

## Response & Resolution

SCU recognizes that choosing to report an incident and deciding how to proceed after making the report can be a process that unfolds over time. Reports should be made promptly, but there is no time limitation on reporting. Reports of harassment or discrimination will be investigated in a manner that is prompt, adequate and impartial. A person does not have to decide whether or not to request disciplinary action at the time a report is made.

If you have witnessed or experienced discrimination, harassment, or sexual violence including sexual assault, you should contact one of the listed persons or offices for assistance in resolving a complaint.

### Supportive Measures:

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

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. <https://www.scu.edu/title-ix/resources/supportive-measures/>

### SCU's Investigation Process

1. A Request for Support & Assistance is filed with the Office of Equal Opportunity and Title IX.
2. A Title IX team member meets with the Reporting Party to explain the investigation and resolution options and review supportive measures and resources.
3. If an Investigation is desired, or if SCU has information to indicate the community may be at risk, the Complainant will complete a formal complaint.
4. The Office of Equal Opportunity and Title IX will investigate the complaint and take other appropriate remedial and preventative action including implementing supportive measures.
5. Amnesty: Disclosure by students of drug or alcohol use in the course of an investigation will not be used against the Reporting Party.
6. Title IX prohibits retaliation for making a good faith complaint about gender-based discrimination and sexual violence or for participating in or otherwise being associated with an investigation.
7. Resolution Options are available at all times during an investigation. If the involved parties request and agree upon an informal resolution, the investigation can cease with the implementation of the agreed upon measures.
8. If parties do not agree upon a resolution, or an informal resolution is not desired, once the investigation is complete, the case will be forwarded to an Equity Hearing Panel for review, determination and sanctioning (if applicable).  
<https://www.scu.edu/title-ix/process/>

## Resources & Support Options

### Free & Confidential

#### On Campus-

Counseling & Psychological Services (CAPS) Cowell Center- Bldg 701

Inquiries, Information & Appointments: 408.554.4501

\*\*\*After- Hours Concerns & Emergencies- Contact

Campus Safety Services: 408.554.4444

Wellness Center/ Violence Prevention Program 852 Market St. (across from Dunne Hall) Office Hours: Monday-Friday, 9:00am-5:00pm Inquiries & Information: 408.554.4409

*Members of the Clergy & Chaplains who are designated as so and acting in such capacity are confidential.*

#### Online Request for Support & Assistance:

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

#### Off-Campus-

YWCA Silicon Valley

<https://ywca-sv.org>

375 South Third St., San Jose, CA 95112

24 Hour Rape Crisis Hotline: 408.287.3000 or

408.295.4011

Domestic Violence Crisis Line: 1.800.572.2782

Office Hours: Monday- Friday, 9:00am- 5:00pm

(doors are locked for lunch 12:00pm- 12:30pm)

### Non-Confidential

Office of Equal Opportunity & Title IX

Loyola Hall, Suite 140

425 El Camino Real, Santa Clara CA 95050

Director of Equal Opportunity & Title IX Coordinator:

Belinda Guthrie

Inquiries & Information: 408.551.3043

Appointments Available Upon Request

Campus Safety Services

Emergency Phone: 408.554.4444

Main Phone Number: 408.554.4441

Santa Clara Police Department (SCPD)

601 El Camino Real, Santa Clara, CA 95050

Office Hours: Monday- Friday, 7:00am-5:00pm,

Saturday 9:00am-3:00pm, Closed Sunday

Inquiries & Information: 408.615.4700

The following offices are located in the Benson Center:

Office of Student Life: 408.554.4583

Office of Residence Life: 408.554.4900

Campus Ministry: 408.554.4372

# Title IX:

## GENDER & SEXUAL BASED HARASSMENT, DISCRIMINATION & MISCONDUCT



# Sexual & Gender Based Harassment, Discrimination & Misconduct

## What is Title IX?

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681 - 1688

The University does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities on the basis of sex/gender. As a recipient of federal financial assistance for education activities, the University required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex/gender. Sex includes sex, sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or parenting status. 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. 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.

## About the Office of Equal Opportunity & Title IX

The Director of Equal Opportunity & Title IX Coordinator, Belinda Guthrie, oversees the University's equal opportunity programs and provides assistance in resolving and investigating complaints of discrimination, harassment, sexual harassment and sexual violence (sexual assault, dating violence, domestic violence, sexual exploitation, and stalking).

## Privacy & Confidentiality:

The University profoundly respects the need for privacy and discretion in the handling of all reports. Some resources can provide confidential support and information, whereas others can offer privacy and discretion when they receive a report. Individuals should make sure they have informed expectations concerning privacy and confidentiality.

## If you or someone you know is assaulted...

### 1. Get Support

You don't have to cope alone. Call someone you trust or reach out to one of the resources listed on this brochure.

### 2. Obtain Medical Assistance

Even if you feel fine, seek medical help if you think you may be at risk for injury, pregnancy or infection.

### 3. Report the Incident

Reporting to SCU enables the University to respond appropriately to your case and to the broader issues in our community. When you decide, you can report to SCU, to Santa Clara Police Department (SCPD), to both or to neither; there is no time limit for reporting an incident to SCU.

### 4. Preserve Evidence

In a sexual violence incident, police and forensic nurse examiners are in the best position to secure evidence of a crime. The preservation and collection of all physical evidence, including clothing, is paramount and should be collected immediately, ideally within the first 24 hours. Prior to their arrival you can preserve evidence in the following ways to help prepare for a forensic exam:

- Do not wash the face, hands, brush teeth or bathe
- Do not eat or drink
- Do not douche
- If you change clothes, keep them in a paper bag

To seek Free Emergency Medical Assistance:

The Santa Clara Valley Medical Center (SCVMC) provides a Forensic Nurse Examiner (a nurse who is specially trained in collecting physical evidence) usually on call 24 hours a day/ 7 days a week. Call the SCVMC Operator at 408.885.5000 if you want to speak to the Forensic Nurse Examiner. A victim advocate from the YWCA Rape Crisis Center will be contacted to meet you at the hospital. Law Enforcement or Campus Safety Services can provide transportation.

## What is Affirmative Consent?

Consent is *clear, knowing and voluntary* permission. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Consent to one type of sexual activity cannot be taken as consent to any other form of sexual activity. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why or how). Consent cannot be assumed from silence or a prior sexual relationship with the person. Consent does not come from the use of force, coercion or incapacitation.



## Prohibited Conduct Includes:

- **Discriminatory Harassment:** Discriminatory harassment constitutes a form of discrimination that is prohibited by University policy, and defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by University policy or law. The University does not tolerate discriminatory harassment of any employee, student, visitor, or guest.
- **Sexual Harassment:** Sexual Harassment, as an umbrella category, includes the offenses of **sexual harassment, sexual assault, domestic violence, dating violence, and stalking**, and is defined as: Conduct on the basis of sex/gender that is sexual and satisfies one or more of the following:

### 1. *Quid Pro Quo*

- an employee of the University
  - conditions (either implicitly or explicitly) the provision of an aid, benefit, or service of the University
  - on an individual's participation in unwelcome sexual conduct.
- ### 2. *Hostile Environment Sexual Harassment*

- unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to the University's education program or activity.

**POLICY:** <https://www.scu.edu/media/offices/eoo/NonDiscrimination-Harassment-Sexual-Misconduct-Policy-3.pdf>