

# Jesuit School of Theology of Santa Clara University

## STUDENT HANDBOOK 2024–25

COMMUNITY STANDARDS, POLICIES, AND PROCEDURES





## STATEMENT OF STUDENT RESPONSIBILITY

You and Santa Clara University share the responsibility for your education. In keeping with this commitment, the University has developed a Student Conduct Code and related standards, policies, and procedures to guarantee each student's freedom to learn and to protect the fundamental rights of others. The concept of rights and freedoms carries with it corresponding responsibilities for which students are accountable. It is the responsibility of all students, undergraduate and graduate, those living on campus and off campus, to know and abide by the standards, policies, and procedures that govern their conduct as members of the University community.

## WEBSITE INFORMATION AND PRODUCTION STATEMENT

This handbook is published by the Office of Student and Community Life and is intended to be used in conjunction with the JST-SCU Bulletin. For the most up-to-date version of the handbook, refer to the following web address:

**<https://www.scu.edu/jst/life-at-jst/jst-scu-policies/>**. For the most-up-to-date version of the JST-SCU bulletin, refer to the following web address: **<https://www.scu.edu/jst-bulletin>**.







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# Welcome

Dear Student,

Welcome to the Jesuit School of Theology of Santa Clara University (JST-SCU). To quote our mission statement: “the Jesuit School of Theology educates scholars and ministers to serve the Church and society by enlivening faith, promoting reconciliation, laboring for justice, and participating in God’s mercy. We bring theology into dialogue with communities, with their particular histories and cultures, serving people and learning from them in a spirit of solidarity.”

Here at the Jesuit School of Theology, you will study and grow in an international community engaged in theological inquiry, pastoral formation, and professional and spiritual renewal. We are women and men; lay and religious; Roman Catholics and persons of other religious traditions. Diverse in charism and cultural identity, we are united in our shared commitment to honor and learn from each other.

As members of the Graduate Theological Union, we strive for ecumenical and interfaith understanding along with our fellow schools in the consortium. As a graduate school of Santa Clara University, we explore the intersection of theology with other disciplines and participate fully in the life of the University.

Our faculty and staff are ready to support you in your educational goals and in your ongoing formation. We encourage you to avail yourself fully of all the resources in the school community that will further your learning and growth in wholeness.

This handbook articulates the values of the Jesuit School of Theology of Santa Clara University, the policies that support them, and your responsibility in upholding these values as a member of the school and university community. Please read and give the handbook your careful attention.

Once again, welcome to the JST-SCU community and best wishes for this academic year.

Sincerely,

A handwritten signature in black ink, appearing to read 'JGM', with a stylized flourish extending from the bottom left.

Jenny Girard Malley, MA

Assistant Dean of Student and Community Life





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# Community Standards

## INTRODUCTION

Welcome to Santa Clara University. Santa Clara's distinctive tradition expects from each of its community members an uncompromising commitment to excellence and social responsibility that seeks to fashion a more humane and just society. Competence, conscience, and compassion are the cornerstones of our community values. To achieve our common goals, we must create a community environment that is shaped by its expressed values. The Student Handbook seeks to reflect the values of the community and unite them into a usable guide.

The Santa Clara University community includes students, faculty, staff, parents, alumni, neighbors, guests, and friends of the University. As a community of enriched persons of diverse backgrounds, we respect differences, encourage open dialogue, and commit to caring for all members of the community. Every member of the community serves as a representative to other members of our community, both on and off campus. Members of this community freely affiliate with the University and should be prepared to contribute to and abide by the standards set forth in this handbook.

Santa Clara University believes that the life of the University rests in the hands of each and every community member. Sharing this responsibility should lead all community members to make the most of their talents, to be sensitive to one another and work together, and to seek justice within and beyond the Santa Clara University community.

All community members are called upon to promote actions and behaviors that are consistent with the values of Santa Clara University and to confront, challenge, and respond to actions that are inconsistent with the established standards. This Student Handbook has been designed to frame your role within the Santa Clara University community. Every attempt has been made to provide a clear explanation of the standards, policies, and procedures that reflect the type of community that you are joining. Familiarizing yourself with the contents of this handbook is an investment of time that you will not regret.

## STATEMENT OF COMMUNITY VALUES

The Santa Clara University community is dedicated to the promotion of values consistent with academic and personal excellence. Choosing to join this community evidences your acceptance of these values.

### **As a member of this community, I will practice personal and academic integrity.**

Living this value looks like:

- Being a "person of conscience," who acts ethically, and whose decisions reflect moral sensitivity, judgment, commitment, and courage
- Showing consistency in my beliefs, my words, and my actions personally and professionally
- Being honest, responsible, and accountable in my scholarly activities, making course work my top priority, and taking credit only for my own work
- Accepting responsibility for my own actions and holding others accountable for their actions

Living this value is inconsistent with:

- Failing to take responsibility for my behavior
- Engaging in dishonest behavior such as cheating or falsifying information
- Tampering with data systems or computer networks

### **As a member of this community, I will respect and care for myself, others, and their property.**

Living this value looks like:

- Maintaining my health in mind, body, spirit, and soul
- Treating other people and the environment with dignity, as I expect to be treated
- Being a "person of compassion," who stands with others in their need and takes action to help build a more just and humane world
- Recognizing and actively protecting the property rights of others in my apartment, neighborhood, residence hall, on campus, and in the surrounding community

Living this value is inconsistent with:

- Behaving in ways that cause others emotional distress, threaten or discourage the freedom, personal safety, and respect that all individuals deserve
- Hurting myself and others through the use or distribution of drugs or alcohol
- Creating a dangerous environment by tampering with safety equipment or smoke detectors

**As a member of this community, I will value diversity and learn from diverse people, ideas, and situations.**

Living this value looks like:

- Understanding that differences in gender, socioeconomic status, ethnic background, race, culture, religion, sexuality, physical abilities, and other differences are rich opportunities for learning about other people, the world, and myself
- Working to understand and overcome personal, institutional, and societal biases, injustices, prejudices, and stereotyping
- Being fair, assigning benefits and burdens to people according to consistent, equitable, and just criteria

Living this value is inconsistent with:

- Harassing or threatening other members of the community
- Using degrading language toward any person or any member of a specific group
- Arguing or hampering my community's right to the communication of ideas and ideals just because they don't represent my own
- Validating unequal behavior toward a person because of gender, socioeconomic status, ethnic background, race, culture, religion, sexuality, physical abilities, and/or other differences

**As a member of this community, I will seek, share, and contribute to the common good.**

Living this value looks like:

- Basing my actions on the belief that my own good is inextricably bound to the good of the whole community
- Contributing my talents and participating fully in the life and events of the community
- Engaging in the open dialogue and deep communication necessary to create a real rather than a "pretend" community
- Showing careful stewardship of common space, property, and equipment

Living this value is inconsistent with:

- Not conveying respect and responsibility for my University community

- Resisting learning about the perspectives shared by other community members
- Engaging in selfish or inconsiderate behavior

**As a member of this community, I will be a leader-in-service to the campus and greater community beyond campus.**

Living this value looks like:

- Seeking to understand not only "what is" but "what should be" and working actively to bring that about
- Making no decision without considering its effects on people who are poor, in need, and with the fewest resources;
- Consistently role-modeling behavior reflective of the three Cs (Competence, Conscience, and Compassion)

Living this value is inconsistent with:

- Not valuing the efforts of community service activities
- Perceiving leadership as someone else's responsibility to the campus and outside community

## **STATEMENT OF RESPONSIBILITIES AND STANDARDS OF CONDUCT**

A goal of Santa Clara University is to provide students with a general education so that they will acquire knowledge, skills, and wisdom to deal with and contribute to contemporary society in constructive ways. As an institution of higher education rooted in the Jesuit tradition, the University is committed to creating and sustaining an environment that facilitates not only academic development, but also the personal and spiritual development of its members.

This commitment of the University encourages the greatest possible degree of freedom for individual choice and expression with the expectation that individual members of the community will:

- Be honest
- Demonstrate respect for oneself
- Demonstrate respect for others and property
- Demonstrate respect for the law and University standards, policies, and procedures, their administration, and the process for changing them

In keeping with this commitment, this Statement of Responsibilities and Standards of Conduct and related policies and procedures have been formulated to guarantee each student's freedom to learn and to protect the fundamental rights of others. The University administration has established standards, policies, and procedures that are necessary to achieve its objectives as a Catholic, Jesuit university. These standards, policies, and procedures are inclusive of the laws of the nation, the state of California, and the local community.



All members of the Santa Clara University community are expected to conduct themselves in a manner that is consistent with the goals of the institution and demonstrate respect for self, others, and their property. Students living off campus are members of this community and, as such, are representatives of the University to the community-at-large. In this regard, students living off campus maintain an equal measure of accountability to the values and expectations of all members of this community as identified in the Student Conduct Code.

Whether living in or traversing through the neighborhood, or parking in the streets, students are expected to adhere to the same high standards of conduct and behavior that are consistent with the students' developing role as responsible and accountable citizens and reflect well upon the Santa Clara University community.

## STUDENT CONDUCT CODE

All members of the University community have a strong responsibility to protect and maintain an academic climate in which the fundamental freedom to learn can be enjoyed by all and where the rights and well-being of all members of the community are protected. To this end, certain basic regulations and policies have been developed to govern the conduct of all students as members of the University community.

The University reserves the right to review student conduct that occurs on and off campus when such behavior is inconsistent with these expectations and the Student Conduct Code. In addition, students are responsible for the actions of their guests and will be held accountable for any violations of University standards, policies, and procedures by a guest. Students should accompany their guests while on campus. If necessary, the University reserves the right to limit the guest privileges of a student.

The following acts may subject students to disciplinary action:

1. Engaging in any form of academic dishonesty such as plagiarism (i.e., representing the work or ideas of others as one's own without giving proper acknowledgment), cheating (e.g., copying the work of another person, falsifying laboratory data, sabotaging the work of others), and other acts generally understood to be dishonest by faculty or students in an academic context. (Law students, refer to School of Law code).
2. 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 cannabis, cocaine, hashish, or hashish oil into the human body.
3. Falsification or misuse, including non-authentic, altered, or fraudulent misuse, of University records, permits, documents, communication equipment, or identification cards and government-issued documents.
4. Knowingly furnishing false or incomplete information to the University, a University official, or the conduct hearing board in response to an authorized request.
5. Disorderly, lewd, indecent, or obscene conduct; excessive or prolonged noise; behavior that interferes with the orderly functioning of the University, or interferes with an individual's pursuit of an education on University-owned or controlled property or during an authorized University class, field trip, seminar, competition or other meeting, or University-related activity.
6. Detention, physical abuse, or conduct that threatens imminent bodily harm or endangers the physical well-being of any person
7. Nonconsensual physical contact of a sexual nature such as sexual misconduct, sexual assault, and rape.
8. Destruction, damage, or misuse of University property or the property of any other person or group.
9. Theft or conversion of University property or the property of any other person or group.
10. Hazing, harassing, stalking, threatening, bullying, degrading language or actions, or any practice by a group or individual that degrades a student or employee, endangers health, jeopardizes personal safety, or interferes with an employee's duties or with a student's class attendance or a person's educational pursuits.
11. Engaging in single or multiple acts – verbal, written, or physical—in violation of the Student Conduct Code motivated in whole or in part by a person or group's actual or perceived race, color, national origin, ancestry, sex, sexual orientation, age, religious creed, physical, or mental disability, medical condition, as defined by California law, marital status, citizenship status, gender identity, gender expression, genetic information, military or veteran status, or other status protected by law, and which has the purpose or effect of unreasonably and substantially interfering with an individual's or group's safety or security, or which creates an intimidating, hostile, and objectively offensive educational, living or working environment. Bias-related conduct in violation of the Student Conduct Code on the basis of actual or perceived religious faith and political affiliation/ orientation is also prohibited.



12. Making a video recording, audio recording, or streaming audio/video of private, non-public conversations and/or meetings, inclusive of the classroom setting, without the knowledge and consent of all recorded parties.<sup>1</sup>
13. Intentional obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities; or obstruction or disruption that interferes with the freedom of movement, both pedestrian and vehicular.
14. Possessing, concealing, storing, carrying, or using any real or simulated weapons (including toy guns). The definition of weapons includes, but is not limited to, firearms (including BB/pellet, Airsoft, and paintball guns—regardless of whether they are disassembled), knives (switchblade, double-edged, hunting-style [fixed-blade] of any length, throwing, folding [pocket style with a blade that locks into place], and knives with blades of 2.5 inches in length or greater), explosives (including, though not limited to, fireworks and firecrackers), ammunition, dangerous chemicals, or any other dangerous weapons or instruments, or chemicals as defined by, though not limited to, California State Law except if expressly authorized by University policy or procedure (see “Housing and Residence Life Policies” for information that pertains to Residence Life).
15. Unauthorized entry into, or use or defacement of University facilities, including residence halls and other buildings and grounds, including unauthorized entry into, or presence in or on a University building; unauthorized erection, or use on University property of any structures including specifically, but not limited to tents, huts, gazebos, shelters, platforms, and public address systems; or unauthorized use of University property for dances, concerts, assemblies, meetings, sleeping, cooking, or eating if said activity interferes with the operation of the University or surrounding community.
16. Publication, posting, or distribution through the use of University resources (e.g., computer networks, telephone lines, email services, Internet connections), or at authorized University activities of material that violates the law of libel, obscenity, postal regulations, the fair use of copyrighted materials, or any law or statute or University policy.
17. Failure to comply with a reasonable request or order of a University executive or other authorized official(s) inclusive of compliance on and off campus with local, county, state, and federal COVID-19 health orders; refusal or failure to leave such premises because of conduct prescribed by this code when such conduct constitutes violations of this code or a danger to personal safety, property, or educational or other appropriate University activities on such premises; or refusal or failure to identify oneself when requested by a University official provided the official is identified and indicates legitimate reason for the request.
18. 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. (See also “Alcohol and Controlled Substances Within University Housing”).
19. Engaging in acts or deeds that may violate existing federal, state, county, or municipal laws or ordinances that materially or adversely affect the individual’s suitability as a member of the Santa Clara University community.
20. 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.
21. Any behavior that disrupts or causes disruption of computer services; damages, alters, or destroys data or records; adversely affects computer software, programs, systems, or networks; or uses data, computer systems, or networks to devise or execute any scheme to defraud, deceive, extort, or wrongfully obtain money, property, or data.

