

# ANNUAL SECURITY & FIRE SAFETY REPORT 2025

SANTA CLARA UNIVERSITY



## MAIN CAMPUS

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

### **CAMPUS SAFETY SERVICES**

EMERGENCY (408) 554-4444  
NON-EMERGENCY (408) 554-4441





## A COMMUNITY COMMITMENT TO SAFETY

Santa Clara University (“SCU” or “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.

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

The Annual Security & Fire Safety Report for JST-SCU, and the Main Campus are available on the [Clery Act Compliance](#) webpage. A hard copy version of the report may be requested by contacting Campus Safety Services at (408) 554-4441 or by messaging [clerycompliance@scu.edu](mailto:clerycompliance@scu.edu).

# TABLE OF CONTENTS

<b>IMPORTANT UPDATES</b>	<b>2</b>
<b>PROCEDURES FOR REPORTING CRIMES AND OTHER EMERGENCIES</b>	<b>11</b>
<b>CAMPUS LAW ENFORCEMENT</b>	<b>20</b>
<b>MONITORING AND RECORDING STUDENT OFF-CAMPUS CRIMINAL ACTIVITY</b>	<b>22</b>
<b>CAMPUS FACILITIES; SECURITY AND ACCESS</b>	<b>22</b>
<b>CRIME AWARENESS AND PREVENTION PROGRAMS</b>	<b>24</b>
<b>EMERGENCY RESPONSE AND EVACUATION PROCEDURES</b>	<b>27</b>
<b>ALCOHOL AND OTHER DRUG USE</b>	<b>31</b>
<b>GENDER-BASED MISCONDUCT AND SEXUAL VIOLENCE</b>	<b>60</b>
<b>CAMPUS FIRE SAFETY</b>	<b>109</b>
<b>ANNUAL COMPLIANCE REPORT</b>	<b>109</b>
<b>APPENDIX A: STATISTICS AND RELATED INFORMATION REGARDING FIRES IN RESIDENTIAL FACILITIES</b>	<b>119</b>
<b>APPENDIX B: EMERGENCY BLUE PHONES</b>	<b>121</b>
<b>APPENDIX C: CAMPUS CRIME STATISTICS</b>	<b>122</b>



**Santa Clara**  
UNIVERSITY

## IMPORTANT UPDATES

On December 23, 2024, President Biden signed the Stop Campus Hazing Act into law. The Stop Campus Hazing Act (SCHA) amends section 485(f) of the Higher Education Act, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly known as the Clery Act). Notably, the SCHA also changed the name of the Clery Act to the “Jeanne Clery Campus Safety Act”, to better reflect the Act’s evolution in addressing broad campus safety needs.

Shortly before the enactment of the federal Stop Campus Hazing Act, California passed Assembly Bill 2193, which amends the California Education Code beginning with Section 66305, and is also referred to as the Stop Campus Hazing Act. The California Stop Campus Hazing Act includes a general prohibition on hazing, establishes civil liability for educational institutions and participants/student organizations in certain circumstances, and creates a rebuttable presumption that the institution took reasonable steps to prevent hazing if certain criteria are met. If an institution has done all of the following, the institution has taken reasonable steps to prevent hazing:

- Creation of a policy governing student behavior that includes a prohibition on hazing, how to anonymously report hazing incidents, the disciplinary actions for a violation of the policy, and procedures by which all students are informed of this policy, with applicable penalties.
- Creation of a policy governing employee behavior that includes a prohibition on hazing, the disciplinary actions for a violation of the policy, and procedures by which all students are informed of this policy, with applicable penalties.
- Implementation of a comprehensive prevention and outreach program addressing hazing. The prevention program must include components on identifying hazing, hazing prevention, and bystander intervention strategies.

The California Stop Campus Hazing Act is applicable to hazing incidents that occur on or after January 1, 2026. Statistics will be reported to the legislature on or before June 30, 2026 and on or before June 30th each year thereafter.

The University is committed to spreading awareness and preventing hazing on this campus, in compliance with federal and state laws regarding hazing.

The federal Stop Campus Hazing Act has three primary components:

### **1. Inclusion of hazing statistics in annual security reports**

Colleges and universities, including Santa Clara University, must include statistics on hazing incidents that were reported to campus security authorities or local law enforcement, as defined by SCHA, in their annual security reports with reports collected beginning January 1, 2025. These statistics will first appear in the 2026 Annual Security Report and will include reported hazing incidents by any student organization, regardless of whether the organization is affiliated with the University, so long as the incident occurred within the campus's Clery geography (see Appendix C for information on Clery geography).

### **2. Creation of a Campus Hazing Transparency Report (CHTR)**

Each institution, including Santa Clara University, must compile and publish to their public website a report on findings of hazing policy violations by any established or recognized student organization. This report is separate and distinct from the annual security report and must be updated biannually, if there are findings within the previous six months. The information found within this report must be maintained for a period of five calendar years from the date of publication of the most recent update.

