member reports an incident of sexual misconduct or sexual violence, whether the offense occurred on or off-campus, the University will provide the person with a written explanation of the options, resources, and support services on and off-campus.

The University encourages individuals who believe they may have been impacted by sexual harassment or other sexual misconduct to speak with someone whom they trust and think can help. Santa Clara University has a comprehensive listing of resources provides an overview of [resources and options](#) available to help prevent and respond to sexual harassment and other sexual misconduct. Information is also available to students and employees about counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and other services that are available to victims both on campus and in the community.

### **Santa Clara University Response to Sexual Assault and Sexual Violence**

Sexual Misconduct is an umbrella term that includes sex/gender-based discrimination, sexual harassment, sexual assault, hazing, bullying, interpersonal violence (domestic/dating violence), and stalking when such behaviors are perpetrated because of one's sex/gender. Sex and gender-based discrimination and sexual misconduct can occur between people of different sex or gender or of the same sex or gender. The University will not tolerate sexual misconduct, and all members of the university community and visitors to campus are encouraged to report incidents of gender violence to the persons listed below. We will further encourage parties to report incidents to law enforcement. It is the responsibility of every member of the campus community to create an environment free from sexual violence and other forms of sexual misconduct.

The following information is drawn from the University's [Discrimination, Harassment, and Sexual Harassment Policy](#). The complete policy for students, faculty and staff is contained on the [Office of Equal Opportunity and Title IX](#) policy website at The Office of Equal Opportunity and Title IX.

Santa Clara University seeks to provide a consistent, caring, and timely response when sexual misconduct occurs within the University community. The University has a network of resources on and off-campus to assist parties in obtaining medical treatment, counseling, advocacy services, and other assistance.

Information is available to students and employees about counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and other available services to victims both on campus and in the community. Santa Clara University has a comprehensive listing of resources at the [Office of Equal Opportunity and Title IX](#). Additionally, no formal complaint or investigation, either campus or criminal, needs to occur for supportive measures to be offered and provided.

## **HELP IS AVAILABLE WHETHER YOU CHOOSE TO REPORT A SEXUAL VIOLENCE INCIDENT OR NOT.**

**Immediately After an Incident of Assault: Seek Medical Assistance and Support**



If you are the victim of assault, sexual assault, domestic or dating violence, your personal safety is most important.

You are strongly advised to seek immediate medical attention at the hospital emergency room as soon as possible, but generally no later than 72 hours after the assault. While you may feel uncomfortable doing so, the purpose of seeking medical attention is to identify and treat physical injury, provide emergency contraception and/or medication to prevent the possible transmission of sexually-transmitted infections, and gather and preserve evidence. It is important to have the evidence collected because, although you may not want to pursue criminal action immediately, you may change your mind in the future. To preserve evidence don't bathe or shower, use the restroom, change your clothes or brush your teeth.

### **Alameda County Resources**

The Sexual Assault Response Team (SART) provides medical and forensic response to victims of sexual assault, 12 years and older, who come to our Emergency Department, 24 hours a day. The Sexual Assault Nurse Examiner provides medical evaluation and treatment, such as free STD testing, free antibiotic medications to prevent STD's and emergency contraception as well as referral to other community resources that may be of benefit. SART nurses also collect evidence for forensic purposes, and will testify in court as necessary. There is no charge to the survivor for the administration of the evidence collection kit. The Sexual Assault Response Team (SART) provides medical and forensic response to victims of sexual assault, 12 years and older, who come into their Emergency Department, 24 hours a day.

For more information see, <https://bawar.org/sart-services/> In addition, Bay Area Women Against Rape (BAWAR) offers a 24- hour hotline and in-person counseling support services for survivors of sexual violence. In addition to their 24-hr Sexual Assault Crisis Hotline (510) 845-7273, BAWAR offer in-person counseling for survivors and significant others as well as hospital, police and courtroom accompaniments. We are always here to support you to weigh your options and talk about what is the best choice for you.

Alameda County has three SART sites. Valley Care Hospital in the Tri-Valley area, Washington Hospital in Fremont for south county residents and Highland Hospital in Oakland for north county residents. All sexual assault survivors aged 14 and over are seen at one of these three

hospitals. If you are under the age of 14, you will be seen at Children's Hospital in Oakland. Alameda County has a Sexual Assault Response Team (SART) that responds to these hospitals. This team includes specially trained nurse practitioners, sexual assault advocates (i.e. BAWAR) and police officers. These sites have the most up to date equipment to help with evidence collection. Extensive police questioning about the incidence most often happens at the hospital. BAWAR Advocates are not affiliated with the police or the hospitals, and are only there to support you and assist you in navigating throughout this process.

Victims have the option to speak with the police or not. The ability to have a medical-legal exam performed is not dependent upon speaking with the police or filing a police report; however, hospitals in the State of California are required to notify the police if a physical injury has been sustained, and will contact law enforcement.

[Highland Sexual Assault Response Team](#)

Highland Hospital Campus  
1411 East 31st Street  
Oakland, CA. 94602

The Sexual Assault Center can be reached 24-hours a day at:

- (510) 534-9290 or,
- (510) 534-9291

[Washington Hospital](#)

2000 Mowry Ave  
Fremont, CA 94538  
Tel: (510) 797-1111

[Stanford Health Care Tri-Valley](#)

5555 W Las Positas Blvd, Pleasanton, CA 94588  
Hours: Open 24 hours  
Phone: (925) 847-3000

**Report the Incident**

## **IN AN EMERGENCY, OR IF SOMEONE IS IN IMMEDIATE DANGER, CALL OR TEXT 911**

In an emergency or if someone is in immediate danger, call 911. The University encourages an individual who has been the victim of a sexual assault, relationship violence, stalking, hate crime, or other potential criminal conduct to report the incident to the police. The report should be made to the police department in the jurisdiction where the crime occurred. Campus Safety Services and/or the Office of Equal Opportunity and Title IX will assist reporting parties, at the person's request, in contacting local law enforcement and will cooperate with law enforcement if a party decides to pursue the criminal process.

For more information, see <http://www.scu.edu/title-ix/reporting/law-enforcement>

On-campus students may go to CAPS for counseling services during regular business hours, as well as the Wellness Center Violence Prevention Program to request an advocate through the Office of Student Life for support and guidance. These are both confidential resources. After regular business hours, or in any situation where you wish, local resources are also available and may be able to provide confidential assistance through the YWCA of Silicon Valley. Resources available through YWCA of Silicon Valley are available to faculty and staff.

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The University does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the Director of Equal Opportunity & Title IX, Belinda Guthrie, and/or to officials of the U.S. Department of Education.

### **Reporting a Crime to Law Enforcement**

Resources exist both on- and off-campus for individuals to report crimes to law enforcement. Santa Clara University encourages individuals to report all cases of sexual violence to law enforcement. In an emergency or if someone is in immediate danger, call 911. The University encourages an individual who has been the victim of a sexual assault, relationship violence, stalking, hate crime, or other potential criminal conduct to report the incident to the police. The report should be made to the police department in the jurisdiction where the crime occurred.

There may be circumstances where the University is obliged to report incidents of violent crimes, hate crimes, or sexual assaults immediately, or as soon as practicably possible, to local law enforcement.

### **Report to Campus Safety Services**

Individuals should contact Campus Safety Services to report an emergency, report a crime, or request immediate assistance. Reports can be made 24 hours a day, 365 days a year. People are not required to file an incident report with Campus Safety Services or file a criminal report with law enforcement to access resources and support services on- or off-campus.

Campus Safety Services and/or the Office of Equal Opportunity and Title IX will assist reporting parties, at the person's request, in contacting local law enforcement, and they will cooperate with law enforcement if a party decides to pursue the criminal process. Individuals have the option to notify law enforcement directly or to be assisted in doing so by campus authorities. An officer can meet with you at the police station or somewhere on campus, such as at Campus Safety Services or the Office of Equal Opportunity and Title IX. You are not required to file an incident report with Campus Safety Services or file a criminal report with law enforcement to access resources and support services on or off-campus.

Crimes must be reported to the police department of the city in which the assault was committed. The police can come to where you are (unless you are a significant distance from where the assault occurred) and take an initial report. Questions need to be asked to ascertain the type of crime committed, the assailant's description, and any evidence that might need to be secured.

### **Requests for Confidentiality**

Reporting parties have the right to decide if they want to make a report to the police and/or speak with the police. The University will honor requests for confidentiality. Campus and local law enforcement agencies are prohibited from disclosing information about violent crimes, hate crimes, or sexual assaults if the reporting party requests anonymity.