*Students who are alleged to have violated the Student Conduct Code may be subject to disciplinary action and, if applicable, may also be subject to criminal prosecution. A reported violation involving alcoholic beverages, cannabis, other drugs, and related equipment or paraphernalia, or weapons (real or simulated) will result in those items being confiscated and disposed of (when appropriate) by a responding University official.*

*Under the guidance of the SCU Office of Student Life, the JST-SCU Assistant Dean of Student and Community Life of the Jesuit School of Theology is the primary, though not the only, hearing officer for JST-SCU student conduct cases.*

*1. The recording of classroom lectures, discussions, simulations, and other course-related activity is governed by this University recording policy which balances the legitimate needs of students with disabilities that require the accommodation, the intellectual property concerns of its instructors, and the privacy of its students. In some instances, federal law may permit students with documented disabilities to record classroom activity. The Office of Accessible Education determines if classroom recording is an appropriate academic adjustment, auxiliary aid, and/or service with respect to each individual student's documentation.*



# University Standards, Policies, and Procedures

*The following standards, policies, and procedures are designed to foster a climate in which students can succeed during their time at the University. All students are expected to familiarize themselves with these standards, policies, and procedures and adhere to them.*

## ACADEMIC INTEGRITY

The JST-SCU Plagiarism Policy, JST-SCU Bulletin, as well as the JST-SCU Student Handbook, outline the expectations that all members of the JST-SCU community are expected to be honest in their academic endeavors. Engaging in any form of academic dishonesty or other acts generally understood to be dishonest by faculty or students in an academic context subjects a student to academic and disciplinary action. For the full text of the JST-SCU Bulletin see: <https://www.scu.edu/jst-bulletin>

**Santa Clara University Students affirm the following commitment to academic integrity:**

*I am committed to being a person of integrity. I pledge, as a member of the Santa Clara University community, to abide by and uphold the standards of academic integrity contained in the Student Conduct Code.*

## ACCESS CREDENTIAL POLICY

### Credential Use

The ACCESS Credential serves as Santa Clara University's multipurpose photo identification card credential which enables library circulation, facility access. The credential, related accounts, and access privileges are non transferable. The individual identified by the credential is responsible for all usage of his or her credential and is the only one authorized to present the card for services and access. A student using a credential that does not belong to him or her may have that credential confiscated and may be referred to the Office of Student Life for disciplinary action.

## Lost/Stolen Credentials and Replacement Fees

The credential holder is responsible for suspending any lost or stolen ACCESS credential immediately. The loss may be reported to the ACCESS Office during business hours. After hours, students can suspend their credentials by contacting Campus Safety Services at 408-554-4441 or by visiting the Online ACCESS Office. Damaged or defaced ACCESS credentials are no longer valid and must be replaced. A \$20 fee is charged to replace a lost, stolen, or damaged credential.

## AMERICANS WITH DISABILITIES ACT/SECTION 504 OF THE REHABILITATION ACT OF 1973

In both practice and policy, Santa Clara University adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability.

The University is committed to providing individuals with disabilities, including (but not limited to) those with learning disabilities, ADHD, chronic health conditions, traumatic brain injuries, hear impairments, physical disabilities, psychological disorders, visual impairments, and other health impairments, equal access to the academic courses, programs, activities, services, and employment opportunities, and strives in its policies and practices to provide for the full participation of disabled individuals in all aspects of University life.

Faculty and staff should contact Human Resources to request employee disability-related accommodations, auxiliary aids, or services. For more information, please see the Human Resources website (<https://www.scu.edu/hr/>).

The University's ADA Coordinator facilitates compliance with the Americans with Disabilities Act (ADA) Title II regulations and Section 504 of the Rehabilitation Act of 1973. The University's ADA/504 Coordinator is James Marik, Director, Office of Accessible Education. To contact the ADA Coordinator, please email [jmarik@scu.edu](mailto:jmarik@scu.edu).



Students, faculty, and staff who have questions or concerns about (1) disagreements or denials regarding requested services, accommodations, or modifications to University practices or requirements; (2) alleged inaccessibility of a University program or activity; (3) alleged harassment or discrimination on the basis of a disability, and (4) any other alleged disability discrimination should contact the Director of Equal Opportunity and Title IX at 408-551-3043 or by email at [titleixadmin@scu.edu](mailto:titleixadmin@scu.edu).

For more information or questions related to these policies and procedures on discrimination and harassment, see the Office of Equal Opportunity and Title IX website (<https://www.scu.edu/title-ix>).

## Office of Accessible Education

The Office of Accessible Education has been designated by the University to ensure disabled students have equitable access to all academic and University programs. The goal is to support students with, but not limited to, medical, physical, psychological, attention deficit, and learning disabilities, in participating fully in campus life, its programs, and activities. Emphasis is on the provision of academic accommodations, support services, self-advocacy skill training, and disability-related educational programming for the campus community.

For information concerning the Office of Accessible Education (OAE) please visit the website (<https://www.scu.edu/oae>). Students with disabilities who register with the OAE may be qualified to receive accommodations based on supporting documentation. To register with OAE, students should contact the office at 408-554-4109 or by email at [oea@scu.edu](mailto:oea@scu.edu). The Office of Accessible Education is located in Benson Center, Lower Level, Room 1.

## COMPUTING AND ELECTRONIC RESOURCES POLICIES

The computing and other electronic resources at SCU are provided solely for the support of students and employees in the pursuit of their scholarly or required academic activities, and for conducting the business of the University. General guidelines for use of computing, communication, and electronic resources on campus are based upon principles of etiquette, fairness, security and legality. In using these resources at SCU, community members are expected to be respectful of other individuals' ability to enjoy equal access to the resources, refrain from malicious or annoying behavior, take reasonable and responsible measures to protect confidential/sensitive information, and abide by state and national laws, including those related to intellectual property and copyright. When you join the SCU community, you are provisioned with credentials (IDs and passwords) that allow you access to a wide variety of University resources. These credentials should never be shared with others. More details are available in the University's Network and Communications Policies and Guidelines, accessible at [www.scu.edu/is/technology-policies-procedures-and-standards/](http://www.scu.edu/is/technology-policies-procedures-and-standards/) or available from Information Technology.

## Information Security Reporting

In order to comply with data privacy regulations, the University has an obligation to ensure the security and integrity of SCU computing and network resources. Examples of computing and network resources include user accounts and passwords, applications used to conduct university business (including but not limited to Gmail and Camino) network infrastructure, university computing equipment, and any data not designated as public.

Any student who suspects or becomes aware of a compromise to, or unauthorized use of, a Santa Clara University computing or network resource must notify the Information Security Office as soon as possible. Notification can be given to the Technology Help Desk at 554-5700 or [techdesk@scu.edu](mailto:techdesk@scu.edu), who will escalate the issue to the appropriate personnel.

## GTU CONSORTIUM PROTOCOLS FOR RESPONDING TO STUDENT COMPLAINTS

Cross-registration of students in courses within the consortium is a valuable feature of the Graduate Theological Union. The GTU and all the member schools are committed to ensuring that students have appropriate recourse in the event that they have a complaint about some aspect of their experience while taking courses at a school other than their own. The following protocol is to be followed in any such cases, including but not limited to complaints concerning unfair discrimination, cultural insensitivity, sexual harassment, and disputes over grades and other forms of academic evaluation.

1. Each school of the GTU is committed to giving students from all other schools access to its normal complaint process whenever they are taking courses or studying with faculty at the host school.
2. Students are encouraged to attempt to resolve the complaint directly by raising the issue with the individual at the host school whose conduct is the focus of the complaint.
3. If the matter cannot be resolved directly, the student should bring the complaint to the attention of the Dean of the student's own school.
4. The Dean of the student's school will contact the Dean of the host school in order to help the student determine which policies and procedures at the host school are relevant in the situation.
5. The normal policies and procedures of the host school will be followed, with the added proviso that the Dean of the student's school will be kept informed of the progress made in addressing the complaint.
6. At the conclusion of the complaint resolution process, the Dean of the host school will report the outcome in writing to both the student and the Dean of the student's school. For "community life" rather than "academic" complaints

the GTU and all the member schools will use this same protocol, substituting the Dean of Students or staff person responsible for student services for the Academic Dean at each institution.

To reference this policy, please see the GTU website:  
<https://www.gtu.edu/student-life/student-complaints>.

## STUDENT RECORDS AND RELEASE OF INFORMATION

The Family Educational Rights and Privacy Act of 1974 (FERPA) protects the confidentiality of the University records of Santa Clara University students. A student is any person who attends or has attended class, which includes courses taken through video conference, satellite, Internet, or other electronic and telecommunication technologies, and for whom the institution maintains education records. The University is authorized under provisions of the Act to release directory information to any person on request, unless a student explicitly requests in writing that the University not do so and keep directory information confidential.

A student's directory information is designated as follows:

1. Student's name
2. Address: Campus post office box, local, and permanent addresses (residence hall and room numbers are not disclosed)
3. Telephone number
4. Email address
5. Photograph
6. Date and place of birth
7. Major field of study
8. Classification level/academic level
9. Dates of attendance (defined as academic year or quarter)
10. Participation in officially recognized activities and sports
11. Weight and height of members of athletic teams
12. Degrees (including expected or actual degree date), honors, and awards received and dates
13. Most recent educational agency or institution attended

During the registration period and throughout the academic year, students are able to update their privacy settings in their Workday account by entering "Manage My Privacy Settings" in the search bar. They can choose to share or not share their information outside SCU and choose to make or not make their directory information public. They can update their personal information and privacy settings at any point during their matriculation as a SCU student.

The University is authorized under FERPA to release educational and directory information to appropriate parties without consent if the University finds an articulable and significant threat to the health or safety of a student or other individuals in light of the information available at the time.

Former or current borrowers of funds from any Title IV student loan program should note carefully that requests for nondisclosure of information will not prevent the University from releasing information pertinent to employment, enrollment status, current address, and loan account status to a school lender, subsequent holder, guarantee agency, the United States Department of Education, or an authorized agent.

Students have the right to inspect and review their educational records at the following offices:

1. Official academic records, including application forms, admission transcripts, letters of acceptance, and a student's permanent academic record are on file and maintained in the Office of the Registrar
2. Working academic files are also maintained by the Drahnann Center
3. Records related to a student's nonacademic activities are maintained in the office of the JST-SCU Assistant Dean of Student and Community Life
4. Records relating to a student's financial status with the University are maintained in the various student financial services offices

Certain records are excluded from inspection, by law, specifically those created or maintained by a physician, psychiatrist, or psychologist in connection with the treatment or counseling of a student. Parents' financial information, including statements submitted with scholarship applications, is also excluded from inspection, by law. Third parties may not have access to educational records or other information pertaining to students without the written consent of the student about whom the information is sought.

Students have the right to request the amendment of their educational records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. Students may direct complaints regarding academic records to the dean of the college or school in which they are enrolled or to the University registrar. In addition, students have the right to file a complaint with the United States Department of Education concerning alleged failures by the University to comply with the requirements of the Act. Written complaints should be directed to the Family Policy Compliance Office, Department of Education, 400 Maryland Ave. SW, Washington, D.C. 20202-5920.

For further information regarding Santa Clara University's FERPA policy, see [www.scu.edu/ferpa](http://www.scu.edu/ferpa).



## STATEMENT OF NONDISCRIMINATION

Santa Clara University's fundamental principles of academic excellence through diversity and inclusion are central to our Jesuit, Catholic values. These principles and values require us to provide a workplace and educational environment free from discrimination, harassment, and sexual misconduct. In its admission, educational and employment practices, programs, and activities, the University does not discriminate and prohibits discrimination against any individual based on race, ethnicity, nationality, religion, age, gender, gender expression, gender identity, sexual orientation, marital status, registered domestic partner status, veteran or military status, physical or mental disability (including perceived disability), medical condition (including cancer related or genetic characteristics), pregnancy (including childbirth, breastfeeding, and related medical conditions), or any other basis prohibited under applicable federal, state, or local laws.

The Director for the Office of Equal Opportunity and Title IX serves as the University's Title IX Coordinator and Affirmative Action Officer. The Director coordinates and oversees the prompt response, impartial and thorough investigation, and equitable and timely resolution to all instances of discrimination and harassment, sexual harassment, and other forms of sexual misconduct involving students, faculty, and staff. The Director also tracks incidents and trends involving sexual misconduct and serves as the principal contact for government and external inquiries regarding civil rights compliance and Title IX.

For more details regarding policies and procedures related to equal opportunity and nondiscrimination, please review the information included within this handbook under "Discrimination, Harassment, and Sexual Misconduct Policy", as well as the Office of Equal Opportunity and Title IX website (<https://www.scu.edu/title-ix>). Inquiries regarding the University's equal opportunity and nondiscrimination policies should contact:

Inquiries:

Office of Equal Opportunity and Title IX

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

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

Main Office: 408-551-3043

Email: [titleixadmin@scu.edu](mailto:titleixadmin@scu.edu)

Web: [www.scu.edu/title-ix](https://www.scu.edu/title-ix)

Reports of possible harassment, discrimination, or sexual misconduct, or requests for supportive measures, may be submitted to the Office of Equal Opportunity and Title IX via email, in person, by phone, or through the anonymous or non-anonymous forms: <https://www.scu.edu/title-ix/reporting/> .

Claims of discrimination or other inquiries concerning the application of Title IX of the Education Amendments of 1972 and its implementing regulations may also be directed externally to the Office of the Assistant Secretary of Education within the Office for Civil Rights (OCR) ([OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)). Inquiries regarding civil rights compliance and employment discrimination may also be made externally to the Equal Employment Opportunity Commission (EEOC) (<https://www.eeoc.gov>) and/or the California Department of Fair Employment and Housing (DFEH) (<https://www.dfeh.ca.gov>).



# Housing and Operations Policies

## **BUILDING EVACUATION AND 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 for fire alarms is required of all occupants of University buildings whenever an alarm is sounded. Be familiar with emergency evacuation routes from buildings in which you spend time.

Specific procedures are:

- Exit the building immediately via the proper evacuation route as depicted on the nearest evacuation map.
- Lock your door and take your ACCESS key card or Mobile Credential if you are a resident and in your room at the time the alarm sounds.
- Use stairways; do not use elevators.
- Once outside, move to your designated emergency assembly point.
- Do not return to an evacuated building until the all-clear signal is given by the designated incident commander.