The CHTR must include the following information for each incident involving an established or recognized student organization found to be in violation of the institution's standards of conduct as defined by the institution's hazing policy:

- The name of such student organization;
- A general description of the violation that resulted in a finding of responsibility, including:
  - Whether the violation involved the abuse or illegal use of alcohol or drugs,
  - The findings of the institution, and
  - Any sanctions placed on the student organization by the institution, as applicable; and
- The dates on which:
  - The incident was alleged to have occurred
  - The investigation into the incident was initiated

- The investigation ended with a finding that a hazing violation occurred, and
- The institution provided notice to the student organization that the incident resulted in a hazing violation.
- The CHTR cannot include personally identifiable information.

### **3. Implementation of hazing policies**

Colleges and universities, including Santa Clara University, are required to have a hazing policy that includes information on how to report incidents of hazing and the process used to investigate hazing incidents. Furthermore, this policy must address hazing prevention and awareness programs.

The following policy statement reflects the current [Santa Clara University Policy Prohibiting Hazing, effective June 23, 2025](#).

#### **Overview**

Santa Clara University is committed to promoting a safe and respectful campus environment. Accordingly, hazing in all forms is strictly prohibited. Hazing undermines the integrity of student life, endangers individuals, and is inconsistent with the University's mission and values.

This policy applies to all students, faculty, staff, student organizations (as defined below), visitors, guests, suppliers and vendors, and any third parties using University facilities or participating in any University programs or activities, whether on-campus, off-campus, in person, or online.

This policy is written to follow the requirements of applicable federal and California law. If there is any conflict between this policy and applicable law, or if the applicable laws change before this policy is updated, applicable federal and California law will apply.

#### **Prohibited Conduct**

The University prohibits hazing in connection with all aspects of its educational programs and activities, including, but not limited to, admissions, academics,

residential life, student programs and activities, student services, athletics, and employment.

For the purpose of this policy, “hazing” shall include “hazing” as defined by the federal Stop Campus Hazing Act, 20 USC Section 1092(f)(6)(A) (“Federal Hazing Definition”); “hazing” as defined by the California Stop Campus Hazing Act, California Education Code Section 66306 (“California Hazing Definition”); and Other Prohibited Hazing as defined below:

### **Federal Hazing Definition**

“Hazing” means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- (a) Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- (b) Causes or creates a risk, above the reasonable risk encountered in the course of participation in the University or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:
  - (i) Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
  - (ii) Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - (iii) Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - (iv) Causing, coercing, or otherwise inducing another person to perform sexual acts;
  - (v) Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - (vi) Any activity against another person that includes a criminal violation of local, state, tribal, or federal law; and

- (vii) Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law.

“Student Organization” means an organization at the University (such as a club, society, association, athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the University, whether or not the organization is established or recognized by the University.

### **California Hazing Definition**

“Hazing” means any method of initiation or preinitiation into an affiliated student organization or student body, which the initiator knows or should have known is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in California. The term hazing does not include customary athletic events or school-sanctioned events.

“Affiliated” means currently recognized or sanctioned by the University through its official student organization application process. An organization that had previously been recognized or sanctioned by the University but has subsequently had that recognition or sanction withdrawn or revoked by the University shall not be considered affiliated.

### **Other Prohibited Hazing**

In addition to the conduct identified in the Federal Hazing Definition and the California Hazing Definition, “hazing” also means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- (a) Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a Student Organization (as defined in the Federal Hazing Definition); and
- (b) Causes or creates a risk, above the reasonable risk encountered in the course of

participation in the University or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:

- i. Causing discomfort, embarrassment, harassment, degradation, humiliation or ridicule;
- ii. Any activity involving the willful destruction or removal of public or private property for the purpose of initiation, affiliation with, or as a condition for continued membership in an organization; or
- iii. Any activity designed to interfere with an individual's academic endeavors.

## Reporting Options

Anyone may make a report of hazing. The University strongly encourages those who believe they have been subjected to or witnessed hazing to report the incident promptly to the University. Although there is no timeline for making a report of hazing, the University encourages the prompt reporting of a complaint as the ability of the University to respond to the complaint may be hindered by the passage of time. An individual may report hazing to the University through one or more of the following offices at any time:

### Campus Safety Services

Main Parking Structure, south corner, lower level

Phone: (408) 544-4441

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

### Dean of Students Office

Benson Memorial Center, 205

Phone: (408) 544-4583

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

Website: <https://www.scu.edu/dso/report/>

### Office of Equal Opportunity and Title IX

Loyola Hall (North), Suite 140

425 El Camino Real

Santa Clara, CA 95053

Phone: (408) 551-3043

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

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

Office of the Executive Vice President and Provost

Walsh Administration Building, first floor

Phone: (408) 544-4533

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

Department of Human Resources

Loyola Hall, Suite 100

Phone: (408) 544-4392

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

Any individual may make an anonymous report of hazing. In doing so, the individual may report without disclosing their name, identifying the alleged offender, or requesting any action. The University's ability to respond may be limited, depending on the extent of the information available about the incident or the individuals involved. Anonymous reports can be submitted through [EthicsPoint](#).

Some incidents of hazing may constitute a crime. Reports of hazing also may be directed to law enforcement.