## Report to the Office of Equal Opportunity and Title IX

The Office of Equal Opportunity and Title IX monitors and oversees the University's compliance with Title IX, equal opportunity, affirmative action, and applicable state and federal civil rights laws, it also oversees the coordination of education and training activities, and the response, investigation, and resolution (informal and formal) of incidents of protected class discrimination, harassment, sexual harassment, other forms of sexual misconduct, and retaliation that may violate University policy. Faculty, staff, students, and third parties may contact the Director for the Office of Equal Opportunity and Title IX to report sexual harassment and sexual misconduct, as well as to request assistance and support. The Director is assisted by the Title IX Team, which includes any deputy coordinators and investigators (internal and external) who also serve in a neutral role, and are available to speak with parties in-depth about the resources and options available on- and off-campus for response and resolution.

### The contact information for the Director is listed below.

Santa Clara University | Office of Equal Opportunity and Title IX

500 El Camino Real | Santa Clara, CA 95053

Office Location: Loyola Hall, Suite 140, 425 El Camino Real, Santa Clara, CA 95053

Main Office: 408-551-3043 | Direct Line: 408-554-4113

For general inquiries by email: [titleixadmin@scu.edu](mailto:titleixadmin@scu.edu)

Web: <https://www.scu.edu/title-ix/>

Individuals may contact the Office of Equal Opportunity and Title IX to report and discuss issues relating to sexual harassment and sexual misconduct, and retaliation. A report may be accompanied by a request for resources, no further action, a request for supportive measures, and a request to initiate a formal complaint process.

A report may be made at any time, including during non-business hours, by using the online reporting form: <https://www.scu.edu/title-ix/reporting/>

A report may be accompanied by requests for resources and supportive measures, and may also include requests that a) no further action be taken or b) that the formal complaint process be initiated. A report may be made at any time, including during non-business hours, by using any of the reporting options listed below.

Online Form: <https://www.scu.edu/title-ix/reporting/>

By email: [titleixadmin@scu.edu](mailto:titleixadmin@scu.edu)

By Telephone: 408-554-4113

In-Person: Loyola Hall, Suite 140, 425 El Camino Real, Santa Clara, CA 95050

By Mail: Office of Equal Opportunity and Title IX, 500 El Camino Real, Santa Clara, CA 95053

**A reporting party may request:**

- Information about or assistance with arranging resources for support on- and off-campus.
- Assistance with supportive measures to help parties continue with their academic studies and work; supportive measures are individually tailored to meet each individual's unique needs.
- Facilitation of an informal resolution process to reach a mutually agreeable resolution.
- Information about the formal complaint and resolution process.
- To file a formal complaint (and assist the party with filing a formal complaint).
- University investigation and formal resolution and grievance process.
- Information or assistance about options for reporting off-campus.

It is not necessary for an individual to first discuss the incident with a supervisor, manager, dean or department chair, or anyone else prior to contacting the Office of Equal Opportunity and Title IX. If an employee chooses to direct their report or allegations of prohibited conduct to their supervisor, manager, or Human Resources, then the supervisor, manager, or HR personnel will report the alleged conduct to the Director of Equal Opportunity and Title IX.

**Report to University Officials with Authority**

In addition, individuals can make a report to the [President](#) of the Santa Clara University, to any member of their Cabinet, and any of the [School Deans and Centers Directors](#).



### **Report to the Office of Student Life**

Reports may also be made to the Office of Student Life (“OSL”) concerning incidents involving students. OSL serves as a resource for students in all areas of campus life, supports extracurricular activities, and maintains the community living standards for all resident and non-resident students, including overseeing the University’s Student Conduct System. OSL can assist students by informing them of their rights, providing information about on- and off-campus resources, reporting options, and options through the University Student Conduct System. Students can also choose to request assistance with academic and living accommodations.

### **Report to Human Resources: Employee Relations**

Employee Relations serves as a resource to employees by assisting the University community in developing and maintaining a positive work environment, as well as in preventing and resolving problems that arise out of or affect work situations.

### **Reports about Third-Parties Not Affiliated with the University**

When someone makes a report to the University - for example, about a student enrolled at another institution or someone employed at another institution or in the local community-the University is restricted in its ability to undertake an investigation and its response. Regardless of whether the University investigates, support and assistance can be provided to the person making the report, including:

- Assistance with identifying appropriate campus and local resources.
- Referral to an appropriate official at the other institution/organization.
- Arrangement of appropriate supportive and safety measures, as needed.
- Assistance with contacting law enforcement if they would like to file a police report.

Similarly, the University may be able to assist and support a student or employee reporting party who experiences discrimination or harassment in an externship, study abroad program, or other environment external to the University's policies and procedures.

## **Obtaining Assistance and Support**

The University offers many resources that are available to provide both immediate and ongoing support and guidance. Individuals are encouraged to use resources best suited to their needs, whether on or off-campus, and regardless of whether the incident occurred recently or in the past. The University has established collaborative partnerships with on-campus and community-based organizations to assist and/or provide services to Complainants and Respondents. This includes referrals and services related to counseling, health, mental health, advocacy, and legal resources. At the time a report is made, a reporting party does not have to decide whether or not to request any particular course of action, nor does a reporting party need to know how to label what happened.

### **Resources for Students**

[Resources for Students](#) provides information and a comprehensive listing of resources available to students, including confidential and non-confidential on campus resources, counseling services, community-based resources, and web resources. The University has created "safe havens" for those students who want to approach a knowledgeable person for guidance and support who is also confidential, such as CAPS and the Wellness Center.

### **Resources for Faculty and Staff**

[Resources for Faculty and Staff](#) provides information for support services available to faculty and staff, including the confidential employee assistance program, off-campus resources, and community-based resources, and web resources.

## **University Response to Report of Sexual Misconduct and Sexual Violence**

The University recognizes that each reported incident of sexual misconduct and sexual violence is unique.

The Director of the Office of Equal Opportunity and Title IX Coordinator or designee from the Title IX Team will attempt to arrange a meeting typically within one (1) to two (2) business days of receiving a report. The initial meeting will be conducted to:

- Gain a better understanding of the nature and circumstances of the allegations.
- Assess the safety of the individual and the campus community.
- Provide information about resources, procedural options for resolution, and supportive measures.
- Identify what form of resolution is desired, reasonably available, as appropriate.
- Refer the party to other offices and resources for support and assistance, as appropriate.

### **What to Expect After Reporting**

There is no time limitation on reporting allegations to the University. However, if significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Generally within 24-72 hours of receiving a report of dating violence, domestic violence, sexual assault, stalking or sexual exploitation, the Director of Equal Opportunity and Title IX or another member of the Title IX Team will contact the student or employee to set up a time to meet and discuss the student or employee's options and rights. During this initial contact with the Director or other Title IX Team member, a determination will be made regarding interim supportive and protective measures to provide for the safety of the complainant, the campus community, and the rights of the respondent.

### **Supportive Measures**

[Supportive measures](#) are offered and provided promptly and equitably to either or both the reporting party/Complainant or the Respondent upon receipt of any report or Formal Complaint. Supportive measures are intended to address any immediate concerns for health and safety and facilitate an individual's continued access to their educational program and employment, as appropriate.

Reporting parties who come forward will not be forced to participate in an investigation or participate in an informal or formal process they do not wish to pursue. Supportive measures are non-disciplinary, non-punitive, and individualized, as appropriate and reasonably available, and without fee or charge to the reporting party/Complainant or Respondent.

### **Survivor Advocacy & Support**

The Wellness Center offers confidential [survivor advocacy](#) to SCU students who have been impacted by sexual assault, relationship violence, stalking, and gender discrimination. They are dedicated to providing a safer, compassionate, and non-judgmental space for students to explore their options, rights and resources.

### **Medical Amnesty / Good Samaritan Policy**

The health and safety of every member of the campus community are of utmost importance. Sometimes, individuals are hesitant to come forward or participate in an investigation or University resolution process because they fear that they themselves may be charged with policy violations or receive disciplinary sanctions. A student who participates as a Complainant or a witness in a University investigation may not be subject to disciplinary sanctions for a violation of the University's Student Conduct Policy at or near the time of the incident unless the University determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or that involves plagiarism, cheating, or academic dishonesty. The University may, at its discretion, offer employees amnesty from policy violations (typically minor policy violations) related to the incident.