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 Number 103.4. Violators face criminal prosecution with penalties of \$1,000 and/or six months in jail, in addition to University sanctions.

## **CRIME REPORTING (CLERY ACT)**

Santa Clara University values 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 a safe and welcoming university.

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Santa Clara University annually collects information about campus crimes and other reportable incidents as defined by the law.

This information is made available to assist current and potential students and employees in making informed decisions regarding their attendance or employment at the University. It is the policy of Santa Clara University that the campus community will be informed on a timely basis of all reports of crime and other information affecting the security of our campus and the personal safety of our students, faculty, staff, and guests.

For more information about campus safety policies, procedures, and statistics concerning campus crime, please see the Annual Security & Fire Safety Report (<https://university-operations.scu.edu/campus-safety/clery-act-compliance>). In addition, the Clery daily crime log can be viewed online <https://www.scu.edu/campus-safety/daily-crime-and-fire-log/>, or requested in person at Campus Safety Services at any time.

## **JST-SCU HOUSING, POLICIES, AND PROCEDURES**

The Santa Clara University (SCU) policies, procedures, and standards apply to all students. In addition, the following policies, procedures, and standards apply to students living in JST-SCU housing facilities.

### **Introduction**

Living in University housing requires all individuals to be responsible and respectful of the policies, procedures, and standards established to protect each student, ensure personal and University property is well-maintained and protected, and maintain a reasonable sense of order and structure. The items identified assist us in providing a safe, clean, academic environment. The JST-SCU Housing Contract provides additional information for students living in JST-SCU housing.



By choosing to live on campus, students agree to:

1. Develop, embrace, and hold others accountable for the Community Standard Agreement for the community
2. Accept responsibility for their actions and for the actions of those they bring into the community
3. Use the Roommate Agreement form to aid in creating a respectful and comfortable living situation
4. Respect and cooperate with custodial staff, maintenance staff, and University personnel who work within the community

Should a student be found responsible for violating SCU or JST-SCU Housing policies, their JST-SCU Housing Contract can be canceled.

JST-SCU Housing contract cancellations are most often extended through the academic year. If a student has their housing contract canceled, the student shall be subject to a prorated room charge plus a cancellation fee of \$700 charged to their student account. Questions related to billing after contract cancellation can be directed to the JST-SCU Housing Office.

## Justice Starts Here

The JST-SCU Housing Office affirms and celebrates the dignity of all people. By entering into the residential communities, you agree to actively, intentionally, and continuously engage each member and guest in discussing and celebrating our incredible differences and unifying commonalities. We welcome you to join us to meet our goal of creating a community where Justice Starts Here—in your home!

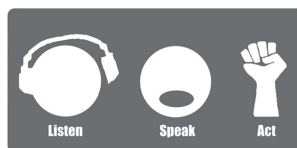
## Celebrating the Dignity of All People

The JST-SCU Housing Office recognizes that the Jesuit School of Theology community is comprised of individuals who represent diversity on many levels and celebrate this diversity, which includes but is not limited to thought, age, race, ethnicity, socioeconomic status, sexual orientation, gender, gender identity/expression, ability, medical condition, religion, belief system, culture, ancestry, nationality, military/veteran status, marital status, and body image.

**LISTEN:** to the stories of others. In the spirit of Magis, we seek tolerance of each other's unique identities and greater understanding and holistic acceptance. By entering into the community, you agree that you and your guests are equally accountable to each other for the words and actions that take place within the community. We will strive to create a community where listening takes priority in conversation. From listening will come understanding, positive and educational dialogue, and appreciation.

**SPEAK:** find your voice and be a voice for others. By entering our community, we empower you to respectfully confront and report instances of intolerance, injustice, and hate. We ask that you be open to being challenged in your own words, actions, and inactions with humility and that you understand that our intentions can be very different than our impact. We hope that through sustained dialogue our community can restore broken relationships and find opportunities for healing and growth.

**ACT:** take personal responsibility for yourself, others, and this community. We embrace the philosophy that all persons who are marginalized, ridiculed, and demeaned in our community for their identities — visible and invisible — are entitled to a safe space in our home. Each member of SCU's JST-SCU Housing community is responsible for creating this safe space for all. We always strive for an atmosphere of inclusion and unity within our community. We will not tolerate hateful talk or actions that make people feel unsafe in our community.



**Listen:** to the stories of others.

**Speak:** find your voice and be a voice for others

**Act:** take personal responsibility for yourself, others, and the community

## JST-SCU HOUSING AND RESIDENCE LIFE COMMUNITY OPERATIONS AND POLICIES

The following section outlines many of the policies and procedures necessary for building a respectful community and providing for efficient residence hall operations. These policies are established for on campus residents' health, safety, security, and well-being. Penalties for violating any of the following policies range from a warning up to possible termination of the JST-SCU Housing contract depending upon the severity of the incident, or referral to the SCU Student Conduct System.

**JST-SCU Housing keys** should be in your possession at all times. Do not loan out your residence hall keys to anyone. Students should immediately report lost keys to the JST-SCU Housing Office, or Building Resident Managers (BRMs) after hours or on weekends. Residents will be charged for replacements of JST-SCU Housing keys.

**Air conditioners** of any type (window or stand-alone) or size are prohibited at any time in SCU-operated student housing buildings. If you require an air conditioner, please contact the JST-SCU Housing Office.

**Amplified musical instruments and drums** are not permitted due to noise levels. Stereo equipment is permitted; however, the JST-SCU Housing staff reserves the right to regulate the sound level and to require that residents remove sound equipment from the residence halls if problems with excess noise persist.

**Appliances** are permitted if they pose no undue safety risk, include no exposed heating elements, or do not unnecessarily overutilize building utilities. Appliances that create undue safety risks are prohibited in the residential living community. The University reserves the right to require the use of Energy Star-rated appliances.

APPROVED APPLIANCES	UNAPPROVED APPLIANCES
Clocks	Air conditioners
Computers	Ceiling fans
Desk lamps	George Foreman style home grills designed for indoor, countertop use
Fans	Hot plates
Hair dryers	Space heaters
Hot pots with non-exposed coils	Sun lamps
Microwaves	Torchiere halogen lamps
Refrigerators (Energy Star certified and 4.5 cubic feet or smaller)	Window appliances (humidifiers, etc.)
Televisions	

**Bicycles and coasting devices** (defined as self-propelled, non-pedaled devices such as skateboards, roller skates, rollerblades, and scooters), may be stored in a student’s room or apartment, but may not be stored in hallways or other common areas within the halls. Bicycles may be parked only in those areas which have been specifically designated for this purpose. A bicycle parking area is indicated by the presence of bicycle racks. All bicycles must be parked in bicycle racks. Bicycles may not be parked in a way that would block or impede access to a building entrance or exit, or attached to stairways or exit areas.

**Open flames/Candles/Incense** are considered extremely dangerous due to the potential of fire. Open flames are prohibited in private and public living spaces. Unburned and decorative candles are prohibited in private and public living spaces. Grills cannot be used in or near residence halls, apartments, or on private student patios/balconies without authorization from appropriate JST-SCU housing staff. Grills are not allowed to be stored in any University-operated student housing. All violations of this policy are considered serious as open flames pose the most significant safety threat to University housing facilities.

**Check-in/check-out** procedures are important processes for all residents to follow. Upon arrival, you will receive a JST-SCU Unit Condition Room Form (UCR) in which you can comment on the condition of your room and common spaces within apartments. The UCR will protect you from being held responsible for damages in your space before your occupancy.

All residents must follow certain check-out procedures outlined by the JST-SCU Housing Office when moving out of their assigned space.

Although charges incurred during the Check Out process cannot be appealed through the University appeal process, as detailed in this handbook, information/clarification regarding charges incurred can be obtained by contacting the JST-SCU Housing Office no later than twenty-one (21) calendar days after the charge has been posted to your SCU student account.

If you are moving out before the end of the academic year, you must contact the JST-SCU Housing Office to request a cancellation. If approved, a decision about a possible refund will be determined. Remember, the JST-SCU Housing Contract is effective for a full academic year. Cancellation requests are reviewed on a case-by-case basis.

**The Check Out** is a process that is required of all residents. You must follow the instructions provided by the JST-SCU Housing Office. The final assessment/walk-through of your space will be conducted by staff members of the JST-SCU Housing Office after you have moved out of your space. This assessment/walk-through will be conducted before anyone occupies your vacated space. Although charges incurred during the Check-Out process cannot be appealed through University appeal process, as detailed in this handbook, information/clarification regarding charges incurred can be obtained by contacting the JST-SCU Housing Office no later than twenty-one (21) calendar days after the charge has been posted to your SCU student account.

**Commercial/business** use of facilities is prohibited. Students may not use their apartments or any University housing facility for commercial/business purposes. This includes data, cable TV connections/lines, and University-furnished mailbox numbers. Solicitation or distribution of published materials and fundraising may be conducted only in accordance with University policy. Establishment and use of private wireless gaming, data, or communication networks is subject to review of JST-SCU Housing or designated SCU staff.

**Community damage** is damage to public areas that would not be considered individual room damage. The preventable public-area losses or preventable damages (such as broken windows, stolen furniture, light fixtures) not assignable to individuals will be billed in equal amounts to the floor or building community or as determined by JST-SCU Housing staff. All residents are responsible for being aware of their environment and holding students who vandalize property accountable.

Contracts for JST-SCU student housing are legally binding documents and should be read carefully and retained for future reference. Policies for suspending or terminating a contract can be found in the documents.

**Dropping objects** out of buildings or throwing objects at buildings (windows, balconies, etc.) is strictly forbidden. Due to the obvious danger and the potential for broken windows, throwing anything at or dropping of anything from University residences is not tolerated.



**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** are not permitted in University residence halls or apartments at any time, for any reason, per the California State Fire Code. See “Power Strips” for further information. Power strips are permitted only if they are UL-approved and circuit breaker-type and their use must be kept to a minimum in JST-SCU Housing residence halls. Students must follow manufacturer guidelines to ensure that they are not overloaded.

**Fire safety equipment** has been installed in most buildings to provide maximum protection from fire. This equipment includes pull stations, pull station covers, smoke/heat detectors, sprinklers, water hoses, door-hold-open hardware, fire alarm panels, and fire alarm lights and horns. This equipment must be properly respected and maintained. If equipment is not working properly, you must report it immediately to JST-SCU Housing 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 and possible JST-SCU Housing expulsion and suspension from the University. The Berkeley Fire Department may also investigate such activity and may prosecute offenders.

**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. Water beds are not permitted inside JST-SCU Housing at any time. All University-issued furniture must remain in a designated room or apartment and is not to be taken outside. Furniture that is designed for indoor use shall not be placed in outdoor gathering spaces like porches, balconies, patios, or yards.

**Guests of residents** are welcome in JST-SCU Housing and public spaces at any time, provided they are accompanied by a JST-SCU student. Guests are defined as any person who is not contracted to live in the residence hall in which they are present. This definition includes other JST-SCU students living in other residence halls or who live off campus.

Students are responsible for the actions of their guests (both JST-SCU and non-affiliates). They will be held accountable for any violations of University standards, policies, or procedures by a guest. Students must physically accompany their guests at all times while they are present in residential facilities, including when entering and exiting the facility. Residents should not allow guests to wander the residence halls unescorted. The responsibility lies with the JST-SCU Housing resident for the guest and the individual creating the problem.

Guests of JST-SCU Housing residents are permitted to stay overnight in the JST-SCU Housing apartments. Any guest who intends to stay longer than five nights during one academic semester must obtain prior written permission from the JST-SCU Housing Office. JST-SCU requires verifiable marriage or domestic partnership certificates for any couple that resides together in our housing units. Given the values of the Jesuit School of Theology of Santa Clara University, cohabitation is not permitted in JST-SCU Housing unless students are married or in a legal domestic partnership.

Residents must obtain approval from their roommate(s)/suite mate(s) before hosting an overnight guest. If the presence of a guest, regardless of whether the guest is, or is not, another student, denies the roommate the right to a reasonable amount of privacy, the roommate is encouraged to discuss this first with their fellow resident. If the students are unable to reach an agreement on this matter, the students are encouraged to seek the assistance of the JST-SCU Housing staff by speaking to their Building Resident Manager (BRM). If necessary, JST-SCU Housing reserves the right to limit the guest privileges of a student.

The University reserves the right to remove guests from campus who are found in violation of policy.

**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 (i.e., floor lamps) lamps are not permitted in any residential community.

**Light fixtures and fire equipment** (sprinklers and smoke detectors) should never be used to hang things from and must never be tampered with or turned off in any fashion. All room/space fixtures (including but not limited to appliances, electrical outlets and switches, plumbing, and door hardware) are not to be removed or altered in anyway.

**Lockouts** are managed by the JST-SCU Housing Office. Should you be locked out of your room between 8 a.m. and 5 p.m. Monday through Friday, you may contact the Front Desk at the JST-SCU Academic Building to be let into your apartment. After 5 p.m. on weekdays, and over the weekend, you must contact the Building Resident Manager on Calls.

**Lofts** (besides University-issued loft furniture) are prohibited due to the University Risk Management Office. Improperly lofted or bunked beds using University-issued furniture components, furniture elevated using “stilts,” and furniture assembled/supported using cinder blocks, other furniture, or homemade structures are not permitted.

**Noise/quiet hours** pose a common problem when large groups live under one roof. Because of this, residents are expected to be considerate of other residents at all times, including respecting others’ rights to sleep, to study, and generally, not to be disturbed. Yelling out windows or into buildings is not permitted. Students must comply with any request to be quieter.

Occupancy limits for each residence hall room or living space are based on California State Fire Code. No more than:

- Six persons in any suite or apartment bedroom
- Six persons in a studio apartment
- Eight persons in a one bedroom apartment (including those in the bedroom)
- Ten persons in a two bedroom apartment (including those in bedrooms)
- Twenty persons in a four bedroom suite apartment (including those in bedrooms)

**Personal property insurance:** The University assumes no responsibility for damage to personal property due to fire, theft, water leaks, interruption of utility service, doors left unlocked, or other causes. Residents are strongly encouraged to purchase personal property insurance to cover loss or damage to personal property or facilities.

**Animals** are not allowed in University-owned housing except for Service and Emotional Support Animals. Fish living in containers with a volume capacity of fewer than 5 gallons are permitted. Students possessing a prohibited animal in JST-SCU Housing will be directed to remove the animal from campus and may be subject to disciplinary action and cleaning/pest treatment expenses.