## **Response to Reports**

The Dean of Students Office is responsible for overseeing the response to and investigation of reports of students alleged to have engaged in hazing, in a manner consistent with the policies and procedures set forth in the Student Handbook.

The Department of Human Resources is responsible for overseeing the response to and investigation of reports of staff alleged to have engaged in hazing, in a manner consistent with the policies and procedures applicable to staff.

The Office of the Executive Vice President and Provost is responsible for overseeing the response to and investigation of reports of faculty alleged to have engaged in hazing, in a manner consistent with the policies and procedures applicable to faculty.

In those cases where the alleged conduct may violate the University's policies prohibiting discrimination, harassment, and retaliation, the matter will be referred to the Office of Equal Opportunity and Title IX for response in a manner consistent with those policies.

At a minimum, any investigation into a reported violation of this policy shall include notice to the alleged offender of the facts and circumstances giving rise to the alleged violation; interviews with the complainant, the alleged offender, and any witnesses determined to have information relevant to the allegations; review of any documents and other evidence relevant to the allegations; and a written summary of the outcome of the investigation.

## **Compliance**

Any person or organization found to have engaged in conduct that violates this policy will be subject to appropriate corrective action, up to and including separation from the University. Corrective action, if any, will be initiated in a manner consistent with the policies and procedures that apply to the individual or organization found to have engaged in the conduct.

## **No Retaliation**

The University prohibits retaliation against any person because they have reported known or suspected hazing under this policy or participated as a witness in any investigation in response to a report of hazing under this policy.

## **Clery Act and Annual Security Report**

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the University report the number of incidents of certain crimes that occur within particular geographic regions (the "Clery geography"). Beginning with the 2026 Annual Security Report, the University also must include hazing incidents reported to have occurred within the Clery geography. The first calendar year that will include hazing statistics is 2025. For the purpose of the report, the University will use the Federal Hazing Definition. The Clery Act also requires the University to issue a warning to the community in certain circumstances. In the statistical disclosures and warnings

to the community, the University will ensure that a complainant's name and other identifying information are not disclosed.

## **Campus Hazing Transparency Reports**

Beginning no later than December 23, 2025, the University will publish a Campus Hazing Transparency Report ("Report") on its public website that includes information with respect to hazing incidents where there has been a finding of responsibility against student organizations that are established or recognized by the University. This Report will be updated at least twice per year if there are additional findings of responsibility to document. The Report will not include any personally identifiable information, including any information that would reveal personally identifiable information, about any individual student.

## **California Reporting Requirement**

On or before June 30, 2026, and on or before June 30 each year thereafter, the University will report to the appropriate policy committees of the Legislature the number of hazing incidents that constituted a violation of this policy and whether the violation was affiliated with a student organization. Any such report will comply with all applicable California and federal privacy laws, including but not limited to the Family Educational Rights and Privacy Act. For the purpose of this report, the University will use the California Hazing Definition.

## **Training and Prevention**

The University is committed to educating students, faculty, and staff about this policy prohibiting hazing, healthy alternatives to hazing, and strategies to prevent hazing before it occurs.

The University provides or will provide various programs to prevent hazing, including but not limited to:

- Regular communication to all students, faculty, and staff regarding the University's policy prohibiting hazing.
- Anti-hazing training for all students.

- Ongoing education campaigns, including, e.g., workshops, speaker events, and social media campaigns throughout the academic year to reinforce its anti-hazing policy and to encourage a culture of safety and well-being.
- Targeted training for and other outreach to specific groups, such as athletic teams, club sports teams, and student organizations.

Please visit [scu.edu/hazing](https://scu.edu/hazing) for information about hazing, including how to report, prevention and awareness programming, healthy alternatives to hazing, support options for affected individuals, and more.

## **PROCEDURES FOR REPORTING CRIMES AND OTHER EMERGENCIES**

Santa Clara University (SCU) community members, students, faculty, staff, and guests are encouraged to report all campus crimes and safety-related incidents and emergencies to Campus Safety Services and/or local law enforcement in a timely manner regardless of whether they want to pursue a formal investigation, to assure the University can assess security concerns and inform the SCU community if there is an ongoing threat that warrants a Timely Warning or Emergency Notification. A Campus Safety Services dispatcher is available 24 hours a day, 7 days a week.

### **To Report a Crime or Emergency On Campus**

If immediate danger to life or property exists, call or text 911 for Santa Clara Police, Fire or Medical response. Then call Campus Safety Services at (408) 554-4444 (emergencies), or use one of the [Emergency Blue Phones](#) (see Appendix B), or use the [Rave Guardian App](#) (SCU Bronco Alert companion).

To report a non-emergency security or safety related matter on campus: Contact the Campus Safety Services non-emergency number at (408) 554-4441, or visit the Campus Safety Services Office located on the lower level of the Main Parking Structure.

Incidents that may or may not be crimes may also be reported to Campus Security Authorities (CSAs). Campus Security Authorities report campus crimes and safety related incidents to Campus Safety Services and the Santa Clara Police Department.