### **Mandated Report Requirements for Health Practitioners in California**

Any licensed health care provider in the State of California (including any health practitioners in Cowell Center Health Services) providing services in a health facility, clinic or physician's office is required to make a report if they provide medical treatment to a patient whom they know or reasonably suspect is the victim of assaultive or abusive conduct or a firearm injury. The health practitioner must to make a report by telephone as soon as practically possible and send a written report to a local law enforcement agency within two working days. The report must contain identifying information such as the name and contact information of the person who presented for care. The law enforcement agency will contact this person, but this person does not have to provide any information being sought. The report must be made to the enforcement agency that has jurisdiction over the location in which the injury was sustained.

## **Mandatory Reporting of Child Abuse**

The University strives to safeguard the well-being of all children and encourages all members of the University community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a University facility or perpetrated by University personnel to promptly report the concern to appropriate law enforcement, external officials, and university officials. The Child Abuse Neglect and Reporting Act (CANRA) requires that employers of mandated reporters promote identification and reporting of child abuse or neglect. Mandated Reporters under CANRA are responsible for reporting the incident themselves. They are not required to investigate any known or suspected cases of abuse. Also, it is the Policy of Santa Clara University that ALL UNIVERSITY EMPLOYEES, as well as volunteers and independent contractors who, in the course of their business or volunteer activity, have reasonable suspicion of child abuse or neglect, are required to make a report as outlined in this Policy.

## **Sexual Violence Prevention and Education**

### **Sexual Violence Resources**

The [Resources and Support](#) page provides important definitions and immediate steps to consider upon experiencing any form of abuse, trauma, or sexual violence, including accessing emergency medical assistance, evidence preservation, reporting to the University, reporting to law enforcement, and accessing confidential and non-confidential resources including advocacy support services.

Santa Clara University seeks to provide a consistent, caring, and timely response when sexual and gender-based misconduct occurs within the University community. Many departments, student groups, and units on campus work together to offer a variety of prevention and awareness programs to educate the campus community about sexual violence, sexual assault, relationship and domestic violence, stalking, sexual exploitation, affirmative consent, developing healthy relationships and healthy sexual relationships, and effective communication. Programs are also offered to raise awareness and promote Bystander Intervention.

To reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, Santa Clara University utilizes a range of campaigns, strategies, and initiatives to promote awareness, educational, risk reduction, and prevention programming for students. University faculty and staff play an essential role in preventing, addressing, and ending campus sexual assault on campus.

The University offers ongoing programming to faculty and staff to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Programming is aimed to engage students, faculty, and staff in a proactive dialogue and through active engagement to raise awareness and prevent sexual violence.

Programs are designed to:

- Address the unique cultural aspects of specific communities and groups on campus and community;
- Build upon existing expertise and promote campus-community collaboration on issues related to sexual violence;
- Use evidence-based strategies, promote promising practices, and support model sexual violence prevention programs on campus;
- Support efforts to increase knowledge about effective prevention efforts through program evaluation;
- Increase risk reduction and encourage bystander intervention.

Educational programs are offered to all incoming students and employees and are often conducted during new student orientation and new employee orientation and throughout an incoming student's first term. Workshops and other awareness and prevention campaigns are offered throughout the year to all students and employees. Programs are also offered on campus to discuss institutional policies on sexual misconduct as well as the California State definitions of domestic violence, dating violence, sexual assault, stalking, and consent.

The [Violence Prevention Program](#) is aimed to spreading awareness and education about sexual assault at SCU and empower the student body to be proactive bystanders to protect fellow Broncos. The Violence Prevention Program also aims to be a resource for those who are survivors of sexual assault for friends of survivors.



## **Sexual Assault Awareness Month (SAAM)**

The goal of SAAM is to raise public awareness about sexual violence and to educate communities on how to prevent it and is a partnership between the Wellness Center, Office of Office of Equal Opportunity and Title IX, Counseling and Psychological Services (CAPS), Campus Safety Services, the Office of Student Life, the Women's and Gender Studies Department, the Library, the Public Health Program, and the YWCA to put on and support several events throughout the month of April. These events focus on raising awareness, supporting and creating space for survivors, teaching bystander intervention skills, and much more.

## **Bystander Intervention and Risk Reduction**

Educational programs also offer information on risk reduction and bystander intervention. Research on the causes of sexual violence and evaluation of prevention efforts indicates that bystanders are a key piece of prevention work. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. The most significant impacts of bystander training are on attitudes, including confidence as a bystander, intent to take action, and perceived benefits of action. Bystander empowerment training also highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders. Programs are informed by evidence-based research and/or are assessed for their effectiveness and are offered through the Wellness Center Violence Prevention Program.

The Bystander Intervention Committee, which brings together students, faculty, and staff, offers programs that integrate bystander intervention training into the first-year student experience. Students are taught how to be effective and responsible bystanders.

### [Being a Bronco Series](#)

The Being A Bronco Series is a 4 part series that helps to transition new students into the Santa Clara University (SCU) community. The information you gain from this series will help you to positively navigate your time at SCU.

The Being A Bronco Series is facilitated by staff and students from the Office of Student Life, the [Wellness Center](#), the [Office for Multicultural Learning](#) and the [Cowell Center](#). The series begins in August 2022 and concludes in February 2023. All first year students and new transfer students are required to successfully complete each unit of the series. Below is a chart that provides basic information about each unit of the Being A Bronco Series.

### **Educational Program Highlights**

Think About It is a mandatory online substance and sexual abuse training program that prepares undergraduate and graduate students to confront and prevent serious campus problems.

Workplace Harassment Awareness and Prevention live workshops are offered throughout the year to faculty and staff, and are designed to inform participants about institutional and individual duties to report discrimination, harassment, sexual abuse, sexual misconduct, and other behaviors that fall under Title IX. This workshop fulfills the California AB 1825 training requirement.

EverFi/Foundry online workshop, offered annually for faculty and staff, helps them to recognize harassment and gender-based violence and provides them with practical tips on creating a safe, campus community.

### **Everfi Sexual Assault Prevention Training**

In collaboration with the Wellness Center, the Office of Student Life, and the Office of Equal Opportunity and Title, each newly enrolled student (first year students, transfers, and graduate students) are required to complete an online training on issues associated with sexual assault, relationship violence, and stalking.

**The interactive course addresses:**

- Importance of Values
- Aspects of (Un)healthy Relationships
- Gender Socialization
- Sexual assault
- Consent
- Bystander Intervention
- Survivor Support
- Responding to Student Disclosures

**Wellness Center Programming:** The Wellness Center offers various programs and trainings throughout the year including programs on:

- Bystander intervention 101
- Bystander Intervention Training (IPV)
- Violence Prevention Overview
- Sexual Assault Awareness Month
- One Love Escalation Workshop\*\*\* Offered as part of the “Being a Bronco” orientation series and additionally available upon request.
- Greek Summits
- Peer Health Education

## Confidential Resources

<a href="#">Cowell Center: Counseling and Psychological Services (CAPS)</a>	408-554-4501
<a href="#">Wellness Center: Violence Prevention Program</a>	408-554-4409
<a href="#">Washington Hospital (SART Exam)</a>	510-797-1111
<a href="#">Highland Hospital (SART EXAM)</a>	510)-437-4688
<a href="#">Love is Respect</a>	866-331-9474 or text 22522
<a href="#">National Domestic Violence Hotline</a>	1-800-799-SAFE (7233)
<a href="#">National Sexual Assault Hotline</a>	1-800-656-HOPE (4673)

## Non-Confidential Resources

<a href="#">Office of Equal Opportunity and Title IX</a>	408-554-4113
<a href="#">Campus Safety Services</a>	Emergency Phone: 408-554-4444 Non-Emergency: 408-554-4441
<a href="#">Santa Clara Police Department</a>	408-615-4700
<a href="#">Office of Student Life</a>	408-544-4583
<a href="#">Campus Ministry</a>	408-554-4372
<a href="#">Human Resources</a>	408-554-4392
<a href="#">Residence Life Team</a>	1-800-656-HOPE (4673)

## Staff and Faculty Programs

The Office of Equal Opportunity and Title IX collaborates with numerous departments on campus, as well as several firms and organizations outside the University, to provide members of the SCU community with multiple avenues to learn what they need to stay informed and active in promoting a respectful learning and working environment free from discrimination, harassment, and sexual violence. The University, in compliance with state and federal law, requires all employees to undergo this training every two years.