**Repairs and custodial services** are provided by JST-SCU Facilities. If your room needs a repair, you may submit a work order to the JST-SCU Housing Office. If an emergency repair is needed (such as an overflowing toilet), report it to the first person you can reach, in the following order: the JST-SCU Front Desk; the JST-SCU Housing Office, open weekdays from 8 a.m. to 5 p.m. at 510-549-5050; the Building Resident Manager on call from 5 p.m. to 8 a.m., and all day throughout weekends; If none of these options are available, call SCU Campus Safety Services at 408-554-4441.

**Resident room doors** cannot be completely covered and must be recognizable as doors to emergency responders. Door handles/hardware, name tags, room numbers, etc., cannot be covered. Paper decorations should not exceed 80 percent of the door. Room doors must remain in the closed position at all times unless (1) a person is actively moving through the doorway to gain entry or exit the room, (2) the door can be held open using a University-installed magnetic door hold device, and (3) the room door opens onto an outside corridor.

Residence room numbers must be visible and unobstructed on all doors for security and safety reasons.

Roofs, ledges, and windowsills are not available for use by students or for the placement of a student's belongings. Due to the obvious danger present, disciplinary action may include the maximum disciplinary fine with possible suspension from the University.

**Room alterations and decorations;** painted walls: Decorations for your room consisting of sheets, nets, and large pieces of material hung or draped from the ceiling and walls are not permitted due to the combustion hazard they present. Pieces of any material covering more than 50% of the total wall, ceiling area, or fabric above the bed in any residential space prohibited.

**Painting** is completed by Facilities personnel or painting contractors. Because a great deal of effort is expended in repainting student 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.

To prevent damage to the painted walls in your space, we encourage the use of push pins to post items. For buildings with concrete walls, we encourage the use of removable mounting putty. The use of any other adhesive or hanging hardware, including screws, large nails or pins, 3M command strips, blue tape, or double stick tape is not recommended and often will result in wall damage charges.

**Room and building security:** Propped open exterior doors seriously jeopardize the security of the residents and property within the building. NEVER PROP OPEN ANY EXTERIOR DOOR. Entrance into residence halls is only by the JST-SCU housing key. Residents should always escort guests into the buildings and should not allow guests to wander the facilities unescorted.

Students are responsible for locking their resident room doors and securing their room windows when they are not present or while sleeping. The University is not responsible for personal property. See "Personal Property Insurance" on page 88.

**Room assignments** are made with special attention to the learning community preference and the compatibility of the students. The University reserves the right to assign student rooms and apartments to make the most effective use of available space, to reassign students at any time, and to use unallocated space in any residence hall or apartment. This agreement does not guarantee specific assignments or roommates.

**Room changes and swaps** are allowed according to established guidelines. Residents are encouraged to work out difficulties with their roommates directly and proactively. If, however, a situation arises where irreconcilable conflicts exist, a room change might be possible but is not guaranteed. Residents with roommate problems should contact their Building Resident Manager first and then request a move through email to the JST-SCU Housing Office.

Room swaps are allowed only when approved by the JST-SCU Housing Office.

**Room damage charge information:** Room damage charges will be posted to your SCU student account within two weeks of your move-out. Although charges incurred during the Check-Out Agreement process are not able to be appealed through the University appeal process as detailed in this handbook, information/clarification regarding charges incurred can be obtained by contacting the JST-SCU Housing Office no later than twenty-one (21) calendar days after the charge has been posted to your student account. Room damage charges will be assessed once you have moved out of your space. The final assessment/walk-through of your space to determine room damage charges will be conducted by JST-SCU Housing Office staff members after you have moved out of your space. This assessment/walk-through will be conducted before any other entity/person occupies your vacated space. Although charges incurred during Check-Out cannot be appealed through the University appeal process as detailed in this handbook, information/clarification regarding charges incurred can be obtained by contacting the JST-SCU Housing Office no later than twenty-one (21) calendar days after the charge has been posted to your student account.

Each resident is responsible for damages beyond normal wear and tear in your space and any charges assessed through the community damage charge process. This includes but is not limited to damage to painted walls caused by the use/removal of adhesive products. You will be billed for any cleaning needs resulting from inadequate cleaning or excess trash being left behind after moving out of your space.

**Room entry and safety inspections** will occur periodically. The University balances the right to privacy of the resident students with the responsibility to maintain a safe environment for all students and staff in the residence halls and apartments. The University will take all reasonable steps to ensure the residents of a room or apartment receive adequate notice before entry by University personnel to verify occupancy, repair, inventory, construction, and inspection. The University also reserves the right to enter a residence room or apartment without notice, to respond to real or reasonably perceived health and safety emergencies, and to ensure evacuation during fire alarms. University personnel also have the right to respond to situations where there is a reasonable suspicion that a violation of the law or University policies is occurring or has occurred inside a particular room. Under such circumstances, the room's resident(s) does not need to be present; nor will a resident's verbal or physical refusal prevent an entry or inspection. By entering into the JST-SCU Housing Contract, the student consents to room entry and inspection under those circumstances indicated.

**Window Screens** are provided for students' comfort and safety. Removing or tampering with windows or window screens at any time is considered a significant safety risk and is strictly prohibited.

**Smoke-free and tobacco-free policy:** Smoking and other tobacco products are always in SCU facilities. This includes offices, work areas, classrooms, or residential facilities. Please refer to the Smoke-Free and Tobacco-Free Policy on page 61.

**Solicitation:** To protect students' right to privacy and to maintain and promote efficient operations, the University has established rules applicable to all students, faculty, and staff that govern solicitation, distribution of written material, and entry into premises and work areas (staff members are directed to Staff Policy 308: Solicitation and Distribution).

Solicitation that is prohibited includes, but is not limited to, selling products or services, door-to-door collections or campaigning, flier delivery, or posting of materials in facilities owned, operated, or controlled by JST-SCU, including kiosks, light poles, and in parking lots. Solicitors or tradespeople, including those who may be SCU students, faculty, or staff, are prohibited from entering the residence halls or apartments to transact business or campaigning and should be reported immediately to the appropriate building staff members or Campus Safety Services.

**Sports in the hall,** including the use of electric-propelled skateboards/scooters and coasting devices (defined as self-propelled, non-pedaled devices such as skateboards, roller skates, rollerblades, and scooters), are prohibited due to the potential danger to individuals and property, including safety equipment.

**Storage** for all personal belongings, including, but not limited to, skateboards, bikes, sports equipment, shower caddies, laundry, luggage, etc. is limited to the student's room and the interior common areas of the apartment or suite and should not be left in hallways or common area spaces. Items left in hallways or common areas may be disposed of. The JST-SCU Housing Office will dispose of all items not claimed adequately at move-out and assumes no responsibility for belongings left in the residence halls or apartments. The JST-SCU Housing Office reserves the right to remove and store possessions left after the residency term ends at the resident's expense if warranted.

**Thefts** should be reported to Campus Safety Services immediately. The building staff should also be notified. The University is not responsible for an individual student's belongings. Each student should insure their own property and keep their room doors locked.

**Trash, composting, and recycling** should be removed from your frequently to assist with cleanliness and pest control issues. These items should be taken outside and placed in the proper containers.

**Vandalism** refers to misuse of or damage to University property and is strictly prohibited. Vandalism detracts from the physical appearance of student living areas and may also create safety problems. Vandals will be held responsible for their actions and the costs of repair/replacement. Students who observe vandalism should report it to JST-SCU Housing staff and Campus Safety Services.



**Weapons**, as defined in the Student Conduct Code, including Nerf guns or other toy weapons, are not permitted in the residence hall system. Any student who violates this policy will be subject to disciplinary action and may also be subject to criminal prosecution.

**Windows:** Hanging items such as banners or posters outside windows and balconies are also prohibited, as is removing windows, unless permission from JST-SCU Housing staff is obtained in advance. Any items that face outward and are visible to the general public may not include any mention, either implied or explicit, of alcohol or drugs and must be in “good taste” (at the discretion of JST-SCU Housing staff). Items that contain material and or language that is deemed to be offensive (nudity, foul language, etc.) or degrading to others, either implicitly or explicitly, based on race, gender, religion, sexual orientation, ability, or social class must be taken down.

### **Alcohol and Cannabis Policies Within JST-SCU Housing**

This section applies to policies specific to JST-SCU student housing. For Additional information, see the “Student Conduct Code” and “Student Conduct System” for SCU policy. Students may not be in the presence of, possess, distribute, or use cannabis (for medicinal or recreational purposes) in any property owned or controlled by the University. See “Cannabis Policy” for additional information.

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, cannabis, and other drugs, or report such violations. Students are responsible for removing themselves from all situations where alcohol, cannabis, or other drug policy violations are present. If a student chooses not to take such action and simply remains in the presence of alcohol, cannabis, or other drug use, then they may also be in violation.

Any person under the age of 21 who has 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 rooms in JST-SCU student housing. Regardless of age, excessive and inappropriate use of alcoholic beverages is strictly prohibited, whether or not consumption occurs on or off campus. Students hosting guests (including fellow JST-SCU students and non-JST-SCU guests) are responsible for their guests’ adherence to the policy.

Possession and consumption of alcoholic beverages in public areas is prohibited. Public areas in JST-SCU student housing 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 noise, hallways and corridors, lounges, restrooms, and outdoor areas including private patios attract attention.

### **Building Evacuations and Fire Safety Persons**

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. Please see the University Building Evacuation and Fire Safety policy for more information.

#### **Fire Prevention & Safety**

All students must maintain an obstruction-free evacuation route to all exits. The minimum clearance of the route must be 48 inches wide. Students must follow manufacturer guidelines when using power surge strips in order to ensure that they are not overloaded. Occupants should follow all safety precautions, including fire safety, and report any violations they observe to their building staff as soon as possible.

When cooking in the residence halls, always turn on the stove exhaust fan if available. Never leave cooking food unattended. Turn pot handles inward so they cannot be bumped. Never place metal products in the microwave.

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

In the event of a stove-top fire, if safe, turn off the burner and smother the flames with baking soda. Never pour water on a grease fire. Never discharge a fire extinguisher onto a pan fire. If the fire is not contained, exit the area, close the door, and pull the fire alarm to notify others in the building. Call Campus Safety Services immediately.

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 put 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. Use another exit If you see or smell smoke in a hall or stairway. If you have knowledge of what may have caused a building evacuation, please immediately notify SCU staff.

#### **Evacuation Alarms**

Building evacuation drills are conducted regularly in all residence halls. Emergency evacuation maps are posted on the exterior door of each residence hall room, suite, or apartment. Be familiar with emergency evacuation routes. Students must report to the emergency assembly point for role call prior to leaving the area every time an alarm is sounded. Students must follow all instructions SCU staff and emergency responders and are not able to reenter the building until instructed.

## **MISSING PERSON NOTIFICATION POLICY**

In compliance with the Higher Education Opportunity Act, this policy addresses the manner in which the University will proceed in the event that a resident student (i.e., a student who lives in University housing) is believed to be missing.

Any concern that a resident student is missing should be immediately directed to Campus Safety Services at 408-554-4441. A resident student is considered to be missing if the person'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 person is missing. In such circumstances, staff, faculty, and students are required to immediately notify Campus Safety Services. Campus Safety Services will implement the Emergency On-Call Protocol for the Office of Student Life and Office of Residence Life and coordinate with the JST-SCU Assistant Dean of Student and Community Life and will notify the appropriate law enforcement agency upon receipt of information establishing that a resident student is missing. Such notification shall be made in a timely fashion and within 24 hours of the receipt of this information.

*\*In support of this policy, resident students are encouraged to provide JST-SCU with the name and contact information of someone to be notified in the event that the resident student is determined by Campus Safety Services or the local law enforcement agency to be missing. Resident students can provide this contact information via their Workday account.*

## **PARKING AND TRANSPORTATION**

### **Parking at the Jesuit School of Theology Campus in Berkeley**

Street parking is available at the JST-SCU campus in Berkeley. Two-hour limits are enforced Monday through Friday from 8 a.m. to 7 p.m., unless a residential parking permit from the City of Berkeley is properly displayed on the vehicle. JST-SCU community members may park in the 2600 Virginia Street guest parking driveway outside of business hours (Monday–Friday 7 a.m. to 5 p.m.) and all day on the weekends as long as the parking spot is not reserved.

## **Transit Options**

Our office offers a 50% discount on the Altamont Corridor Express (ACE) train passes to all enrolled students, current faculty and staff with a valid access card. To learn more about the different transit passes around the Bay Area, please visit: <https://www.scu.edu/campus-safety/parking-and-transportation-services/parking--transportation-policies/>

Transit services in and around the Bay Area:

- VTA: <https://www.vta.org/go/routes>
- ACE TRAIN: <https://acerail.com/>
- BART: <https://www.bart.gov/>
- CALTRAIN: <https://www.caltrain.com/>

## **POSTING PRINTED MATERIAL**

Any printed materials for posting at the Jesuit School of Theology must be approved and posted by the JST-SCU Assistant Dean of Students and Community Life and shall only be posted on bulletin boards. Any materials that have not been reviewed by the Assistant Dean's office will be removed.

## **SOLICITATION POLICY**

In order to protect students' right to privacy, and to maintain and promote efficient operations, the University has established rules applicable to all students, faculty, and staff that govern solicitation, distribution of written material, and entry into premises and work areas. (Staff members are also directed to Staff Policy 308: Solicitation and Distribution.)

Solicitation that is prohibited includes, but is not limited to, selling products or services, door-to-door collections or campaigning, flier delivery or posting of materials in facilities owned, operated, or controlled by SCU, including kiosks, light poles, and in parking lots. Solicitors or tradespeople, including those who may be Santa Clara University students, faculty, or staff, are prohibited from entering University housing facilities for the purpose of transacting business and should be reported immediately to the Event Planning Office, Campus Safety, and/or the building staff.

Jesuit School of Theology students should direct their inquiries to the JST-SCU Assistant Dean of Student and Community Life at 510-549-5018.



# Wellness and Care of the Whole Student

## ALCOHOLIC, TOBACCO, AND CONTROLLED SUBSTANCES POLICIES

### 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 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.

The program information is distributed on an annual basis to all faculty, staff, and students. New staff employees are given a copy at New Employee Orientation. New faculty employees are given a copy at New Faculty Orientation. The program is reviewed at least biennially by the Office of Student Life, Equal Opportunity & Title IX, and the Department of Human Resources. Contact the Office of Student Life for a complete copy of the program.