### Campus Security Authorities

While the University prefers that community members promptly report all crimes and other emergencies to Campus Safety Services or the Santa Clara Police Department, we recognize that some may prefer to report to other individuals or University offices. Under the Clery Act, a Campus Security Authority is:

1. A campus police department or a campus security department of an institution;
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under part 1 of this definition, such as an individual who is responsible for monitoring entrances into institutional property;
3. Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses;
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

While the following list is not inclusive of all CSAs on campus, it is intended to show the scope and types of positions that fall within the Clery Act’s definition.

TITLE	CONTACT INFORMATION
Vice Provost for Student Life and Dean of Students	(408) 554-5366, Benson Center
Associate Dean of Students	(408) 554-4583, Benson Center
Assistant Deans of Students	(408) 554-4583, Benson Center
Director, Office of Residence Life	(408) 554-4900, Benson Center

Associate Vice Provost for Student Health, Counseling & Wellbeing	(408) 554-4501, Student Health, Counseling & Wellbeing
Director of Athletics	(408) 554-4063, Leavey Center
Assistant Directors of Athletics	(408) 554-4063, Leavey Center
Director, Wellness Center	(408) 554-4409, 852 Market Street
Assistant Directors, Wellness Center	(408) 554-4409, 852 Market Street
Title IX Coordinator	(408) 551-3043, Loyola Hall
Deputy Title IX Coordinator	(405) 551-3043, Loyola Hall

CSAs are required to report Clery Act crimes disclosed to them as soon as reasonably possible. CSAs are to report to Campus Safety Services, the Clery Act Compliance Manager, or the Compliance Associate for statistical purposes, inclusion in the Annual Security and Fire Safety Report, and for the purposes of making timely warning reports. If confidentiality is requested, CSAs may report Clery Act crimes without disclosing identifying information of the parties involved.

### **Campus Pastoral Counselors and Professional Counselors**

Campus [pastoral counselors](#) and [professional counselors](#) are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics.

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

## **Voluntary, Confidential Reporting**

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing out a voluntary, confidential report. Campus Safety Services can file a report on the details of the incident without revealing your identity.

The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to ensure your future safety and the safety of others. With such information, the University can keep an accurate record of the number of incidents involving students, faculty, and staff, as well as determine whether there is a pattern of crime concerning a particular location, method, or assailant, and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University.

## **Anonymous Reporting**

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

If you would like to report a crime or related concern but do not wish to reveal your identity, Santa Clara University offers an anonymous reporting option. EthicsPoint is a website that the University provides for individuals to anonymously and confidentially report activities that may involve illegal, unethical, or other conduct that violates University policy. You may file a report online at [EthicsPoint](#), or by dialing toll-free (888) 552-8060. EthicsPoint does not generate or maintain any internal connection logs with IP addresses.

EthicsPoint makes these reports available only to specific individuals within the University who are charged with evaluating the type of violation and location of the incident. EthicsPoint is checked routinely; however, it should NOT be used for emergency purposes.

EthicsPoint reports are initially shared with the Office of the General Counsel. An anonymous report of alleged discrimination, harassment, sexual misconduct, and/or 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.

## **Medical Amnesty and Good Samaritan Policy**

Santa Clara University encourages students to seek help for themselves or another student, both on and off campus. In situations where a student requests emergency medical assistance for themselves or another student due to the use of alcohol or other drugs, SCU will support this help-seeking behavior through the Medical Amnesty and Good Samaritan policies. Although there is not a limit to the number of times these policies can be utilized, the University may take additional action in cases where repeated violations of the Student Conduct Code occur, regardless of how the incident was reported.

### **Medical Amnesty**

If a student is under the influence and receives emergency medical attention for the use of alcohol or other drugs (“substance use”), the student will not receive disciplinary sanctions related to their substance use; instead, the student will be required to meet with a University staff member to discuss the incident and to attend one or more Wellness Coaching\* sessions. Sanctions may be applied if the student does not complete these requirements.

### **Good Samaritan**

If a student or students seek emergency medical assistance on behalf of another student due to the use of alcohol or other drugs (“substance use”), they will be considered a Good Samaritan and will not receive sanctions related to their own substance use. The Good Samaritan(s) is expected to stay with the person they are calling on behalf of until help arrives and provide relevant information to the responding agencies as requested. The Good Samaritan(s) will be offered the opportunity to attend an optional Wellness Coaching\* session.

In either case, assuming all involved parties cooperate fully with responding agencies, the University will not impose sanctions for violations of the Student Conduct Code directly related to the use or possession of alcohol or other drugs. The University may

impose sanctions if the involved student(s) are found to be in violation of other policies as outlined in the Student Conduct Code such as violence, destruction of property, distribution of substances, or non-compliance. Students also may be responsible for restitution related to damage or cleaning charges resulting from the incident. Additionally, these policies do not exempt individuals from law enforcement or third-party civil actions.