EverFi Foundry Online Module: Online training is available and accessible to employees 24/7, 365 days a year. The training invites employees to consider the nature of harassment and discrimination. It provides practical tips on creating a safe, inclusive environment for work, including safe and positive bystander intervention options. Topics covered in the training module include:

- Identifying and eliminating workplace harassment and discrimination based on "protected characteristics."
- Understanding laws related to discrimination and harassment and responding to misconduct appropriately.
- Addressing inappropriate behavior before it creates a "hostile work environment."
- Recognizing abusive behavior and other misconduct, including micro aggressions and unconscious bias that may lead to workplace bullying or hostility, reducing productivity and creativity.

Live Workshops: Periodically throughout the year, the Office of Equal Opportunity and Title IX partners with a variety of off-campus firms and organizations to deliver live workshops that address the topic of workplace harassment prevention. Upcoming events will be shared on the SCU event calendar and emailed to staff and faculty in the weeks leading up to each workshop.

In addition to taking one of the mandatory trainings, faculty and staff who wish to learn more about these topics can explore the options below.

Wellness Center Trainings/Programs include:

- Introduction to the Wellness Center
- Bystander intervention 101
- Bystander Intervention Training (IPV)
- Violence Prevention Overview
- Sexual Assault Awareness Month

### **Office of Equal Opportunity and Title IX Team**

The Office of Equal Opportunity and Title IX is also responsible for assuring that training is conducted annually for all University-provided advisors, investigators, decision-makers, and appeal decision-makers involved in resolving formal complaints through a process which ensures the safety of all parties and promotes accountability. Training focuses on sexual assault, domestic violence, dating violence, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender-based discrimination, harassment, or violence covered by Title IX and Clery Act.

### **City of Berkeley and Alameda County Resources for Sexual Misconduct Victims include:**

Bay Area Women Against Rape (BAWAR) provides 24-hour comprehensive services for survivors of sexual assault and their significant others. In addition to their 24-hour Sexual Assault Crisis Hotline (510) 845-7273, the center offers in-person counseling and hospital, police, and courtroom accompaniments.

### **Local Law Enforcement:**

To file a police report, contact the law enforcement agency in the municipality where the assault happened:

- Berkeley Police Department (510) 981-5900
- Oakland Police Department (510) 777-3333



Other Resources include City of Berkeley Adult Clinic, 2640 Martin Luther King Jr. Way (510) 981-5290; City of Berkeley Mobile Crisis Team (MCT) is available every day from 10:30 a.m. to 11:00 p.m. at (510) 981-5254; Men Overcoming Violence, 1385 Mission Street, Suite 300, San Francisco (415) 626-6704.

## **Campus Sexual Assault Victim's Bill of Rights**

The "Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act. In connection with reporting sexual misconduct, including sexual assault, a complainant/victim has these rights:

1. Shall be notified of their options to notify law enforcement, and to be assisted in notifying such authorities if s/he so chooses.
2. The Right to decline to speak with local law enforcement, should they be notified.
3. Information about existing on- and off-campus counseling, mental health, medical or other services.
4. Options for, and available assistance with changing academic, living, transportation, and working situations and other interim measures.
5. The complainant and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
6. Both the complainant and the accused shall be simultaneously informed, in writing, of the
  - a. Outcome of any disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
  - b. Procedures for the accused and the victim to appeal the results of the disciplinary proceeding;
  - c. Any change in the results before they become final;
  - d. When the results become final

## Important Information if You Are a Victim of Sexual Violence

If you are the victim of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, dial 911 or contact Campus Safety Services at (408) 554-4444.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to CAPS for counseling services, as well as the Wellness Center Violence Prevention Program to request an advocate through the Office of Student Life for support and guidance. These are both confidential resources. After regular business hours, or in any situation where you wish, local resources are also available and may be able to provide confidential assistance through the YWCA of Silicon Valley.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Santa Clara Valley Medical Center will arrange for a specific medical examination (SART Exam) at no charge. The Sexual Assault Response Team (SART) provides free medical and forensic response to victims of sexual assault, 12 years and older, who come into the Emergency Department, 24 hours a day. An exam typically takes about three hours. The victim- can also receive free STD testing, free antibiotic medications to prevent STDs and emergency contraception as well as referral to other campus resources that may be of benefit.
5. Preserve evidence following an incident of sexual assault, dating violence, domestic violence, or stalking
  - a. If an incident of sexual assault, dating violence, domestic violence, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order.
  - b. In cases of sexual assault, avoid washing, douching, using the toilet, or changing clothing prior to a medical exam.

- c. Any clothing removed should be placed in a paper bag.
  - d. Evidence of violence, such as bruising or other visible injuries, should be documented including through photographic evidence.
  - e. Evidence of stalking including any communication, such as written notes, voice mail, social media postings, or other electronic communications should be saved and not altered in any way.
6. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination.
  7. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
  8. Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
  9. Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
  10. If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Safety Services so that those orders can be observed on campus.
  11. Even after the immediate crisis has passed, consider seeking support from counseling services, the University's victim's advocate program, from members of the clergy and/or the YWCA of Silicon Valley Rape Crisis Center.
  12. Contact the Director of Equal Opportunity & Title IX if you need assistance with concerns, such as no-contact orders or other protective measures. The University is able to offer you reasonable academic support, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other support and resources as needed.

## Definitions

There are numerous terms used by Santa Clara University in our policy and procedures. It is important to note that criminal definitions within the jurisdiction may differ from our University policy definitions. Per the specifications of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013, the definitions are provided here.

### Violence Against Women Reauthorization Act of 2013 (VAWA)

The Violence Against Women Reauthorization Act of 2013 (VAWA) has defined Sexual Assault as: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent." For purposes of complying with Clery reporting requirements, any incident meeting the following definition is considered a crime for the purpose of Clery Act reporting.

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

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his /her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

**Dating violence** is defined as: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable persons may mean a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment of counseling.

## State of California Definitions

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

- Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
- Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- Where a person is at the time unconscious of the nature of the act, and this is known to the accused.
- Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.
- Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

Any sexual penetration, however slight, is sufficient to complete the crime.

The use of force, fear, or threats to accomplish sexual intercourse against the will of the assailant's spouse is known as the "spousal rape law."

Other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).



In California, sexual consent is defined as **affirmative consent**. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

The State of California definition of **stalking** is when any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

The State of California definition of **domestic violence** is abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

## California Hate Crime Definitions

As defined by California Penal Code, §§ 422.55, 422.6, a hate crime is a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- Disability;
- Gender
- Nationality
- Race or ethnicity
- Religion
- Sexual orientation
- Association with a person or group with one or more of these actual or perceived characteristics

## Hate Crime Categories of Bias Under the Clery Act

- **Race:** a preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind
- **Gender:** a preformed negative opinion or attitude toward a group of persons because those persons are male or female
- **Gender Identity:** a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals
- **Religion:** a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being
- **Sexual Orientation:** a preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex
- **Ethnicity:** a preformed negative opinion or attitude toward a group of persons who identify with each other through common heritage (common language, common culture and/or ideology that stresses common ancestry)
- **National Origin:** a preformed negative opinion about a group of persons based upon them being from a particular country or part of the world
- **Disability:** a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness

## **Santa Clara University Sexual Misconduct Definitions**

### **Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of California regard Sexual Harassment as an unlawful discriminatory practice. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. The University has adopted the following definition of Sexual Harassment in order to address the special environment of an academic community.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as: conduct on the basis of sex/gender that is sexual and satisfies one or more of the following:

### **Quid Pro Quo Sexual Harassment**

- An employee of the University
- Conditions (either implicitly or explicitly) the provision of an aid, benefit, or service of the University
- On an individual's participation in unwelcome sexual conduct

### **Hostile Environment Sexual Harassment**

- Unwelcome conduct,
- Determined by a reasonable person,
- To be so severe, and
- Pervasive, and,
- Objectively offensive,
- That it effectively denies a person equal access to the University's education program or activity.

**Sexual Assault, defined as:**

Sex Offenses, Forcible

- Any sexual act directed against another person
- Without the consent of the Complainant,
- Including instances in which the Complainant is incapable of giving consent

Sex Offenses, Non-forcible:

- Incest
- Non-forcible sexual intercourse,
- Between persons who are related to each other,
- Within the degrees wherein marriage is prohibited by California law

Statutory Rape

- Sexual intercourse,
- With a person who is under the statutory age of consent in California

Dating Violence, defined as:

- Violence,
- On the basis of sex,
- Committed by a person,
- Who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition: Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence is defined as:**

- Violence,
- On the basis of sex,
- Committed by a current or former spouse or intimate partner of the complainant,
- By a person with whom the complainant shares a child in common, or
- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of California, or
- By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of California.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

**Stalking, defined as:**

- Engaging in a course of conduct,
- On the basis of sex,
- Directed at a specific person, that
- Would cause a reasonable person to fear for the person's safety, or
- The safety of others; or
- Suffer substantial emotional distress.