### 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, 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. (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 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, JST-SCU Office of Student and Community Life.
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. (Copies of this addendum are available in the Center for Student Involvement.)

### **Responsible Hosting of Events Where Alcohol is Served**

The event manager for events where alcoholic beverages are served is responsible for implementing the following practices:

1. A University-affiliated student organization must identify an event manager responsible for planning and managing the event. The event manager must be present throughout the entire event and must remain alcohol-free before, and during the event. The event manager, hosting student organizations advisor, and the manager of the facility or their designee will work together to ensure that all University event planning requirements are met.
2. The event manager must complete the Event Management Plan for Events with Alcohol and obtain all required signatures prior to the event.
3. An appropriate crowd management and security plan shall be developed for the event to monitor excessive drinking, control disorderly behavior.
4. The location used for the event should have controllable points of entry and exit.
5. Alcoholic beverages should not be the primary focus of an event (e.g., progressive drinking party, kegger, or happy hour). Alcoholic beverages shall not be used as an inducement to participate in an event.
6. Promotions for the event shall not portray symbols of alcoholic beverage consumption (e.g., foaming mugs, cans, glasses, or kegs), shall not include any form of abusive consumption (e.g., drinking contests or competitions), and shall not emphasize frequency or quantity of alcoholic beverage consumption.
7. Promotions for the event should state that "identification will be required."

### **Partial Listing of Laws**

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

1. It is a crime to sell, furnish, or give alcoholic beverages to a person under the age of 21, or to any obviously intoxicated person.
2. It is a crime 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 crime 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.

## Penalties for Drunk Driving Offenses

1. First offense: required attendance at an alcohol/drug program, fines of up to \$1,000, up to six months in jail, and driver's license suspension up to six months.
2. Second offense: fines up to \$1,000, imprisonment up to one year, driver's license suspension up to 18 months, and/or a required drug/alcohol program of up to 30 months.
3. Third offense: similar sanctions to Nos. 1 and 2 above plus revocation of driver's license.
4. Fourth offense: revocation of driver's license; one year in a state prison or county jail.
5. Refusal to submit to a blood alcohol content test: driving privileges are suspended for one year, for two years if there is a prior offense within seven years, and for three years if there are three or more offenses within seven years.
6. Drivers under the age of 21 found with any measurable amount of blood alcohol will have their driver's license suspended for one year. If the driver does not have a license, there will be a one-year delay in obtaining one.

## University Student Disciplinary Actions

See "Minimum Student Conduct Hearing Outcomes for Alcohol, Cannabis, and Other Drug Violations" on pages 40–43.

## Medical Amnesty and Good Samaritan Statement

Santa Clara University encourages students to offer help and assistance to other students in need, both on and off campus. Sometimes students are hesitant to offer assistance to other students because they fear that they may be charged with policy violations, or that the student needing medical attention may receive disciplinary sanctions. For example, an underage student who has been drinking might, for someone who may be suffering from alcohol intoxication and/or alcohol poisoning, hesitate to seek help from Campus Safety, Emergency Medical Services (EMS), or a Community Facilitator (CF).

The Medical Amnesty statement allows the reduction of disciplinary consequences for students who receive medical attention due to alcohol intoxication and/or alcohol poisoning. This statement applies to violations that occur on and off campus, and will require documentation by Campus Safety, EMS, law enforcement, and/or emergency personnel.

The Good Samaritan statement allows the elimination of disciplinary consequences for a student(s) who may be under the influence of alcohol and who make(s) a good-faith call for medical help on the behalf of a fellow student. This statement applies to violations that occur on and off campus and will require documentation by Campus Safety, EMS, law enforcement, and/or emergency personnel. The Good Samaritan statement is not limited to alcohol-related incidents and also encourages witnesses of assault, vandalism, and other violations of the Student Conduct Code to report such events.

## Person in need of medical attention (Medical Amnesty)

A student requiring medical attention due to alcohol intoxication and/or alcohol poisoning will receive reduced educational sanctions, instead of the minimum standard of disciplinary action.

- If the student does not complete the educational sanction, which could include a one-on-one alcohol education program (e.g., BASICS), the student will be in violation of the Student Conduct Code.
- Medical Amnesty only applies to a student's first alcohol policy violation that requires medical attention, regardless of how the response was initiated.
- Medical Amnesty does not apply to other violations of the Student Conduct Code.

## Calling on behalf of someone else (Good Samaritan)

Good Samaritan may apply to up to two people who are calling for assistance and/or providing support or assistance to a student requiring medical attention. The Good Samaritan(s) will need to be present when help arrives and will be required to provide their contact information to the responding agency (i.e., Campus Safety, EMS, law enforcement, and/or emergency personnel) to be included with their incident report. The Good Samaritan(s) will not face disciplinary consequences as long as no other violations of the Student Conduct Code have occurred.

This Medical Amnesty statement only applies to the University response to a student who receives medical attention due to alcohol intoxication and/or alcohol poisoning. Any student who abuses Medical Amnesty or Good Samaritan will be subject to disciplinary action for interfering with the orderly functioning of the University. Criminal investigations and other police action may still occur at the discretion of the responding law enforcement agency. In some cases, Campus Safety may be bound to report certain possible criminal details to local law enforcement agencies.

## Frequently Asked Questions

### A. Medical Amnesty

#### What is Medical Amnesty?

Medical Amnesty is the reduction of disciplinary consequences for students who receive medical attention due to alcohol intoxication and/or alcohol poisoning. This statement applies to violations that occur on and off campus and will require documentation by Campus Safety, EMS, law enforcement, and/or emergency personnel.

*However, criminal investigations and other police action may still occur at the discretion of the responding law enforcement agency. In some cases, Campus Safety may be bound to report certain possible criminal details to the local police agency.*

**What sanctions will I receive if I am granted Medical Amnesty?**

- Reduced educational sanctions, which could include a one-on-one alcohol education program (e.g., BASICS).
- Parental notification, if applicable. See “Parental Notification Policy” on page 24.

**I have prior alcohol violations but have never received medical attention for alcohol reasons. If I require medical attention will I receive amnesty?**

Yes. You will receive medical amnesty, which means that you will not face the minimum standard of disciplinary action, but will be given educational sanctions.

**Can I receive Medical Amnesty twice?**

No. A student is only eligible for Medical Amnesty one time.

**Will I still receive Medical Amnesty if I am evaluated by emergency personnel but not transported to the hospital?**

Yes, if you receive medical attention for alcohol intoxication and emergency personnel determine that a hospital transport is not necessary, Medical Amnesty will still be granted. Medical Amnesty only applies to a student’s first incident of alcohol intoxication or poisoning that requires medical attention.

**B. Good Samaritan**

**What is a Good Samaritan?**

Good Samaritan is the elimination of disciplinary consequences for a student(s) who may be under the influence of alcohol who make(s) a good-faith call for medical help on behalf of a fellow student. This statement applies to violations that occur on and off campus and will require documentation by Campus Safety and/or EMS, law enforcement, and/or emergency personnel. Good Samaritan is not limited to alcohol-related incidents. Witnesses of assault, vandalism, and other violations of the Student Conduct Code are encouraged to report such events under this policy.

**I’m worried about my friend who has passed out after having had too much to drink and I want to call for medical attention. However, I’ve been drinking, am under age 21, and have already been cited for alcohol policy violations. Will I get in trouble if I call for help for my friend?**

In nearly all cases, you will not receive any disciplinary actions provided you are cooperative with the responding officials and do not interfere with the response.

**Is there a limit to how many times Good Samaritan can apply to me?**

There is not a limit. The goal is to encourage students to not hesitate in seeking appropriate medical evaluation and treatment if a peer has been drinking in excess.

**If a group of us call for medical attention for a student, will Good Samaritan apply to all of us?**

Good Samaritan may only apply to up to two people who are involved in directly calling for medical assistance and/or providing support or assistance for the person requiring medical attention. The Good Samaritan(s) must stay with the individual requiring medical attention.

**Cannabis 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 cannabis and use it for recreational purposes. The Bureau of Cannabis Control is the state agency responsible for regulating and licensing cannabis sales.

It continues to be illegal to smoke cannabis 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 cannabis while driving.

**Despite the change in state law regarding cannabis, Santa Clara University’s policy remains unchanged: use and possession of cannabis 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 cannabis.

California Proposition 215, passed in 1996, allows for the use of cannabis for medical purposes. Students who qualify under Proposition 215 to use cannabis for medical purposes are not permitted to possess, store, provide, or use the cannabis 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 cannabis 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 cannabis 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.

### Smoke-Free and Tobacco-Free Policy

Santa Clara University has adopted a smoke-free and tobacco-free policy on the University campuses in Santa Clara and Berkeley. All University faculty, staff, students, and visitors are covered by this policy.

The term “smoking” means inhaling, exhaling, burning, or carrying of any lighted or heated tobacco product, as well as smoking substances other than tobacco, or 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 a tobacco brand or corporate name, trademark, logo, symbol, motto, or advertising message that is identifiable with the ones used for any tobacco product brand or company which manufactures tobacco products.

We encourage all students to take responsibility and inform all visitors of this policy. Any community member may request a smoker to move off campus and those that do not comply can be reported to Campus Safety. Any questions regarding this policy (including exceptions) can be answered by Campus Safety Services or the Office of Student Life, or the JST-SCU Assistant Dean of Student and Community Life.

### BEREAVEMENT RESOURCES

Santa Clara University recognizes that a time of bereavement is very difficult for a student. The University is committed to providing students with support through difficult and challenging times when someone in a student’s life has passed away. The JST-SCU Assistant Dean of Student and Community Life is the lead staff person to assist students and connect them with resources. Students are encouraged to notify the Assistant Dean so that they are able to assist with support services both on our JST-SCU campus and at SCU main campus, if needed. If a student needs to be absent from classes due to a bereavement situation, the student should contact the JST-SCU Assistant Dean of Student and Community Life at (510) 549-5018. If the student needs to withdraw from the University, the JST-SCU Assistant Dean can assist with the process for withdrawal and for returning to the University.

If a student needs to miss class, it is the responsibility of the student to follow up with each faculty member as soon as possible to make arrangements regarding missed class time and outstanding assignments. The sole authority for making decisions regarding missed class time and outstanding assignments resides with each faculty member.

Resources for students dealing with grief can be found at the following link: [www.scu.edu/cowell](http://www.scu.edu/cowell) [www.scu.edu/cowell/](http://www.scu.edu/cowell/) (see “Counseling Services” section).

### BIAS INCIDENT REPORTING

The University defines a bias incident as any speech, act, or harassing action that targets, threatens, or attacks an individual or group because of its actual or perceived race, color, national origin, ancestry, sex, sexual orientation, age, religious creed, physical or mental disability, medical condition, marital status, citizenship status, gender identity, gender expression, genetic information, military or veteran status, or other status protected by law.

### University Response to Bias Incidents Involving Students

A report of a bias incident filed with the University is evaluated through the Student Conduct System. The University reserves the right to review all student conduct that occurs on and off-campus when such behavior is inconsistent with the Student Conduct Code.

Possible disciplinary actions for students found responsible for committing a bias incident or hate crime include educational actions, disciplinary probation, suspension, and expulsion. When applicable, student employees are also subject to termination of employment at the discretion of their supervisor.

Please note that bias incidents occurring in the context of employment at the University will be addressed by the Office of Human Resources and the Office of Equal Opportunity & Title IX. Contact the Director of Equal Opportunity and Title IX at [titleixadmin@scu.edu](mailto:titleixadmin@scu.edu) or 408-551-3043.

### Reporting Process

IF A HATE CRIME IS IN PROGRESS OR JUST OCCURRED, CALL SCU CAMPUS SAFETY AT

(408) 554-4444. If applicable, the University process is independent of a criminal investigation and court proceedings involving incidents that may be hate crimes in violation of the law.

A bias incident that has occurred can be reported in one of the following ways:

- The Bias Incident Reporting Form ([https://cm.maxient.com/reportingform.php?SantaClaraUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?SantaClaraUniv&layout_id=5)) is an online reporting tool that is submitted to the Office of Equal Opportunity and Title IX. When appropriate, the Office of Student Life and other campus partners may be asked to assist with addressing concerns.
- **The Harassment, Discrimination, Sexual Misconduct, and Retaliation form** is submitted to the Office of Equal Opportunity and Title IX. The form allows a student to request supportive measures and connect with the Office to discuss resolution options.
- JST-SCU Assistant Dean of Student and Community Life, 510-549-5018 or JST-SCU Office #105

- Campus Safety at 408-554-4444. Any Campus Safety officer can take a report and will forward the information to the Office of Student Life.
- Office of Equal Opportunity and Title IX at 408-551-3043, [titleixadmin@scu.edu](mailto:titleixadmin@scu.edu), or Loyola Hall suite 140.
- The Ethicspoint online incident reporting tool ([www.ethicspoint.com](http://www.ethicspoint.com)) is an anonymous way to file incident reports of bias, discrimination, and harassment. When the form is used to report such allegations, it is forwarded to the Office of Equal Opportunity and Title IX.

After a report is filed, the University will conduct an in-depth inquiry that may include interviewing individuals involved or potential witnesses, or complaints. Acts of retaliation against any person filing a report are prohibited and will be subject to appropriate disciplinary action by the University.

The University will provide assistance and support to the reporting party(ies) and complainant(s) including receiving:

- Information about the University's response in a timely manner
- Information about access to counseling from the University's Counseling and Psychological Services
- Information and assistance about safety planning including access to campus escorts from Campus Safety Services for as long as the reporting party(ies)(s) feel(s) the service is needed
- Information about community resources such as social services, counseling services, or legal support

## Definitions

- **Reporting Party:** An individual who provides information about any bias incident/hate crime to a University official. The reporting party can be any person who witnessed the incident, the complainant, a friend, or advocate of the complainant.
- **Complainant:** An individual who is the object of an unwanted act, crime, or incident and who has filed a formal complaint with the University.
- **Respondent:** An individual who is allegedly responsible for committing and/or participating in the bias incident.
- **Witness:** An individual who was present while the bias incident was taking place and who can provide a first-hand account of what occurred.
- Hate crimes are motivated by bias and include a definable crime such as threats of violence, property damage, personal injury, and other illegal conduct.

## CHILD ABUSE AND NEGLECT REPORTING ACT (CANRA)

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 the 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.