*\*Wellness Coaching is a non-judgmental, supportive, and confidential service offered to students by the Wellness Center. Conversations are centered around reflecting on their experience in the precipitating incident, identifying areas for personal growth, and strategizing for positive behavior change. The details of Wellness Coaching sessions are not shared with other university staff members or administrators.*

## **Timely Warning**

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

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

- Homicide
- Sex Offense (rape, fondling, incest, statutory rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence

- Stalking
- Hate Crime
- Hazing
- Arrest/Referral for Drug/Liquor/Weapons Law Violation

[Full Clery Act Crimes Definitions](#) can be found here or Appendix C.

The intent of a Timely Warning is to enable members of the campus community to protect themselves. A Timely Warning will include information that promotes safety and aids in the prevention of similar crimes. Such information may include:

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

The name(s) of the victim(s) will not be included in the Timely Warning. Information that might identify the victim will also be excluded, where possible. Additional details may be excluded if, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

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

Anyone with information about a Clery Act crime or other serious incidents should report the circumstances to Campus Safety Services at (408) 554-4444 or in person at Campus Safety Services located in the Main Parking Structure. To report a crime or an emergency off campus, dial or text 911.

## Missing Person Notification Policy

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

Reports of missing students or any concern that a student is missing should be immediately directed to representatives of the following:

OFFICE/AGENCY	CONTACT INFORMATION
Campus Safety Services	(408) 554-4441 (24 hours/day, 7 days/week)
Santa Clara Police/Fire Communications	(408) 615-5580
Dean of Students Office	(408) 554-4583
Office of Residence Life	(408) 554-4900

Resident Directors, Assistant Resident Directors, Assistant Area Coordinators, and Community Facilitators may also be contacted directly to report a missing student. Any reports of missing students will be immediately referred to Campus Safety Services and/or local law enforcement.

In support of this policy, students are encouraged on an annual basis to provide the University with the name and contact information of someone for the University to notify in the event the student is determined by Campus Safety Services or the local law enforcement agency to be missing. Students can confidentially provide this contact information through WorkDay. The missing person’s contact information is confidential,

will be accessible only to authorized University officials, and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

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

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

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

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

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

The representatives of the Office of the General Counsel, the Office of Risk Management and Compliance, Campus Safety Services, the Office of Equal Opportunity and Title IX, the Dean of Students Office, and the GTU prepare the Annual Disclosure of Campus Crime Statistics.

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

The Emergency Planning Manager and Compliance Associate from Campus Safety Services maintains the [Daily Crime and Fire Log](#). The combined log is normally updated each business day. It contains all crimes and alleged crimes reported to Campus Safety Services, as well as any fire that occurred in an on-campus student housing facility. This log is available online with hard copies available upon request at the Campus Safety Services Office. Logs are maintained for seven years.

Additionally, the daily Shift Supervisor Report reflects crimes and major incidents that occurred during the previous 24-hour period. This summary is provided to key administrators within the University.

Criminal acts reported to Campus Safety Services or additions to existing entries in the Daily Crime and Fire Log will be entered within two business days unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

# **CAMPUS LAW ENFORCEMENT**

## **Campus Safety Law Enforcement Authority**

Campus Safety Services staff have the authority to ask persons for identification, to determine whether individuals have lawful business at Santa Clara University, and to issue parking tickets on campus. Campus Safety Services officers are not peace officers as defined by Section 830 of the California Penal Code. Campus Safety Services officers cannot make arrests. Criminal incidents are referred to the Santa Clara Police Department who have jurisdiction on the campus. All crime victims and witnesses are strongly encouraged to immediately report all crimes and public safety incidents to Campus Safety Services or local law enforcement in a timely manner. Campus Safety Services takes crime reports for campus crimes and notifies the Santa Clara Police Department for the purpose of investigation and prosecution in

accordance with the memorandum of understanding between the University and the Santa Clara Police Department. The San Jose Police Department may also be contacted for certain incidents that occur in their neighboring jurisdiction.

The memorandum of understanding between the University and the Santa Clara Police Department establishes policy and guidelines on matters of mutual concern regarding law enforcement on the University campus, including the uniform reporting of criminal activity. The memorandum also designates the University's Dean of Students Office and Campus Safety Services as liaisons for all matters involving the Santa Clara Police Department with respect to crime reporting and criminal investigations. All Campus Safety Services reports that involve students are forwarded to the Dean of Students Office for review and potential welfare or disciplinary action by that office. Santa Clara University does not recognize any student organizations with non-campus locations, such as fraternities or sororities.

## **Confidential Resources**

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

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

## **Campus Advocate**

The Assistant Director for Student Survivor Advocacy and Campus Support Services in the Wellness Center is a trained University staff member who provides support, accompaniment, safety planning, and help with accessing resources or information about sexual assault, dating violence, domestic violence, and stalking. The Confidential Survivor Advocate is available for confidential conversations and support to a student during a University investigation and conduct process. The Confidential Survivor

Advocate, Ashleigh Pezzoni, is available by email ([apezsoni@scu.edu](mailto:apezsoni@scu.edu)), phone (408-551-3307), [booking link](#), or stopping by the Wellness Center. Under the Clery Act, the Confidential Survivor Advocate is a CSA and must report Clery crimes to Campus Safety Services for statistical reporting purposes, but may do so without providing any personally identifiable information. The Office of Equal Opportunity and Title IX can also provide assistance to reporting parties and the accused parties (“Respondents”) with identifying a confidential advisor.