**For the purposes of this definition:**

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling

**Sexual Exploitation, defined as:** taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under Santa Clara University Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person observed)
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as disseminating sexual pictures without the photographed person's consent), including the making of and posting revenge pornography
- Exposing one's genitals in non-consensual circumstances including unwelcome sexting (not including streaking, which may be considered disruptive conduct under other University codes of conduct)
- Prostitution, solicitation of a prostitute, or facilitating or compelling prostitution of another.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) or sexually transmitted infection (STI) without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Creation, possession, or dissemination of child pornography



## Other Civil Rights Based Offenses

In addition to the forms of misconduct described above, the University additionally prohibits the following offenses as forms of discrimination when the act is based upon the Complainant's actual or perceived membership in a protected class and a violation of University conduct policies.

- Discrimination, defined as: actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities
- Threatening or causing physical harm, defined as: extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person(s)
- Intimidation, defined as: implied threats or acts that cause an unreasonable fear of harm in another
- Hazing, defined as: any action, activity or complicity in an activity, which recklessly, intentionally, or knowingly causes or endangers the mental, emotional, and/or physical health or safety, or personal degradation to any person, or could reasonably be foreseen to result in such harm, that was committed in connection with initiation into, an affiliation with, or continued membership in a group affiliated activity, whether or not the organization or body is officially recognized by the University, and whether individually or in concert with other persons, against another person(s). An action is still considered hazing regardless of the apparent or actual consent of the involved individual or individuals. Failing to prevent, discourage, and/or report hazing may violate University Policy. Student organizations, clubs, or teams whose members participate in or encourage hazing activities will also be subject to appropriate University disciplinary action

## University Definitions of Force, Coercion, Consent, and Incapacitation

### Force

- Force is defined as the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.")
- Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent
- Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent
- The use of physical force constitutes a stand-alone sexual misconduct offense as well, as it is the University's expectation that those who use physical force would face not just the sexual misconduct allegation, but allegations under the code for the additional assaultive conduct

### Coercion

- Coercion is defined as unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent
- When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive
- In evaluating whether coercion was used, the University will consider, based on the totality of the circumstances, frequency, intensity, isolation, and/or duration of the pressure or coercive action

**Consent is:**

- Conscious,
- Knowing,
- Voluntary, and
- Clear permission by word or action to engage in sexual activity

Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

- If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged
- For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses Person A Person B can kiss them back (if they want to) without the need to explicitly obtain their consent to being kissed back
- Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time
- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent
- Consent in relationships must also be considered in context. When parties consent to BDSM (bondage, discipline/dominance, submission/sadism, and masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus consensual, so the University's evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default

- Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its Policy has been violated. The existence of consent is based on the totality of the facts and circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced

In assessing consent, in the following scenarios, the Respondent's belief is not a valid excuse for a lack of consent where:

- Respondent's belief arose from the Respondent's own intoxication, being under the influence of drugs, alcohol, or medication, and/or recklessness; or
- Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
- Respondent knew or a reasonable person should have known, that the Complainant was unable to consent because the Complainant could not understand the fact, nature, or extent of the sexual activity because they were asleep or unconscious; incapacitated due to the influence of drugs, alcohol, or medication; or unable to communicate due to a mental or physical condition

### **Incapacitation**

A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g. to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. University Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

As stated above, the question of whether the Respondent "knew or should have known" is determined using an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

## **Sex Offender Registration – Campus Sex Crimes Prevention Act**

### **Megan's Law**

The Campus Sex Crimes Prevention Act (CSCPA) of 2000, a federal law, requires institutions of higher education to provide the campus community with information on where they may obtain information on registered sex offenders in the state of California. It also requires sex offender registrants who are already required to register in the state to provide notice, as required under state law, to each institution of higher education for which the person is currently enrolled as a student, full or part-time employee (with or without compensation), or those participating in a vocation (California Penal Code Section 290.009). As Campus Safety Services is not a law enforcement agency, the registration process must be conducted at the Santa Clara Police Department. Local law enforcement may also notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent the community.

In addition to the above notice requirements, all sex offenders are required to deliver written notice of their status as a sex offender to the Director of Campus Safety Services no later than three business days prior to their enrollment in, employment with, volunteering at, or residence in Santa Clara University. Such notification may be disseminated by the University to, and for the safety and well-being of, the University community, and may be considered by the University for enrollment and discipline purposes.

### **Notification should be made to:**

Phil Beltran, Director of Campus Safety Services, at pbeltran@scu.edu.

For more information about Megan's Law Data Program, the campus affiliated registered sex offender data, or to make an appointment to view the data, contact Campus Safety Services. This registry is available on the [California Megan's Law website](#).

## **Procedures for Addressing Sexual Misconduct**

The following is an outline of the process and procedures used by Santa Clara University to resolve issues involving discrimination, harassment and sexual misconduct. The complete information can be found online:

## [INTERIM POLICY ON DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT](#)

These policies are available both online and in print to students, faculty, and staff. Summaries of the policies, including information concerning campus and community support resources, are also available in pamphlet form.

### **Obtaining a University Issued No Contact Directive (NCD)**

A No Contact Directive (NCD) is a supportive measure put into place by the University to prevent further contact between two parties. A No Contact Directive is restricted to campus/ university events and activities. A NCD is issued for students by the Office of Student Life and by Human Resources for staff/ faculty and is not a punitive measure. The NCD does not unduly interfere with educational or work experiences.

When one member of the University community is having difficulty with another University community member, a person may make a good faith request for the University to intervene with a supportive measure, the NCD. If you are concerned about your safety off-campus, you may wish to obtain a temporary restraining order or order of protection which is issued by the courts.

### **Obtaining an Order of Protection or Similar Protective Order**

In addition to obtaining a no-contact order under University Policy, individuals may also seek to obtain a restraining order under California State law. A restraining order (also called a “protective order”) is a court order that can protect someone from being physically or sexually abused, threatened, stalked, or harassed. For more information, please visit the [Superior Court, County of Alameda](#) Self Help website. Advocates from the YWCA Berkeley/Oakland and Victim-Witness Assistance are available to assist any student, employee, faculty member or staff member seeking a Family Court order of protection or any other available remedy under state, federal, or tribal law. Victims may also go directly to Superior Court of Alameda County at 2233 Shoreline Dr. to request the order of protection or may request assistance from the University. Santa Clara University is committed to protecting victims from any further harm and will honor such requests and comply with these orders.

You may also consider filing a police report with the Berkeley Police Department. You do not need to file a police report to obtain a restraining order, but it may be helpful.

## Information about the University's Investigation and Disciplinary Process

Santa Clara University is committed to providing a prompt, fair, and impartial investigation and resolution process for all students, faculty, and staff involved. Upon notice of a report of sexual violence or other form of gender-based discrimination, the Director of Equal Opportunity & Title IX will commence with an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual who violated University policy. The investigation will be conducted by a professional staff member or independent investigator (herein referred to as "investigator") who has received annual training in these types of cases.

The role of the investigator is to be a neutral fact-finder, and the Director of Equal Opportunity & Title IX oversees the investigation. Disciplinary proceedings will be conducted by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, stalking, and conducting a hearing that protects the safety of victims and promotes accountability.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence, or other sex or gender-based discrimination covered under the federal law, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person of their choice throughout the process and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any), and the rationale therefore. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the University's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing and will be notified when the results of the resolution process become final.

Procedures detailing the investigation and resolution processes of Santa Clara University involving alleged sexual violence and other forms of sexual misconduct by a student of Santa Clara University can be found online.



Procedures detailing the investigation and resolution processes of Santa Clara University involving alleged sexual violence and other forms of sexual misconduct by an employee of Santa Clara University can be found online in the Staff Policy Manual and Faculty Handbook.

- [Interim Policy on Discrimination, Harassment, and Sexual Misconduct](#)
- [Santa Clara University Faculty Handbook](#)
- [Santa Clara University Staff Policy Manual](#)

## **Supportive and Protective Measures**

Supportive measures are offered and provided promptly and equitably to either or both the reporting party/Complainant or the Respondent upon receipt of any report or Formal Complaint. Supportive measures are intended to address any immediate concerns for health and safety and facilitate an individual's continued access to their educational program and employment, as appropriate.