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. This policy applies to all Santa Clara University locations and all University-sponsored or hosted programs, events, and activities, including study abroad programs. Please note that information learned through any confidential communications made to a clergy member subject to the clergy-penitent privilege is not required to be reported. For more information or questions related to this policy, please contact Human Resources (<https://www.scu.edu/hr/>) the Office of Equal Opportunity and Title IX (<https://www.scu.edu/title-ix>).

## COMMUNICABLE DISEASES POLICY

Communicable diseases may be a potential health problem for the University population. As with any community, students studying and functioning in close proximity to one another are susceptible to communicable diseases. Communicable diseases are transmitted from one person to another by direct contact, through inhalation of infectious droplets, or through contact with contaminated objects.

Student Health Services within the Cowell Center provides evaluation, diagnosis, and treatment of infectious disease. Educational materials are available at the Cowell Center and the Wellness Center.

One measure to prevent communicable diseases is to maintain appropriate immunizations/vaccinations. A complete list of required immunizations can be found at [scu.edu/immunizations](http://scu.edu/immunizations).

Students diagnosed with certain communicable diseases, such as pandemic influenza, chicken pox, etc., must be isolated during the infectious period of their illness. Students who are isolated may not continue attending classes, obtaining meals in the various University dining facilities, or living in the residence halls. There is no provision made by the University for offering accommodations to contagious students who are required to leave the residence halls. However, depending upon the nature of the communicable disease, for example pandemic flu, the University may offer a limited number of accommodations for students with communicable diseases who live in a residence hall, need to travel home, stay with local relatives or friends, or stay at a nearby hotel or motel. Off-campus housing and travel arrangements are made at the student's expense.

Student Health Services routinely communicates and coordinates with the Santa Clara County Public Health Department (in the case of the Jesuit School of Theology: City of Berkeley and Alameda County Public Health Departments.). Should a communicable disease occur that requires campus-wide notification and/or treatment, Student Health Services would coordinate this process with the Public Health Department, as needed.

### **Sexually Transmitted Infections**

Santa Clara University, a Catholic, Jesuit university, is aware that sexually transmitted infections are a potential health concern for university students. Santa Clara University and the Cowell Center–Student Health Services provide educational opportunities about the transmission and prevention of sexually transmitted infections. These educational opportunities are provided with consideration of confidentiality, sensitivity, and compassion.

Student Health Services provides confidential appointments with a campus physician, a physician assistant, nurse practitioners, licensed vocational nurse, and registered nurses regarding sexual health issues. These appointments may include evaluation, testing, and treatment of sexually transmitted infections.

### **CONTRACEPTION AND PREGNANCY POLICY AND RESOURCES**

Student Health Services within the Cowell Center provides education to ensure students have clear, up-to-date, and candid information regarding contraception, sexual health, and related issues. Student Health Services does not provide condoms or prescribe contraceptive medications for the purpose of preventing pregnancy/birth.

### **Pregnancy Resources**

While attending Santa Clara University, a student may be pregnant, desire assistance for another student who is pregnant, or just need someone to talk with about pregnancy related issues and/or options. SCU is committed to offering a supportive environment that assures a caring and nonjudgmental approach to support and professional assistance. A student who becomes pregnant while attending Santa Clara University may elect to stay at the University during the pregnancy. The University community will do its best to accommodate the student's needs and concerns regarding classes, housing, and personal counseling during and after the pregnancy.

The focus of the University is to provide a comprehensive team that emphasizes support and personal respect. The following support services are resources that are available at SCU. Please feel free to contact any of the individuals or offices listed. All consultations will be handled confidentially.

JST-SCU Assistant Dean of Student and Community Life  
510-549-5018

Office of Accessible Education  
408-554-4109

Student Health Services (SHS)

Counseling and Psychological Services (CAPS)  
408-554-4501

Wellness Center (SCU Main Campus)  
408-554-4409

JST-SCU is committed to maintaining an equitable learning environment and supporting the academic success of pregnant and parenting students. The University prohibits discrimination based on parental status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from related conditions in all of its educational programs and activities pursuant to Title IX of the Education Amendments of 1972. Students may request an accommodation for pregnancy-related conditions or parenting responsibilities by contacting the Office of Equal Opportunity and Title IX.

Office of Equal Opportunity and Title IX  
408-551-3043

Website: [www.scu.edu/title-ix](http://www.scu.edu/title-ix)



## Academic Accommodation for Pregnant and Parenting Students

Santa Clara University does not discriminate against any student on the basis of pregnancy or related medical conditions. Absences due to medical conditions relating to pregnancy and childbirth will be excused for as long as deemed medically necessary by a student's doctor, and students will be given the opportunity to make up missed work. Students needing accommodations can often arrange accommodations by working directly with their instructors, supervisors, or departments. Students needing accommodations can also seek assistance with accommodations from the Office of Accessible Education (OAE) or from the Office of Equal Opportunity and Title IX Office. The following link provides information for students and faculty regarding pregnancy rights. (<https://www.scu.edu/title-ix/pregnancy/>)

## DEATH OF A STUDENT OR PARENT

Students, faculty, or staff members who become aware of the death of a student should immediately notify SCU Campus Safety Services at 408-554-4441 or the JST-SCU Assistant Dean of Student and Community Life at 510-549-5018. This applies during holiday periods as well.

When an immediate family member of a student dies, the student, a friend of the student, or a faculty or staff member who is aware of the situation should notify the JST-SCU Assistant Dean of Student and Community Life. With the student's permission, the Assistant Dean of Student and Community Life will notify the JST-SCU Care Team so that assistance can be offered to the student or the family. The Assistant Dean of Student and Community Life will notify faculty members of student deaths, as appropriate.

## EATING DISORDERS

Santa Clara University recognizes the prevalence of eating disorders, eating-related problems, exercise obsession, and body image concerns in students. Eating disorders affect student learning in numerous ways including depleting students' energy, distracting their attention, diminishing their intellectual resources, causing depression and social withdrawal, and adversely affecting the morale of students around them. The University is committed to educating the whole student and sees the student's mind, body, character, and spirit as interrelated.

Our approach to students with potential eating disorders is to do a thorough medical and psychological evaluation. If a student is determined to have an emerging or existing eating disorder, the medical and psychological practitioners will work together to recommend a treatment plan. In many cases these students benefit from brief psychological therapy at the SCU Cowell Center—Counseling and Psychological Services (CAPS) combined with medical monitoring at Student Health Services.

Santa Clara University and Cowell Center (CAPS and Student Health Services) do not have the expertise or the specialized comprehensive resources and extended time to treat students who present themselves or are referred for evaluation of severe eating disorders. This is particularly the case with students who resist treatment. Students with serious eating disorders may be referred to outside providers or treatment facilities when doing so is deemed necessary for appropriate medical management.

## INVOLUNTARY LEAVE OF ABSENCE POLICY

Santa Clara University is committed to fostering a learning environment that enables students to thrive and participate fully as members of the University community. The University recognizes that students may experience situations that limit their ability to function successfully or safely in their role as students or members of the University community. In those circumstances, a student may request a voluntary leave of absence. A leave of absence allows a student to take a break from the University and their studies in order to address the issues that led to the need for the leave and to later return to the University to continue to pursue their educational goals.

When a student demonstrates behavior that

- presents a substantial risk of harm to self or others,
- significantly disrupts the University community, or
- is unable or unwilling to carry out substantial self-care obligations,

The University may place the student on an involuntary leave of absence. *An involuntary leave of absence also may be initiated when the student requires a level of care from the University community that exceeds the care that the University can appropriately provide.*

An involuntary leave of absence is considered in exceptional circumstances and may only be initiated in a manner consistent with this Policy.

An involuntary leave of absence is not disciplinary in nature and instead is to support the student and to maintain the safety of the University community. In some circumstances, the conduct that leads to an involuntary leave of absence may also be subject to review under other applicable University policies, including the Student Handbook. In those cases, the Associate Dean for Student Life (or designee) shall determine which policy or procedures will be initiated.

## Review and Decision Process

- A. The Associate Dean for Student Life (or designee) (“Associate Dean”) is responsible for determining whether a student has engaged in behavior that triggers the application of this Policy.
- B. In making decisions under this Policy, the Associate Dean will conduct an individualized assessment that is
- based on reasonable judgment that relies on current medical knowledge or the best available objective evidence;
  - ascertains the nature, duration, and severity of the risk or disruption;
  - considers the probability that the risk or disruption will actually occur; and
  - considers whether reasonable modifications of policies, practices, or procedures will adequately mitigate the risk or disruption so as to eliminate the need for an involuntary leave of absence.

Decisions will not be based on mere speculation, stereotypes, or generalizations.

- C. When an involuntary leave of absence is under consideration, the Associate Dean will provide written notice to the student. The notice will include the reasons why the student is being considered for an involuntary leave of absence and a copy of or link to this Policy. The notice will provide the student with an opportunity to meet with the Associate Dean before a decision is made, if such a meeting is feasible. The notice also will encourage the student to respond before a decision is made and will provide the student with a specific time period within which the student must respond if the student wishes to do so.
- D. Students are expected to cooperate in the assessment.
- E. The Associate Dean will consult with University staff and/or faculty as may be appropriate, including the Office of Accessible Education, to consider potential reasonable accommodations that could obviate the need for an involuntary leave of absence, such as the option to take a voluntary leave of absence, academic accommodations, housing and dining accommodations, and modifications to University policies.
- F. The student may be asked to sign an authorization that permits the student’s health care provider(s) to provide information to the Associate Dean or other appropriate University personnel regarding the issues that are relevant to the consideration of the involuntary leave of absence and the individualized assessment. The University also may require the student to undergo an additional evaluation by an independent and objective health care provider

designated by the University, if the Associate Dean believes the evaluation will facilitate a more informed decision. If the student declines to sign an authorization or participate in the evaluation, the Associate Dean may proceed with the individualized assessment based on the information available to the Associate Dean.

- G. To determine whether a leave of absence or another measure is appropriate, the Associate Dean will:
- Review available incident reports and documentation of the student’s behavior.
  - Consult with other University staff and/or faculty, as may be appropriate and feasible. Although each case will vary, the following are examples of individuals and departments who may be consulted: the Cowell Center (with appropriate authorization), Residence Life, the Office of Accessible Education, Drahmman Center, the student’s academic dean, faculty, academic advisors, coaches, and other individuals or departments. This consultation may be conducted individually and/or at a Behavioral Concerns Team meeting.
  - Consult with other health care providers and review relevant medical documentation, as available.
  - If appropriate and feasible, seek the cooperation and involvement of the parent(s) or legal guardian(s) of the student.
  - If feasible, meet with the student to review the reasons why an involuntary leave of absence is being considered, and provide an opportunity for the student to respond and provide medical and other relevant information.
- H. Following the individualized assessment and based on a review of the relevant documentation and information available, the Associate Dean will decide whether the student will be placed on an involuntary leave of absence. To meet the criteria for an involuntary leave of absence, at least one of the following criteria must be met:
- Based on current knowledge about the student’s medical condition and/or the best available objective evidence, the student presents a substantial risk of harm to self or others;
  - The student’s behavior significantly disrupts the University community;
  - The student is unable or unwilling to carry out substantial self-care obligations and poses a significant risk to their own health or safety; or
  - The student requires a level of care from the University community that exceeds the care that the University can appropriately provide.

- I. The Associate Dean will notify the student in writing of the decision. The written notice will provide
- the rationale for the decision,
  - notify the student of their right to appeal the decision,
  - include the time frame when the student is eligible to return, and
  - identify the conditions the student must satisfy to be eligible to return to the University.

If a leave is not imposed, the Associate Dean

- may impose conditions for the student's continued enrollment and
- will notify the student in writing of any such conditions.

Unless stated otherwise by the Associate Dean, the involuntary leave of absence will go into effect as of the date of the written notice.

- J. The review conducted under this Policy should be done in a reasonably timely manner. Where a student has been asked to remain off campus while the review is ongoing, the Associate Dean will make reasonable effort to reach a decision within ten (10) business days.

## Appeal Process

A student who is placed on an involuntary leave of absence may appeal the decision. The grounds for the appeal are limited to:

- Whether appropriate facts and criteria were used to make the decision;
- Whether there were any procedural irregularities that substantially affected the outcome of the matter to the detriment of the student; or
- Whether the decision was reasonable, in light of the information available to the Associate Dean and the criteria for imposing the involuntary leave of absence.

The appeal must be in writing and must be submitted to the Vice Provost for Student Life within five (5) business days of receipt of the written notification from the Associate Dean of the decision. The appeal must describe the grounds for the appeal.

The Vice Provost for Student Life (or designee) will review the appeal and make a decision within five (5) business days of receipt of the appeal. The Vice Provost for Student Life may uphold, modify, or overturn the decision, or may return the decision to the Associate Dean for further review.

## Temporary Measures

In a situation involving an imminent or ongoing threat to the health or safety of the student or any member of the University community, the Associate Dean may implement immediate administrative measures while the review, decision-making process and/or appeal are taking place, such as an interim involuntary leave of absence or a restriction on the student's access to campus (including classes, housing, services, activities, facilities, or other University-related programs or activities). Any such requirement will be communicated in writing to the student.

## Implications of an Involuntary Leave of Absence

- A. **Association with the University:** A student who is placed on an involuntary leave of absence under this Policy remains a student but is not permitted to be present on the University campus and is not permitted to engage in any University-related activities, including on-campus employment, unless expressly permitted in writing by the Associate Dean.
- B. **Transcripts:** When a student is placed on an involuntary leave of absence after the start of the academic term, courses in which the student was enrolled after the drop deadline will appear on the student's transcript as a "W" (withdrew), an "I" (incomplete), or other appropriate grading option. This decision making process will involve the Associate Dean, the University Registrar, and the professor for each course taken in the academic term.
- C. **Tuition:** A student who is placed on an involuntary leave of absence after the deadline for a full tuition refund will be eligible for a tuition refund for the quarter in which the involuntary leave of absence was imposed. The refund will be offset by any amounts received or to be received under any applicable tuition insurance plan. Any student who receives a tuition refund under this Policy is eligible to receive only one tuition refund under this Policy during their enrollment at the University.
- D. **Dates of the Leave:** The involuntary leave of absence will remain in effect until (1) the Associate Dean determines that the student is able to return to the University with or without reasonable accommodations and (2) the student has complied with all requirements applicable to all students returning from a leave and all of the conditions specified by the Associate Dean and/or the Vice Provost at the commencement of the involuntary leave.
- E. **Visa Status:** International students placed on an involuntary leave of absence must communicate with the University's International Students and Scholars Office regarding their visa status.