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

Santa Clara University maintains a cooperative relationship with local and surrounding police agencies. The Santa Clara Police Department is typically the proper law enforcement agency for any off-campus crime and safety concerns surrounding the Main Campus. Because a small part of our campus sits in San Jose, the San Jose Police Department may be the proper law enforcement agency for certain on- and off-campus crime and safety concerns. Campus Safety Services does not have law enforcement authority off campus. The Santa Clara Police Department has jurisdiction over the majority of the campus and the surrounding property. The Dean of Students Office addresses any potential violations of the Student Conduct Code through the University Student Conduct System.

The Santa Clara Police Department and Campus Safety Services routinely communicate about serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding the Main Campus. Additionally, the San Jose Police Department and Campus Safety Services communicate when necessary regarding serious incidents occurring on the part of campus that sits in San Jose or in the immediate area in San Jose.

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

All University faculty, staff, and in some cases, students, are issued a physical University ACCESS card. Students are issued a mobile credential ACCESS card. Both forms of ACCESS card are used for the purpose of photo identification as a Santa Clara University student, faculty, or staff member.

The ACCESS card is also used to gain entry on an authorized basis to University facilities. Public and commercial access to any campus location must be cleared in advance by the appropriate campus official. The general public may attend events at specified locations on campus. Parking on campus is restricted and controlled 24 hours a day. Permits for parking, including guest permits, are obtained through Campus Safety Services.

Campus Safety Services is in operation 24 hours a day on the University's Main Campus. Campus Safety Services officers regularly patrol the campus and many University-owned properties that are off-campus. Many areas of the campus, both inside and outside select facilities, are monitored by video cameras that are operated by Campus Safety Services. Video surveillance is not a substitute for eyewitness reports of crimes and safety hazards. Community members and guests are encouraged to report any suspicious person or circumstance to Campus Safety Services and/or local law enforcement as soon as possible. It is also important to provide as much information as possible, including a description and current location of the person. Campus Safety Services will respond and confront any suspicious person.

Individuals who live in University housing have secured access to the residence halls or neighborhood units and their rooms through their ACCESS cards. Residence halls and neighborhood units are locked at all times. Guests of residents are welcome in University residence halls and neighborhood units. A guest is defined as any person invited into a residence hall or neighborhood unit by a resident and who is not contracted to live in that residence hall or neighborhood unit. This definition includes SCU students who live in other University housing or who live off-campus. Students must accompany their guests while they are in University housing.

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

# **CRIME AWARENESS AND PREVENTION PROGRAMS**

Santa Clara University's Campus Safety Services provides protection and security services to both the Main Campus and adjoining properties owned by the University. While Campus Safety Services and its personnel are responsible for ensuring that the campus remains as safe as possible, the primary responsibility for crime prevention and personal safety rests with each individual.

As with other universities, property crimes account for the majority of all crimes at Santa Clara University. The most common types of crime at Santa Clara University are theft of unattended property such as book bags, laptop computers, purses and briefcases, and theft or burglary from cars. In an effort to reduce the frequency of crimes, the University offers the following crime awareness and prevention programs.

## **Presentations to New Students and Parents**

On an annual basis, representatives from Campus Safety Services speak to students and parents during Welcome Weekend and other orientation programs. Topics covered are about crime prevention and personal safety tips, as well as descriptions of the services and programs provided by Campus Safety Services.

During Welcome Weekend, all new undergraduate students are required to attend a meeting that covers topics such as personal safety on and off campus, local ordinances, the application of the Student Conduct Code on and off campus, and campus and local resources. In addition to student leaders presenting, representatives from Campus Safety Services, Emergency Medical Services, and the Santa Clara Police Department also address the students to reinforce the messaging of personal accountability for one's safety and the safety of others.

## **Personal Safety Programs**

All new students are required to complete a web-based education and awareness program that addresses alcohol and other drug misuse, hazing, and sexual and interpersonal violence. This program is tailored to the needs of undergraduate and

graduate students. The program is inclusive of information on reporting misconduct and accessing resources.

All new undergraduate students must attend the [Being a Bronco Series](#), a five-part series that helps to transition new students into the Santa Clara University (SCU) community. The Being A Bronco Series is facilitated by staff and students from the [Student Health, Counseling and Wellbeing](#), the [Office of Equal Opportunity and Title IX](#), the [Wellness Center](#), and the [Office for Multicultural Learning](#).

The University provides a companion safety tool to SCU Bronco Alert, the [Guardian App](#). With the Guardian App, students, staff, and faculty can receive important campus notifications, call, communicate with Campus Safety Services, and gain access to safety resources and documents. The app also serves as a virtual escort on and near campus, as well as a safety beacon during emergencies.