Supportive measures are non-disciplinary, non-punitive and individualized, as appropriate, as reasonably available, and without fee or charge to the reporting party/Complainant or Respondent. Supportive measures may be requested, modified, or discontinued at any time. Supportive measures may be requested, modified, or discontinued at any time.

These actions may include, but are not limited to:

- Referral to confidential counseling, mediation, and other health services
- Assistance in setting up the initial appointment (on- and off-campus)
- Referral to advocacy and support services (on- and off-campus).Referral to the Employee Assistance Program
- Visa and immigration assistance
- Student financial aid counseling
- Education to the University community or community subgroup(s)
- Making changes to campus housing
- Altering work arrangements for employees or student-employees

- Safety planning, such as increased security and monitoring of certain areas of the campus
- Providing campus escorts through Campus Safety Services and student projects
- Implementing contact limitations (No Contact Directives) or "Be-On-the-Lookout" (BOLO) orders for non-affiliates/banned individuals of the University
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support (e.g., requesting extensions of time, make-up work, or other course related adjustments; allowing a student to withdraw or take grades of incomplete without financial penalty, in consultation with the instructor and/department chair and dean's office)
- Timely Warnings (Clery) to address concerns about broader campus safety.

To the extent possible when implementing interim measures, the University shall take steps to minimize the burden on the complainant and respondent. The University also takes steps to maintain as confidential any interim or remedial measures that are provided, to the extent that maintaining confidentiality does not impair the University's ability to implement such measures.

### **University Investigation and Resolution Process**

The University investigation resolution process summarized below has been developed to ensure fairness and consistency in the University's response and resolution of alleged discrimination, harassment, and sexual misconduct involving all students, faculty, and staff. No person's academic or employment status shall be adversely affected in any way as a result of participating in these procedures, nor shall any retaliatory action taken against a person using these resolution procedures be tolerated.

Following the initial meeting and intake with the reporting party, the Director of Equal Opportunity and Title IX will then initiate one or more of the following responses:

1. Offer Supportive Measures in all cases
2. Offer Supportive Measures Only because the reporting party does not want to proceed with a formal complaint
3. Initiate an Informal Resolution Process (e.g., facilitate dialogue, restorative practices, education, mediation, negotiated resolution), as appropriate
4. Initiate a Formal Investigation and Formal Resolution Process (upon submission of Formal Complaint)

The University uses the formal resolution process to determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies and sanctions designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects. Based on the facts of the report, the Director may refer the party to another department for assistance if the concern does not fall under the scope of the Policy.

A summary of rights, options, supports, and procedures is provided to all Complainants, whether they are students, employees, guests, or visitors.

When appropriate upon notice and/or oral formal complaint, the Director of Equal Opportunity and Title IX Coordinator will initiate a prompt, fair, and impartial process, commencing with an investigation, which may lead to the imposition of sanctions for a Respondent based upon a [preponderance of evidence (what is more likely than not)].

The Director of Equal Opportunity and Title IX Coordinator is ultimately responsible for assuring in all cases that the behavior is brought to an end, the University acts to reasonably prevent its recurrence, and the effects on the Complainant and the community are remedied.

Procedures detailing the investigation and resolution processes of the [College/University] can be found online here: [Interim Policy on Discrimination, Harassment, and Sexual Misconduct](#)

All parties are entitled to a process that is prompt, fair, and impartial from initial investigation to final result, including being:

- Completed within reasonably prompt timeframes, including allowing for the extension of timeframes for good cause with written notice to the parties of the delay and the reason for the delay;
- Conducted in a manner that is consistent with the University's policies and transparent to the parties;
- Afforded the right to an Advisor of choice (Roles and expectations of advisors);
- Protected from retaliation;
- Given timely notice of meetings at which the parties (one or all) may be present;
- Given timely provision to the parties and any appropriate officials of equal access to any information that will be used during informal and formal disciplinary meetings and hearings; and is conducted by officials who do not have a conflict of interest or bias for or against the any of the parties;
- Conducted by staff and who, at minimum, receive annual training on: Issues related to dating violence, domestic violence, sexual assault, and stalking; and How to conduct an investigation and hearing process the protects the safety of the parties and promotes accountability;
- Allows all parties the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- Does not limit the choice of advisor or presence for any party in any meeting or institutional disciplinary proceeding; however, the institution may establish regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to all parties;

- Provides for simultaneous written notification to all parties of:
  - The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
  - Any change to the result;
  - When such results become final

### **Right to an Advisor**

Individuals bringing forward allegations ("Complainants"), and individuals responding to allegations ("Respondents") may select any person to be an Advisor of their choice. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community. Parties also have the right to decide not to have an Advisor in the initial stages of the resolution process, before the hearing. See [Roles and Expectations of Advisors](#) for more information about the role and responsibilities of Advisors.

### **Retaliation**

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. Furthermore, the University does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of Belinda Guthrie, Director of Equal Opportunity and Title IX Coordinator and/or to officials of the U.S. Department of Education.

### **Outcomes/Sanctions**

For offenses including sex or gender-based discrimination, harassment, and violence, which typically include the crimes of domestic violence, dating violence, sexual assault, and stalking, sanctions range from warning to expulsion. Serious and violent incidents and acts of sexual assault usually result in suspension, expulsion, or termination of employment.

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The sanctions described in this Policy are not exclusive of and may be in addition to, other action taken or sanctions imposed by external authorities.

## **Record Keeping and Privacy**

The Office of Equal Opportunity and Title IX is responsible for maintaining records relating to all reports and complaints of discrimination, sexual harassment, and sexual misconduct and the University's response. University records of investigations and resolutions are maintained in privacy in accordance with the institution's record retention policy for 7 years. Records may be maintained longer at the discretion of the Director of Equal Opportunity and Title IX in cases where parties have a continuing affiliation with the University.

Information is shared internally between administrators who need to know in order to complete their job duties. When information must be shared to permit the investigation to move forward, the parties will be informed. Privacy of the records specific to the investigation is maintained in accordance with California law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of Complainant or information that could easily lead to a Complainant's identification.

Additionally, the University maintains privacy in relation to any supportive measures afforded to a Complainant, except to the extent necessary to provide the supportive measures. Typically, if faculty members or administrators are asked to provide supportive measures for a specific student, they are told that such measures are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is.

Irrespective of state law or public records access provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.

## **Investigation Overview**

Upon receiving a formal complaint, the Office of Equal Opportunity and Title IX will be responsible for investigating the complaint in a manner that is prompt, equitable, thorough, reliable, and impartial. All allegations of discrimination, harassment, and sexual misconduct will be investigated and addressed by a trained investigator, and may include, depending on the circumstances, an investigation conducted by an external investigator not employed by the University.

The Investigator(s), not the parties, is responsible for gathering relevant evidence, such as physical evidence, documentary evidence, police reports, hospital records, emails, social media posts, text messages, phone records, video recordings, etc. If a party declines to provide material information voluntarily, the University's ability to conduct a prompt, thorough, and equitable investigation may be impacted. During the investigation and resolution process, both the Complainant and Respondent will have the opportunity to receive a written

notice of investigation; participate in the investigation; review and present information and evidence, such as documents, communications, and other evidence, if available; suggest questions they would like asked of the other party and witnesses; be accompanied by an Advisor of their choice to any meeting; be afforded equal access to information that will be used in resolution proceedings; receive timely notice of meetings at which their presence will be requested or required; receive simultaneous written notice of the outcome, sanction, and rationale; and appeal the finding. The investigation shall be concluded within a reasonable time, usually thirty (30) to sixty (60) days barring exigent circumstances. The University respects the privacy of the Complainant and Respondent. Information gathered in an investigation will not be disclosed to others who do not have a legitimate need to know.

Following the completion of the investigation, the Investigator(s) will prepare an initial written report that contains the pertinent information obtained from the investigation and analysis of evidence. A copy of this report will then be provided to the Complainant and the Respondent for review.

Within ten (10) business days of receipt of the report, any additional information, questions, or information needed to correct or clarify information in the report may be submitted verbally or in writing by the Complainant and Respondent to the Investigator(s). Once there has been an opportunity to review the report and any additional/correcting/clarifying information has been submitted within the time allotted, a final report will be prepared by the Investigator(s) and shared with the parties, the Director of Equal Opportunity and Title IX, and appropriate decision-maker (hereafter, "Equity Hearing Panel").