## Return to the University

Any conditions for the student's return to the University will be communicated in writing to the student. In addition, the following will apply:

- A. Except in extraordinary circumstances, a student will not be permitted to return to the University until the leave period specified in the Associate Dean's letter has elapsed and the conditions for return have been satisfied.
- B. A student must make a written request to the Associate Dean to return to the University at least 30 days prior to the start of the academic term in which the student wishes to return. The request must include evidence that the conditions for return have been satisfied (or will be satisfied by the date of the return).
- C. The Associate Dean may require the student to provide evidence that the student, with or without reasonable accommodations, has sufficiently addressed the issues that led to the imposition of the involuntary leave of absence. The information requested may include documentation of efforts by the student to address the issues that led to the leave, and treatment information (with appropriate authorization) to the extent necessary to determine if the student has sufficiently addressed the issues that led to the leave.
- D. A medical and/or mental health professional's recommendation does not guarantee a student's right to return to the University. The Associate Dean will consider the relevant and available documentation and may confer with or seek information from individuals who have relevant information about whether a return to the University at this time is appropriate.
- E. If the Associate Dean is not satisfied that the conditions for the student's return have been met, the Associate Dean will notify the student in writing of the decision and the reasons for the decision. The student may appeal the decision.

## Confidentiality

Records concerning voluntary and involuntary leaves of absence are confidential and will be handled in a manner consistent with applicable federal and state laws.

## TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

As a recipient of federal financial assistance for education activities, Santa Clara University is required by Title IX of the Education Amendments of 1972 to ensure that all of its admissions practices (except as permitted by law), education programs and activities do not discriminate on the basis of sex or gender. Sex includes sex, sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or parenting status. In accordance with Title IX, federal, and state law, the University will provide reasonable accommodations based on the needs of pregnancy, childbirth, or related medical conditions. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by University policy. The University also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internal or external to the institution.

To review the University's complete policy, as well as more detailed information regarding Title IX-related procedures, please see the Office of Equal Opportunity and Title IX website (<https://www.scu.edu/title-ix>).

## Nondiscrimination, Harassment, and Sexual Misconduct Policy

Santa Clara University is committed to providing an environment free of gender-based discrimination, including sexual harassment, sexual misconduct, sexual violence and assault, relationship (dating and domestic) violence, and stalking. The University provides resources and reporting options to students, faculty, and staff to address concerns related to gender-based discrimination and sexual misconduct prohibited by Title IX and University policy, and, through training and education, works to prevent its occurrence. The University seeks to provide a consistent, caring, and timely response when sexual and gender-based misconduct occurs within the University community. When the University becomes aware of allegations of sexual misconduct, it will take prompt and effective action. This action may include an initial assessment of safety and well-being, implementing interim remedies at no cost to the complainant for protection and support, discussing how the complainant wishes to proceed, initiating an investigation, and identifying appropriate avenues for resolution. The University's response will be overseen by the Director of Equal Opportunity and Title IX.

The University's Nondiscrimination, Harassment, and Sexual Misconduct Policy applies to all students, faculty, and staff, and includes any individual regularly or temporarily employed, studying, living, visiting, or serving in an official capacity at Santa Clara University (including volunteers and contractors). The policy applies to both on-campus and off-campus conduct and to online actions that have a potential or actual adverse impact on any member of the University community, or which substantially interferes with a person's ability to participate in University activities, or which could affect a substantial

University interest or its educational mission. For more information about reporting, response, and adjudication, please see the University's Nondiscrimination, Harassment, and Sexual Misconduct Policy or contact the Director of Equal Opportunity and Title IX (<https://www.scu.edu/title-ix>).

### Policy Statement of What Constitutes Consent

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 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 Recipient's evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to the 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 determining whether consent was present, 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. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

### 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.
- This 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.

## 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.

## 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.

## Reporting Options

Deciding how to proceed after making the report can be a process that unfolds over time, and it is ordinarily up to the party to decide whether to file a formal complaint. In very rare circumstances, where a community safety concern has arisen, the Director may need to take steps to initiate a formal complaint. The University recognizes that choosing to make a report for the sole purpose of seeking guidance and information and to ask for supportive measures is different from notifying the University with the intent to initiate a University investigation and resolution process. Additionally, no formal complaint or investigation, either campus or criminal, needs to occur for supportive measures to be offered and provided.

There are confidential and non-confidential reporting options available. Confidential means that what a reporting party shares will not be communicated with anyone else unless except in extreme cases of immediacy of threat or abuse of a minor

## Confidential Reporting Options

Confidential Resources include on and off campus mental counselors, health service providers, local rape crisis counselors, domestic violence resources, and members of the clergy and chaplains. Confidential on-campus resources include:

- **Counseling and Psychological Services (CAPS)**, Cowell Center, 408-554-4501;
- **Wellness Center**, 862 Market Street, 408-554-4409;
- The confidential advocate is located in the SCU Wellness Center and offers free, confidential support to students who have been impacted by sexual assault, relationship violence, and stalking. The advocate aims to provide a safer, compassionate, and non-judgmental space for students to explore their options, rights, and resources. To speak with an advocate, please contact Meredith Lierk (Director, Wellness Center) at [mlierk@scu.edu](mailto:mlierk@scu.edu).
- Members of the clergy or chaplains (who are acting in such a capacity as conducting a confession etc.).

For more information regarding confidential resources, please see [www.scu.edu/title-ix/resources/student/](http://www.scu.edu/title-ix/resources/student/).

## Non-Confidential Reporting Options

### Reporting 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.

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 [www.scu.edu/title-ix/reporting/law-enforcement/](http://www.scu.edu/title-ix/reporting/law-enforcement/).

### Reporting to the University

Individuals may contact the Office of Equal Opportunity and Title IX to discuss issues relating to discrimination, harassment, sexual harassment, sexual misconduct, and retaliation without filing a formal complaint or grievance. 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 any of the reporting options listed below.

Report directly to the Office of Equal Opportunity and Title IX

- Online Form: **Request for Support and Assistance**
- By email: [titleixadmin@scu.edu](mailto:titleixadmin@scu.edu)
- By Telephone: 408-551-3043



- 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 95050

### **Report Anonymously**

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. The University selected EthicsPoint to provide a direct and straightforward way to anonymously and confidentially report activities that may involve criminal, unethical or otherwise inappropriate behavior in violation of the University’s policies.

### **Anonymous Reporting Form: EthicsPoint Anonymous Reporting form**

EthicsPoint reports are initially shared with the Assistant General Counsel. An anonymous report of alleged discrimination, harassment, sexual misconduct, and retaliation is forwarded to the Director of Equal Opportunity and Title IX, 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.

### **Other campus reporting options:**

Students may report incidents and seek support from other University officials, including:

- JST-SCU Assistant Dean of Student and Community Life
- The Spiritual Formation Office
- JST-SCU Housing Office
- SCU Office of Accessible Education

These University resources are required to report incidents to the Director of Equal Opportunity and Title IX, who will oversee the investigation and resolution process. At the time a report is made, a complainant does not have to decide whether or not to request or participate in an investigation or University resolution process.

### **Preservation of Evidence in an Assault**

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. The University will inform the Complainant of the importance of:

- Seeking medical care and forensic medical assistance at the hospital, ideally within 24–72 hours of the incident (sooner is better).
- Preserving evidence in a paper bag.
- Individuals considering a forensic exam should go directly to a medical facility in their county.

- Avoiding showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- Trying not to urinate.
- If oral sexual contact took place, refraining from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, placing soiled clothes in a paper bag (plastic destroys evidence).

### **Support and Assistance**

Supportive measures are offered and provided promptly and equitably to either or both the reporting party (or “Complainant” and the responding party (or “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 that they do not wish to pursue. 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. These actions may include, but are not limited to:

- Referral to confidential counseling, mediation, and other health services and 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.
- 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 or department chair and dean's office).
- Timely Warnings (Clery) to address concerns about broader campus safety.

For more information on supportive and protective measures available to students, please see <https://www.scu.edu/title-ix/student/reporting/>.

Both Complainants and 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 choose not to have an Advisor in the initial stages of the resolution process, before the hearing.

In addition, Parties may also seek guidance from other individuals (support person/advocate) who are not designated as their Advisor for emotional support. A support person or advocate, however, who is not identified as the party's "Advisor" may not attend or participate in the University's investigation and resolution process.

For more information about Advisors and Support People, please see <https://www.scu.edu/title-ix/policy/>



# Student Conduct System

*The President of Santa Clara University delegates general supervision for matters of student conduct to the Vice Provost for Student Life. Specific responsibility and authority for the University Student Conduct System is assigned to the Associate Dean for Student Life. A conduct officer or the appropriate conduct board can review student disciplinary cases. The Associate Dean for Student Life or designee determines which course of action is taken based on the nature of the case.*

Conduct officers and members of conduct boards are appointed by the Vice Provost for Student Life or designee and have varying degrees of sanctioning authority. A conduct officer/board can recommend a higher level sanction to the Office of Student Life if that conduct officer/board does not have the authority to assign it. All requests for appeal are made to the Office of Student Life, which acts on behalf of the University President.

In exceptional circumstances, the Vice Provost for Student Life may suspend the normal structure of the Student Conduct System and establish an appropriate procedure for the particular needs of the pending case.

## UNIVERSITY CONDUCT OFFICERS AND BOARDS

The Student Conduct System includes the following conduct officers/boards:

### Conduct Officers

Conduct officers are staff members or faculty members whose job descriptions include responsibility for reviewing student conduct cases, or are appointed to be conduct officers by the Office of Student Life. The sanctioning authority of an individual conduct officer ranges from a warning, up to and including, housing contract cancellation. The sanctioning authority of the Assistant Deans, Associate Dean, and Vice Provost for Student Life is expanded and ranges from a warning, up to and including, expulsion.

### Peer Conduct Board

The Peer Conduct Board is composed of students who are appointed as hearing officers on an annual basis by the Office of Student Life. When a Peer Conduct Board convenes to review student conduct, the board includes three to five students selected from the pool of members. The sanctioning authority of the Peer Conduct Board ranges from a warning, up to and including housing contract cancellation.

### University Discipline Council

The University Discipline Council is a board composed of students, faculty, and staff who are appointed as hearing officers on an annual basis by the Office of Student Life. When a University Discipline Council convenes to review student conduct, the board includes three students, one faculty member, and one staff member selected from the pool of members. The sanctioning authority of the University Discipline Council ranges from a warning, up to and including expulsion. The Office of Equal Opportunity and Title IX is responsible for the Equity Hearing Panel. Information about the Equity Hearing Panel is available in the Discrimination, Harassment, and Sexual Misconduct Policy ([scu.edu/title-IX](https://scu.edu/title-IX)).

### University Board of Appeals

The University Board of Appeals conducts appellate hearings for cases when directed to do so by the Vice Provost for Student Life. The board is composed of student(s), staff, and faculty members who are conduct officers or serve as members of the University Discipline Council. The sanctioning authority of the University Board of Appeals ranges from a warning up to and including expulsion.



## STUDENT RESPONSIBILITIES AND RIGHTS

In any case of alleged misconduct, a student has the following responsibilities and rights:

1. To be notified of student responsibilities and rights.
2. To cooperate throughout the entire conduct process by meeting any deadlines, providing requested information, and abiding by any requests or instructions of the conduct officer/board.
3. To be notified at least three (3) business days prior to the hearing of the alleged violation of the Student Conduct Code and/or University standards, policies, and procedures and to be notified of the date, time, and location of the hearing.<sup>1</sup>
4. To object to the conduct officer or member(s) of the conduct board if the student believes the officer/board member cannot act in a fair and impartial manner. The student must explain the reason(s) for their objection. The University reserves the right to either honor or deny the request to assign a new conduct officer or conduct board member.
5. To discuss the incident and their alleged involvement in it, and to review the policies that were allegedly violated with the conduct officer/board.
6. To respond to information used in determining the outcome of the hearing.
7. To present pertinent information and witnesses on their behalf.
8. To identify witnesses on their own behalf and submit anticipated testimony to the conduct officer/board in advance of the hearing. It is the student's responsibility to ensure witness participation in the hearing process.
9. To submit questions for the conduct officer/board to ask of the complainant or witnesses. The conduct officer/board can refuse to ask a submitted question if the conduct officer/board determines the question is irrelevant to the proceedings.
10. To be accompanied by one support person. (See "Support Person" for further explanation.)
11. To be notified in writing within five (5) business days of the outcome of the hearing. Notification could include the finding, disciplinary sanctions, or information concerning the date, time, and location of a secondary hearing in the event the case is forwarded to a different conduct officer/board.

*1. For the purpose of reducing the impact of misconduct that increases the likelihood of the spread of COVID-19, a University Hearing Officer may choose to provide a one (1) business day notice to a student alleged to have violated the Student Conduct Code and/or Residence Life & Housing policies, procedures, and standards. Additionally, the time period to file a Request for Appeal by a student who committed a violation is reduced to one (1) business day.*

12. To be informed of the appeal process and given the opportunity to file a request for appeal within five (5) business days of the date of the hearing outcome document. (See "Appeal Process" for further explanation.)

## COMMUNICATIONS WITH THE STUDENT REGARDING THE CONDUCT CODE MATTER

The Student Conduct System is an educational process. University officials communicate and engage with the student throughout the conduct process to promote student learning and so the student assumes responsibility for managing their own affairs. University staff interact with the student and their parent or guardian to the degree that it is appropriate and permissible by the Family Educational Rights and Privacy Act of 1974 (FERPA). When doing so, the intent of the interaction with the parent or guardian is to inform the parent or guardian and appropriately engage them in promoting the educational experience of the student. University staff does not interact with legal counsel who is representing a student.