## **Wellness Center Programming**

The [Wellness Center](#) utilizes evidence-based initiatives to promote a culture of holistic health that empowers students to make informed decisions and develop self-efficacy in achieving intellectual, spiritual, social, physical, and emotional well-being. The staff in the center, the Director, Assistant Director for Violence Prevention and Programs, Assistant Director for Student Survivor Advocacy and Campus Support, and Assistant Director for Substance Use and Recovery Programs, promote a culture of well-being where students identify and practice lifelong skills that improve their quality of life. The staff oversee three student groups: the [Peer Health Educators](#), the [Violence Prevention Educators](#), and the [Collegiate Recovery Program](#).

The Peer Health Educator (PHE) program is the student-based health promotion and education organization at Santa Clara University, operating out of the Wellness Center. The mission of the PHE program is to provide an effective peer network to encourage, support, and advance healthful living for all SCU students. PHEs are trained to facilitate interactive presentations, discussions, workshops, and health education events.

The Violence Prevention Educator (VPE) program is the student-based sexual assault prevention, education, and bystander awareness organization at Santa Clara University, operating out of the Wellness Center. The mission of the VPE program is to

spread awareness and education about sexual assault and empower the student body to be proactive bystanders.

The Collegiate Recovery Program, the Burnout Broncos, is operated by the Wellness Center. The group provides a safe space and supportive community for students in recovery or seeking recovery from substance use and addiction. Any student who is curious about recovery or what a life without substance use looks like is encouraged to reach out and attend a meeting. Students at any stage of recovery and at any point in their academic journeys are welcome.

### **Residence Life Training Program**

The Office of Equal Opportunity and Title IX, the Dean of Students Office, and the The Wellness Center present training to all members of Residence Life (professional and student staff) on the topics of sexual assault, dating violence, domestic violence, stalking, and bystander intervention. The training includes information about what constitutes consent, types of sexual and interpersonal violence, reporting, campus and local resources, compliance expectations, and the recovery curve of a survivor of sexual violence. Campus Safety Services provides annual training for the Residence Life staff. The training provides participants with the knowledge and tools necessary for them to conduct their own basic crime prevention discussions in their Residence Halls.

### **Safety Escorts**

Uniformed Campus Safety Services staff provide escorts between campus parking areas and campus buildings to members of the campus community. To request an escort, call Campus Safety Services at (408) 554-4441, or activate the nearest Emergency Blue Phone in the event of an emergency. Escorts may be provided by vehicle or on foot, as available. Members of the campus community may also utilize the Rave Guardian App to conduct a virtual escort within the app.

### **Narcan Distribution On Campus**

In response to the Campus Opioid Safety Act passed by the California Department of Public Health that went into effect at the beginning of 2023, Santa Clara University became one of the first universities in the state of California to offer free Narcan

(naloxone) via vending machine in the Benson Memorial Center and the the Learning Commons.

## **Campus Safety Services Website**

As an extension of the crime prevention and community education efforts, Campus Safety Services maintains a website that provides valuable crime prevention information and links to other internal and external resources.

## **Emergency Planning Website**

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

## **Newsletter**

As part of the University's efforts to educate the community on important safety, emergency response, preparedness, and other resources, Campus Safety Services through the Emergency Planning Department, publishes a bi-monthly newsletter to the campus community via email, called *CSS in Five*. This brief email communication is meant to be read in five minutes or less, providing regular reminders and tips related to remaining safe in an easily digestible format.

# **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

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

The Emergency Planning Manager is responsible for the University's emergency mass notification system, [SCU Bronco Alert](#). SCU Bronco Alert is activated as needed for significant emergencies, dangerous situations, or other conditions that present an imminent risk or immediate threat to the health and safety of students, faculty, staff, or visitors to the campus. SCU Bronco Alert may also be activated for conditions that

present an imminent risk to University property or the environment, or as required by the Higher Education Act, state law, or other applicable procedure.

All active students, staff, and faculty are automatically enrolled in SCU Bronco Alert. The University encourages each member of the campus community to review the accuracy of their contact information through their Workday portal. Parents and guardians of students are encouraged to enroll in SCU Bronco Alert via SMS text. Guests of the University are also encouraged to subscribe to SCU Bronco Alert while they are on campus via SMS text. See the [SCU Bronco Alert](#) webpage for details.

SCU Bronco Alerts can be issued to the community via SMS text message, the Guardian App, the Emergency Blue Phone speaker, the SCU website, voice calls, email, and in certain situations, the campus television screens.

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

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

- Campus Safety Services;
- City and County of Santa Clara 9-1-1 Communications Center;
- SCU University Operations (Facilities, Utilities, etc.);
- Other SCU-affiliated personnel;
- SCU Blue Light Phones and affiliated smartphone applications;
- City of Santa Clara Fire and Police Departments, and allied public safety agencies;

- Members of the community/general public through telephone and other communication systems, including social networking; and/or
- Media reports originating from the incident scene (television, radio, etc.).

The University shall attempt to notify the campus community as soon as possible through advisories, Timely Warnings, and/or Emergency Notifications as required under statute or other mandate. The University, will without delay and taking into account the safety of the community determine the content of the notification and initiate the notification system, SCU Bronco Alert, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The University will develop and maintain appropriate overlapping and redundant notification systems and provide the necessary resources to adequately ensure campus mass notification systems are fully operational. We require our staff to follow our emergency alert procedures, as mandated by the Clery Act and The Higher Education Opportunity Act (HEOA).