### **Student Sanctions/Responsive Measures**

- **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure, or directive will result in more severe sanctions/responsive actions
- **Required Training or Education:** A mandate to participate in a training or educational program identified by the University to address the cause of inappropriate behavior. Sanctions imposed will be situational and dependent on the nature of the offense and appropriateness of the severity of the violation
- **Probation:** A written reprimand for violation of the Student Conduct Code. Terms of the probation will be specified and may include denial of specified privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate



- Restriction: A condition(s) imposed on a student that would specifically dictate and limit access to or participation in University facilities, programs, or activities
- Suspension: Termination of student status for a definite time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the University
- Expulsion: Permanent termination of student status, including revocation of rights to be on campus for any reason or attend or participate in the university-sponsored event, program, or activity. This sanction will be noted as a Conduct Expulsion on the student's official transcript
- Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

### **Employee Sanctions/Responsive Measures**

- Warning – Verbal or Written
- Performance Improvement Plan
- Enhanced supervision, observation, or review
- Required counseling or coaching
- Required training or education
- Probation
- Denial of pay increase
- Loss of oversight or supervisory responsibility
- Demotion
- Transfer or reassignment
- Assignment to new supervisor

- Suspension with pay/ Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate

### **Record Keeping and Privacy**

The Office of Equal Opportunity and Title IX is responsible for maintaining records relating to all reports and complaints of discrimination, sexual harassment, and sexual misconduct and the University's response. University records of investigations and resolutions are maintained in privacy, in accordance with the institution's record retention policy of 7 years. Records may be maintained longer at the discretion of the Director of Equal Opportunity and Title IX in cases where parties have a continuing affiliation with the University.

Information is shared internally between administrators who need to know in order to complete their job duties. When information must be shared to permit an investigation to move forward, the parties will be informed. Privacy of the records specific to an investigation is maintained in accordance with California law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of Complainant or information that could easily lead to a Complainant's identification.

Additionally, the University maintains privacy concerning any supportive measures afforded to a Complainant, except to the extent necessary to provide the supportive measures. Typically, if faculty members or administrators are asked to provide supportive measures for a specific student, they are told that such measures are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is.

Irrespective of state law or public records access provisions, information about Complainants is maintained privately, in accordance with Title IX and FERPA.

## **CAMPUS FIRE SAFETY ANNUAL COMPLIANCE REPORT**

The Higher Education Opportunity Act (HEOA) [Public Law 110-315] became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire related on-campus housing statistics.

The following public disclosure report details all information required by this law as it relates to Santa Clara University.

Fire statistics for the SCU Main Campus are found in Appendix A. If you smell smoke or detect a fire, activate the nearest alarm and call 911 immediately from a safe location on- or off-campus. If you find evidence of an extinguished fire that has not been addressed by the University, please contact the University Fire Protection Technician at (408) 554-4742 or the Assistant Director of Campus Safety at (408) 554-4111.

### Residential Facilities and Supporting Fire Life Safety Systems

Name of Residence Hall	# of Beds	Sprinkler/Fire Suppression	Detection Type	Whole Building Fire Alarm	Strobe Lights
2600 Virginia St.	19	No	Smoke / CO	Yes	No
Campisi Hall	19	No	Smoke / CO	Yes	No
Casa Italiana	25	No	Smoke / CO	Yes	No

**CO = Carbon Monoxide.**

### Residence Hall Policies, Procedures, and Standards

#### Relevant Student Conduct Code Sections

The following acts may subject students to disciplinary action:

Tampering with, removing, damaging, or destroying fire extinguishers, fire alarm boxes, smoke or heat detectors, emergency call boxes, and other safety equipment anywhere on University property; creating a fire, safety, or health hazard; or failure to respond to fire alarms, evacuate buildings during alarm activation, or respond to the directions of emergency personnel.

## **University Standards, Policies, and Procedures: Building Evacuations & Fire Safety**

The following standards are for the safety of all resident and nonresident-students. Violation of many of these standards is also punishable by local and state law.

Evacuation is required of all occupants of University buildings whenever an alarm is sounded. Students should be familiar with emergency evacuation routes from buildings in which they spend time.

Specific procedures are:

- Exit the building immediately by the proper pathway
- Lock your door and take your key if you are a resident and in your room at the time the alarm sounds
- Use stairways; do not use the elevators
- Once outside, move to your designated emergency assembly point
- Do not return to an evacuated building until the all-clear signal is given and permission is explicitly granted by a member of the Housing and Residence Life team or a Campus Safety Services officer

Failure to evacuate for an alarm is a violation of city and state ordinances and will be treated as a serious violation of the Student Conduct Code.

Fire alarms and fire-safety equipment are located in each building to save lives and property. Initiating a false alarm or tampering with fire-safety equipment is a violation of University policy and Santa Clara City Ordinance.

## **Housing and Residence Life Community Living**

These policies are established for the health, safety, and security of on-campus residents. Violations of the following policies may result in assessment of fines (up to a maximum of \$500 per person, per violation depending upon the severity of the incident) and/or referral to the University Judicial System.

## Appliances

Appliances are permitted as long as they pose no undue safety risk, include no exposed heating elements, or do not unnecessarily over utilize building utilities. Appliances that create undue safety risks are not permitted within the residential living community. The University reserves the right to require the use of Energy Star rated appliances.

Approved Appliances	Unapproved Appliances
Hot pots with non-exposed coils	Air Conditioners
Microwaves	Ceiling Fans
Televisions	Hot Plates
Hair Dryers	Torchiere halogen lamps
Clocks	Window appliances (humidifiers, etc.)
Computers	Sun Lamps
Desk Lamps	Toasters <sup>4</sup>
Fans	Space Heaters
Refrigerators  (energy star certified/4.5 cubic feet or smaller)	George Foreman style grills <sup>5</sup>

<sup>4</sup> Are permitted only in Casa Italiana, Sobrato Hall, University Villas, University Square, Park Avenue Apartments, Bellarmine, St. Clare, Graduate Houses and the Neighborhood Units.

<sup>5</sup> Are permitted only in Casa Italiana, Sobrato Hall, University Villas, University Square, Park Avenue Apartments, Bellarmine, St. Clare, Graduate Houses and the Neighborhood Units.

### **Candles/Open Flames/Incense**

Candles/open flames/incense are considered extremely dangerous due to the potential of fire and are prohibited. Unburned candles or incense sticks are also not permitted. Students may not create open flames of any kind for any reason in any University housing facility location. Grills cannot be used in or near residence halls, apartments, or on private student patios/balconies without authorization from appropriate housing and residence life staff. All violations of this policy are considered to be serious as open flames pose the largest single safety threat to University housing facilities.

### **Exits, Doorways & All Hallways**

Exits, doorways, and all hallways must have a minimum of a 48-inch clearance from obstructions such as boxes, bicycles, and mattresses at all times.

### **Extension Cords**

Extension cords are not permitted in university residence halls at any time for any reason per California State Fire Code. See section on Power Strips for further information.

### **Fire Safety Equipment**

Fire safety equipment has been installed in most buildings to provide maximum protection from fire. This equipment may include pull stations, pull station covers, smoke/heat detectors, sprinklers, water hoses, door hold open hardware, fire alarm panels, and fire alarm lights and horns. It is imperative that this equipment be properly respected and maintained. If equipment is not working properly, campus community members must report it immediately to University staff. A student found tampering or fraudulently using this equipment places the community at risk and the disciplinary response will be severe. Disciplinary action may include a maximum disciplinary fine in addition to possible residence hall expulsion and possible suspension from the University. The appropriate City Fire Agency may also investigate such activity and may prosecute offenders.

## **Furniture**

Furniture, other than University issued, must adhere to all California state fire codes. All furniture must be flame-retardant. Upon checking out, students are required to return furniture to its original configuration. Waterbeds are not permitted inside University residence halls at any time. All University issued furniture must remain in designated rooms or apartments.

## **Halogen-Bulb Lamps**

Halogen-bulb lamps have been the cause of multiple residence hall fires around the country. To promote the safety of students living in residence halls, torchiere halogen-bulb lamps (i.e., floor lamps) are not permitted in any University housing facility.

## **Power Strips**

Power strips are permitted only if they are UL-approved, circuit breaker-type and their use must be kept to a minimum in university residence halls. Students must follow manufacturer guidelines in order to ensure that they are not overloaded.