## STUDENT CONDUCT HEARING PROCEDURES

### Initial Review or Hearing

1. **Incident report:** Members of the University community and non affiliate persons may file a report regarding the behavior of a student. If the reported information constitutes a potential violation of the Student Conduct Code and/or University standards, policies and procedures, the University will pursue the matter through the Student Conduct System, beginning with either an initial review, or a hearing.
2. **Initial review:** The assigned University conduct officer/board reviews the report, notifies the involved student(s) of the report, gathers relevant information, and interviews any witnesses. The conduct officer/board may elect not to interview a witness who does not have first-hand knowledge of the incident, presents information that is deemed to be unnecessary for the deliberation process, or presents information about the involved student's character. After the conduct officer/board has gathered all relevant information, the conduct officer/board conducts a hearing or refers the case to another conduct officer/board.
3. **Hearing:** The assigned University conduct officer/board reviews the incident report(s) and statements presented by the complainant(s), respondent(s), and witness(es). The conduct officer/board may elect not to interview a witness who does not have first-hand knowledge of the incident, presents information that is deemed unnecessary for the deliberation process, or presents information about the involved student's character. A student is not entitled to be present for every interview related to the case that the conduct officer/board conducts. The conduct officer/board may conduct the hearing in a student's absence if the student

does not report for a scheduled hearing, or if the student does not set an appointment for a hearing as directed. In some circumstances, the hearing process may take place over multiple meetings on multiple days.

4. **Burden and standard of proof:** The student responding to the reported allegation is presumed not to have violated the Student Conduct Code. The standard for determining a violation of the Student Conduct Code is preponderance of evidence. There must be persuasive information to establish that the involved student(s) “more likely than not” violated the Student Conduct Code.
5. **Deliberation:** The conduct officer/board may deliberate in private. Sanctioning for a Student Conduct Code violation is based upon the nature of the determined violation and any previous violations of the Student Conduct Code.
6. **Notice of outcome:** The conduct officer/board notifies the student of the hearing outcome in writing no later than five (5) business days after the conclusion of the hearing. The conduct officer/board must notify the student of the option to file a request for appeal. (See “Appeal Process” for further explanation.)

### **Victims of Crimes of Violence and Non-forcible Sex Offenses**

Upon written request, the alleged victim of any crime of violence or non-forcible sex offense will be informed of the results of the University disciplinary proceedings against the student who is alleged to have committed the crime. A crime of violence includes arson, assault offenses, burglary, robbery, kidnapping/abduction, forcible sex offense, criminal homicide (manslaughter by negligence, murder, and non-negligent manslaughter), and destruction, damage, and vandalism of property.

### **No Contact Directive**

In instances such as, though not limited to, a serious dispute involving a student, concern for the safety of a person due to the alleged actions of a student, or a conduct code allegation by a person against a student, the Office of Student Life reserves the right to institute a No Contact Directive to a student. This action is taken for the purpose of protecting individuals and to minimize the chance that a dispute between persons will escalate in the process of the matter being addressed by the Office of Student Life.

A No Contact Directive is an official notice to a student that restricting a student of any type of contact with an identified person(s). This includes, but is not limited to, person-to-person contact, contact through a third party, and contact by way of mail, email, telephone, voice mail, text messaging, etc. A student who violates a No Contact Directive is subject to disciplinary action by the Office of Student Life.

A No Contact Directive can be issued at the discretion of the Office of Student Life outside of the context of the Student

Conduct System procedures, or as a sanction at the conclusion of a hearing for a defined period of time.

### **Support Person**

The support person must be a member of the Santa Clara University community who is a current faculty or staff member, or a currently enrolled student. Parents or guardians who are members of the University community are not permitted to act as a support person for cases involving their own son or daughter. A student who is represented by legal counsel is not permitted to have the legal counsel be their support person. A witness is not permitted to serve as a support person.

The role of the support person is to provide emotional support during the hearing. A support person may not review any documents related to a conduct case or present information during the hearing on behalf of the student. If a support person is disruptive to the hearing process, the conduct officer/board may dismiss the support person. In such cases, and only if it is determined reasonable to do so, the student may be given an opportunity to identify a new support person.

### **Appeal Process**

1. The outcome of a hearing is subject to one request for appeal. An appeal will be granted only if one or more of the following criteria is met:
  - A. The disciplinary action appears to be grossly disproportionate to the conduct infraction.
  - B. The procedures provided for in the Student Handbook were not followed in the hearing.
  - C. New relevant information is available that was not available at the time of the hearing.
  - D. The decision is not supported by substantial information.
2. The online request for appeal form, [https://cm.maxient.com/reportingform.php?SantaClaraUniv&layout\\_id=4](https://cm.maxient.com/reportingform.php?SantaClaraUniv&layout_id=4), must be completed by the student and returned to the Office of Student Life within five (5) business days of the date on the hearing summary. The request for appeal must include answers to the questions on the form, in accordance with the criteria described in No. 1 above.<sup>2</sup>
3. The request for appeal, along with other pertinent information, is reviewed by the designated appeal officer to determine the validity of the request for appeal in accordance with the criteria described in No. 1 above. **In general, a request for appeal is granted only when there is a preponderance of evidence that a procedural or substantive error occurred at the original hearing that effectively denied the student a fair and reasonable hearing.**

*2. For the purpose of reducing the impact of misconduct that increases the likelihood of the spread of COVID-19, a University Hearing Officer may choose to provide a one (1) business day notice to a student alleged to have violated the Student Conduct Code and/or Residence Life & Housing policies, procedures, and standards. Additionally, the time period to file a Request for Appeal by a student who committed a violation is reduced to one (1) business day.*

4. The student must be informed of the decision pertaining to the request for appeal within five (5) business days of submitting the request. In exceptional circumstances, the five (5) business days notification requirement may be extended to allow adequate consideration of the request for appeal. If this is the case, the student is notified.
5. If the request for appeal is granted, the case may be referred back to the original conduct officer or board, a new conduct officer (who could be the appeal officer), or a new conduct board. The appeal officer may also modify the sanction(s) without granting a second hearing.
6. All appellate hearings are conducted in accordance with the general student rights and other Student Conduct System procedures outlined in the Student Handbook.
7. A request for appeal may only be filed one time. If a request for appeal is denied, a second appeal cannot be filed. If a request for appeal is granted, the outcome of any subsequent proceeding may not be appealed.

## PROCEDURES FOR REVIEWING ALLEGATIONS OF DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT

The procedures for reporting, investigating, and reviewing allegations of discrimination, harassment, and sexual misconduct are addressed in the University's Nondiscrimination, Harassment, and Sexual Misconduct Policy. This information is available at the Office of Equal Opportunity & Title IX and at <https://www.scu.edu/title-ix/policies-reports/>.

## DISCIPLINARY ACTIONS

The following sanctions are official University disciplinary actions that may be taken as a result of any conduct hearing. Sanctions include, but are not limited to those listed below. Violations of national, state, or local laws subject a student not only to University disciplinary action but also to action by the appropriate court of law.

1. **Warning:** Official notification that certain conduct or actions are in violation of University regulations and that continuation of such conduct or actions may result in further disciplinary action.
2. **Educational sanctions:** Preparation and presentation of a program, preparation of a bulletin board, assigned reading and response paper, attending an alcohol education program, counseling, and/or other educational activities.
3. **Contributed service:** Contribution of service to the University or a designated community agency consistent with the offense committed.
4. **Restitution:** Reimbursement by transfer of property or services to the University or a member of the University community in an amount not in excess of the damages or loss incurred.
5. **Fines:** Financial assessment not to exceed \$500.
6. **Loss of privileges:**
  - A. Limitation on University-related services and activities for a specified period of time, which is consistent with the offense committed; including, but not limited to, ineligibility to serve as an officer or member of any University organization, to participate in intercollegiate competition, to receive any award from the University, or to participate in graduation-related ceremonies.
  - B. Residence hall relocation, housing contract probation, or housing contract cancellation. Housing contract cancellation will result in being placed on disciplinary probation by the Office of Student Life.
  - C. Restriction from using specific University facilities and services (including parking facilities).
  - D. Denial of the on-campus use of a vehicle.
7. **No Contact Directive:** An official notice restricting a student of any type of contact with an identified person(s). This includes but is not limited to, person-to-person contact, contact through a third party, and contact by way of mail, email, telephone, voice mail, text messaging, etc.
8. **Disciplinary probation:** A specified period of observation and review of behavior, including terms appropriate to the offense committed, during which the student must demonstrate compliance with University regulations and the terms of the probationary period and is ineligible to serve in leadership positions in University co-curricular activities. (Refer to "Eligibility Policy.")
9. **Deferred suspension:** A specified period of observation and review of behavior, including terms appropriate to the offense committed, during which time the student is ineligible to participate in University co-curricular activities. (Refer to "Eligibility Policy.") If an additional violation of University regulations occurs while on deferred suspension, the student is subject to an extension of this status, suspension, or expulsion, depending upon the nature and severity of the violation.
10. **Interim suspension:** In exceptional circumstances, the Vice Provost for Student Life may suspend a student or take other disciplinary action pending the hearing, especially in matters of safety or for the good of the community.
11. **Suspension:** Exclusion from the University for a specific period of time after which application may be made for readmission.
12. **Expulsion:** Permanent exclusion from the University.



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

This policy identifies the minimum standard for student conduct hearing outcomes for alcohol, cannabis, 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, Cannabis, and Other Drugs

The phrase “alcohol, cannabis, 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, cannabis, and other drugs are:

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

**Cannabis:** Refers to all products derived from the plant *Cannabis sativa*. The cannabis plant contains about 540 chemical substances. Some parts of or products from the plant *Cannabis sativa* contain substantial amounts of tetrahydrocannabinol (THC). THC is the substance that’s primarily responsible for the effects on a person’s mental state.

#### 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 are 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, cannabis (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, Cannabis, 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, cannabis, and other drugs. These offices can also refer students to non-affiliated counseling and treatment facilities.

### Cumulative Nature of Alcohol, Cannabis, 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, cannabis, 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, cannabis, or other drug violation without the student being found responsible for an additional alcohol, cannabis, 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, cannabis, or other drugs using a matrix of impact and occurrence.

### Stages of Alcohol, Cannabis, 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 providing for the health, safety, and welfare of individuals. Santa Clara University distinguishes behavior surrounding alcohol, cannabis, 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
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, cannabis, 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, cannabis, 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, cannabis, 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, Cannabis, and Other Drug Violations

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

### Falsification of Identification for the Procurement of Alcohol or Cannabis

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.

## Alcohol

### 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.

	Binge drinking	Heavy drinking
Women	4 or more drinks on a single occasion	8 or more drinks per week
Men	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

Category	1st violation	2nd violation	3rd violation
A	1. Monetary fine \$50	1. Monetary fine \$75 2. Parental notification	1. Becomes Category B violation
B	1. Monetary fine \$50 2. Parental notification 3. Educational outcome	1. Monetary fine \$75 2. Parental notification 3. Alcohol educational program 4. Housing contract probation	1. Monetary fine \$100 2. Parental notification 3. Alcohol education program 4. Housing contract cancellation 5. Disciplinary probation
C	1. Monetary fine \$100 2. Parental notification 3. Alcohol educational program 4. Housing contract probation	1. Monetary fine \$200 2. Parental notification 3. Alcohol educational program 4. Housing contract cancellation 5. Disciplinary probation	1. 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.*

*\*Any subsequent violation outcomes will be at the discretion of the hearing officer or hearing board.*

**Cannabis and Other Drugs**

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

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

Schedule of Minimum Hearing Outcomes Related to Cannabis and Other Drug Violations

*Categories A, B, or C apply to cannabis hearing outcomes.*

*The prohibited use of controlled drugs other than cannabis will minimally result in the administration of a Category C hearing outcome.*

Category	1st violation	2nd violation	3rd violation
A	1. Monetary fine \$50	1. Monetary fine \$75 2. Parental notification	1. Becomes Category B violation
B	1. Monetary fine \$50 2. Parental notification 3. Educational outcome	1. Monetary fine \$75 2. Parental notification 3. Cannabis or other drug educational program 4. Housing contract probation	1. Monetary fine \$100 2. Parental notification 3. Cannabis or other drug educational program 4. Housing contract cancellation 5. Disciplinary probation
C	1. Monetary fine \$100 2. Parental notification 3. Cannabis or other drug educational program 4. Housing contract probation	1. Monetary fine \$200 2. Parental notification 3. Cannabis or other drug educational program 4. Housing contract cancellation 5. Disciplinary probation	1. 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.*

*\*Any subsequent violation outcomes will be at the discretion of the hearing officer or hearing board.*

**Compliance with Hearing Outcome**

Students must comply with all assigned outcomes by the deadline outlined 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.



## Administrative Sanctions

The administrative sanction gives official notice that a procedural violation has occurred and will advise the student on how the situation is to be corrected.

## Disciplinary Disqualification of University Financial Aid

Financial aid may be contingent upon a student remaining in good conduct standing within the University. If a student faces significant disciplinary matters, is placed on disciplinary probation, deferred suspension, or is suspended, the financial aid arrangement is subject to review. The review may be initiated by either the Office of Student Life or the Office of Financial Aid.

A student who is placed on disciplinary probation for the first time will continue to remain eligible for federal financial aid unless otherwise prohibited by federal, state, or University regulations. If within two years of being placed on disciplinary probation, a student is placed on suspension, deferred suspension, or probation (a second time), the student will automatically lose all eligibility for institutional aid effective the date the suspension, deferred suspension, or second probation is imposed.

## STUDENT CONDUCT RECORDS POLICY

Student Conduct records are educational records, and are thereby subject to the Family Educational Rights and Privacy Act (FERPA) and the University's Student Conduct Records Policy.

The conduct record is confidential and is only shared internally with University officials, in instances when the student grants permission to release the record, or there is what FERPA defines as "an educational need to know" basis for the request. The conduct record is maintained throughout the student's enrollment and thereafter, as indicated below. A student's conduct record will only be released to a person or party external to the University, if the student has granted permission, where the disclosure of the record is permissible under the provisions of FERPA, or where the University is required to do so by law.

## Retention of Conduct Records

1. A student's entire conduct history is kept for a minimum of one (1) academic year beyond the academic year in which the date of the last violation of the Student Conduct Code occurred. When a student commits an academic integrity violation, the file is retained for the remainder of the student's academic career.
2. The files of any student who has received one or more of the following sanctions will be maintained for three (3) academic years beyond the academic year in which the student's tenure in their current degree program at the University has ended:
  - A. Removal from University housing
  - B. Disciplinary probation
  - C. Deferred suspension
  - D. Suspension
3. The conduct record of a student who has been expelled will be maintained for seven (7) years beyond the academic year in which the student's tenure at the University has ended.

The University reserves the right to change this policy at any time at its sole discretion.

JST-SCU Assistant Dean of Student and Community Life

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**Santa Clara  
University**

**Jesuit School of Theology of Santa Clara University**

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