## **Room Alterations**

Decorations for your room consisting of sheets, nets, curtains, or large pieces of material hung or draped from the ceiling and walls is not recommended due to the combustion hazard they present. Pieces of any material covering more than 50% of the total wall or ceiling area of any residential space are prohibited. Room decorations should not be hung from the ceiling T-bar metal framing that supports the ceiling tiles. Additional information regarding room decoration guidelines can be found at the [On-Campus Living website](#). Painting is done by Facilities personnel. Because a great deal of effort is expended in repainting rooms, residents are not permitted to paint their rooms or apartments. Students will be held responsible for any and all damage done to walls, windows, doors, or furniture.



## **Firearms, Weapons & Other Hazardous Materials**

Firearms, weapons, and other hazardous materials, including, but not limited to flammable liquids, any item that can reasonably be determined to be a simulation of a weapon, any item that can be reasonably determined to potentially cause harm or injury to self or others, and ammunition are not permitted in University residences. Possession of firearms, including BB and paint-ball guns, is a violation of the Student Conduct Code. Students must find suitable storage locations off campus for the safe storage of any firearms, weapons, and ammunition. Flammable liquids and hazardous materials are not to be stored or used in residence hall rooms. Anyone violating this policy will be assessed a fine and will be removed from University housing pending review by the University.

## **Fireworks & Firecrackers**

Fireworks and firecrackers of any kind are prohibited in the university residential facilities. Anyone possessing fireworks of any kind may immediately be removed from University housing.

## **Smoke Free Policy**

Santa Clara University has adopted a smoke-free and tobacco-free policy on the University campuses. All faculty, staff, students, and visitors of the University are covered by this policy. In addition, all persons using the facilities of the University are subject to this policy.

## **Definitions**

- **Smoking** means inhaling, exhaling, burning, or carrying of any lighted or heated tobacco product, as well as smoking substances that are not tobacco, and operating electronic smoking devices and other smoking instruments.
- **Tobacco Product** means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, hookahs, electronic smoking devices, and all forms of smokeless tobacco.
- **Tobacco-Related** means the use of tobacco brand or corporate name, trademark, logo, symbol, motto, or selling message that is identifiable with those used for any brand of tobacco products or company which manufactures tobacco products.

## **Building Evacuations and Fire Safety**

The following standards are for the safety of all residents and non-resident students. Violation of any of these standards is also punishable by local and state law.

### **In the Event of a Fire**

If you smell smoke or detect a fire, activate the nearest alarm and call 911 immediately from a safe location on or off campus. Before opening any door, use the back of your hand to see if it is hot. If it is hot, leave it closed and stuff wet towels or clothes in the cracks and open a window. If the door is not hot, open it slowly and be prepared to close it quickly if necessary. Exit the building cautiously and carry a blanket or towel to protect you from flames and smoke. Do not use elevators. If you see or smell smoke in a hall or stairway, use another exit. If you have knowledge of what may have caused a building evacuation, please immediately notify University staff.

### **Fire Prevention**

All students must maintain an obstruction free evacuation route to all exits. The minimum clearance of the route must be 48 inches wide or greater. Students must follow manufacturer guidelines when using power surge strips in order to ensure that they are not overloaded.

### **Fire Safety**

Residence hall occupants should follow all safety precautions, including fire safety, and report any violations they observe to their Community Facilitator or Resident Director as soon as possible.

In collaboration, the University's Emergency Planning Manager and the Department of Environment, Health and Safety ("EHS"), conduct mandatory, supervised fire drills for each residence hall, once each academic quarter. (12 residence halls four times per academic quarter equates to 52 evacuation drills each year.)

## **Fire Safety Education and Training for Students, Faculty, and Staff**

### **Housing and Residence Life**

All Residence Life staff members receive building evacuation, fire prevention, and fire incident response training at the beginning of each academic year.

Health and safety checks of each room/apartment are conducted by staff each quarter. Staff members are trained to note and assess a fine for improper use of extension cords, overloading electrical circuits, covering ceiling light fixtures with fabric/paper, using (halogen) lights, improperly using holiday lights, and using candles and incense which is prohibited in any on-campus housing facility.

### **Fire Drills**

Building evacuation drills are conducted in every Residence Hall and University staffed building or property. Staff members are trained to record/account for those present and submit reports to incident command staff. Records for these building evacuation drills are retained by both the Emergency Planning Manager and the Housing Office.

### **Environment, Health and Safety Department (EHS)**

The University Fire Protection Technician along with a Santa Clara Fire Department Deputy Fire Marshal conduct annual fire safety inspections of every campus building, which includes all residence halls. They interface with faculty, staff, and students.

New University staff and faculty members are required to attend a new employee orientation course which includes a Safety Presentation that covers: Emergency Contact Information, Management Commitment, Evacuation Procedures, Injury and Illness Prevention Program, Potential Workplace Hazards and use of Fire Extinguishers.

## **APPENDIX A**

### **STATISTICS AND RELATED INFORMATION REGARDING FIRES IN RESIDENTIAL FACILITIES**

For the following Residential Facilities, there were no reported fires in the three most recent calendar years (2019-2021):

<b>Residential Facility</b>	<b>Address / Building Number</b>
Student Apartments	2600 Virginia Street Berkeley, CA 94709
Student Apartments	2564 Virginia Street Berkeley, CA 94709
Student Apartments	2466 Virginia Street, Berkeley, CA 94709

## **APPENDIX B**

### **CAMPUS CRIME STATISTICS**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Campus Safety Services prepares and publishes the Annual Crime Disclosure of Crime Statistics. The report is maintained on the Campus Safety Services website and is available by calling (408) 554-4441. This report is prepared in cooperation with the Santa Clara Police Department and the Office of Student Life.

The statistics, which include crimes on campus and crimes in adjacent public areas, are collected by Campus Safety Services. These statistics include crimes reported directly to Campus Safety Services and information provided by the Santa Clara Police Department. The non-campus statistics include statistics from the University’s Casa de la Solidaridad in El Salvador, the University’s program in East San Jose, and other non-campus properties that were controlled by the University during the prior three years.

## Crime Definitions

- **Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another
- **Manslaughter by Negligence:** the killing of another person through gross negligence
- **Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
- **Fondling:** the touching of the private body part of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity
- **Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape:** non-forcible sexual intercourse with a person who is under the statutory age of consent
- **Domestic Violence:** a felony or misdemeanor crime 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 California law, or by any other person against an adult or youth victim who is protected from that person's acts under California law
- **Dating Violence:** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of the relationship and the frequency of interaction between the persons involved in the relationship
- **Stalking:** a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear of his or her safety or the safety of others

- **Robbery:** the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or violence and/or by putting the victim in fear
- **Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm
- **Burglary:** the unlawful entry of a structure to commit a felony or a theft
- **Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle
- **Arson:** any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc
- **Hate Crimes:** crimes committed against a victim based on the perpetrator's bias against the victim based on the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. Hate crimes include all of the crimes listed below, plus the crimes of larceny theft, intimidation, destruction/damage/vandalism, and simple assault
  - Larceny-Theft: the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another
  - Simple Assault: an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness
  - Intimidation: to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack
  - Destruction/Damage/Vandalism of Property: to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

## Location Definitions

**On-Campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor)

**On-Campus Residential Facilities:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility

**Non-campus building or property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution

**Public property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus

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**Crimes Reported to Campus Safety, BPD and Campus Security Authorities  
2020-2022**

<b>Crime</b>	<b>Year</b>	<b>Student Residences On Campus</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total On Campus+Student Residences+Non-Campus+Public Property</b>	<b>Unfounded</b>
Murder / Non-Negligent Manslaughter	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Robbery	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Burglary	2020	0	1	0	0	1	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Motor Vehicle Theft + Golf Carts	2020	0	0	0	1	1	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Arson	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Liquor Law Violations: Arrests	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Liquor Law Violations: Disciplinary Referrals	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Drug-Related Violations: Arrests	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Drug-Related Violations: Disciplinary Referrals	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Weapons Possessions: Arrests	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Weapons Possessions: Disciplinary Referrals	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0

\*There were no hate crimes reported for 2020, 2021 and 2022



**VAWA (Violence Against Women Act) Crimes  
2020-2022**

<b>Crime</b>	<b>Year</b>	<b>Student Residences On Campus</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total On Campus+Student Residences+Non-Campus+Public Property</b>	<b>Unfounded</b>
Rape	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Fondling	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Incest	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Domestic Violence	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Dating Violence	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Stalking	2020	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2022	0	0	0	0	0	0