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

- Attempt confirmation of a significant emergency or dangerous situation;
- Determine the content of the notification; and
- Initiate the notification system based on confirmation of facts or the circumstances of the incident using only trained and experienced emergency notification personnel.

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

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

- Vice Provost for Student Life
- Campus Safety Services Director & Assistant Director
- Emergency Planning Manager
- Campus Safety Services Supervisory Staff

## **Notifying the Campus Community**

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

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

## **Emergency Response and Evacuation Tests**

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

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

SCU Bronco Alert activation response status to ensure redundancy of personnel needed to activate campus warning systems.

## **ALCOHOL AND OTHER DRUG USE**

The use of alcohol and other drugs can have a negative impact on the Santa Clara University campus community. In an ongoing effort to educate, call our community to action, help those in need, and comply with Part 86 of the Drug-Free School and Campuses, the following policies are in place regarding the use of illicit drugs and alcohol.

This section is included in compliance with both the Drug-Free School and Campuses Act Regulations requirement to distribute an annual writing to the campus community, and the Clery Act requirement to include specific statements of policy and description of educational programming.

The University asks for the entire campus community's compliance with all alcohol and other drug policies and encourages active participation in fostering a responsible, safe, and caring community.

### **Drug-Free Policies**

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

The unlawful presence of any controlled substance or alcohol in the workplace and campus itself is prohibited. The workplace and campus are presumed to include all Santa Clara University premises where the activities of the University are conducted. Violations will result in disciplinary action up to, and including termination of employment for faculty and staff or expulsion of students. A disciplinary action may

also include the completion of an appropriate rehabilitation program. Violations may also be referred to the appropriate authorities for prosecution.

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 Dean of Students Office, Equal Opportunity & Title IX, and the Department of Human Resources. Contact the Dean of Students Office for a complete copy of the program.

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.

### **Drug-Free Workplace Policy**

Santa Clara University has a standard of conduct that prohibits the unlawful use, possession, or distribution of illicit drugs and/or alcohol by students and employees on Santa Clara University property or as a part of Santa Clara University activities. The University will impose disciplinary sanctions on students and employees ranging from educational and rehabilitation efforts up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct. Student employees should also contact the Student Employment Office at 408-551-3000 ext. 6444 for more information.

The following policy applies to all Santa Clara University employees pursuant to Policy 703 of the Staff Policy Manual, Section 3.6.10 of the Faculty Handbook, and Section 501 of the Student Employment Policy and Procedures Manual.

It is the goal of Santa Clara University to maintain a drug-free workplace. To that end, and in compliance with the Drug Free Workplace Act of 1988 (Public Laws 100-440 and 100-690), the University has adopted the following policies:

Unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited in the workplace.

Employees who violate this prohibition are subject to corrective or disciplinary action as deemed appropriate, up to and including termination.

The Human Resources Department makes available information about drug counseling and treatment.

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

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

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

### **Student Handbook: Alcoholic Beverage Policy**

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

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

tolerate disregard for the law, or behaviors and practices that counter the education of the whole person, compromise rigorous and imaginative scholarship, inhibit moral and spiritual development, and constrain the University's fundamental values.

Consequently, the University does not condone underage drinking and considers intoxication, disorderliness, or offensive behavior deriving from the use of alcoholic beverages to be unacceptable, regardless of a person's age, or on-campus or off-campus status.

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

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

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

## **Student Handbook: Alcohol and Controlled Substances Policies within University Housing**

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

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

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

Students 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.

Students are responsible for the actions of their guests (both SCU and non-affiliate) and will be held accountable for any violations of University standards, policies, or procedures by a guest.

### **Student Handbook: 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. University-affiliated student organizations 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 prior to and during the event. The event manager and the manager of the facility or his/her 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, 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".

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

1. It is a misdemeanor to sell, furnish, or give alcoholic beverages to a person under the age of 21 ((BPC) § 25658).
2. It is a misdemeanor for a person under the age of 21 to purchase or possess alcoholic beverages (BPC § 25662).
3. It is a misdemeanor to sell alcohol without a valid liquor license or permit (BPC § 23300)
4. It is a crime for any person to drink while driving (CVC § 23221), to have an open container of alcohol in a moving vehicle (CVC § 23222), or to drive under the influence of alcohol (CVC § 23152(b)).
5. It is a misdemeanor to be intoxicated in a public place if in a condition that makes an individual unable to care for their own safety, the safety of others, or interferes with the free use of a street, sidewalk, or other public way (CPC § 647(f)).
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.

## Select California Laws on Drugs

Under California law, first offenses involving the sale or possession for sale of amphetamines, barbiturates, codeine, cocaine, Demerol, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote, Quaalude, and psilocybin, are felonies carrying prison terms of seven years or more.

Penalties are more severe for offenses involving the manufacture or distribution of illegal drugs by convicted felons or for distribution within 1,000 feet of a school or university, within 100 feet of a recreational facility, to anyone under age of 18 by anyone over 18, or to a pregnant woman. Personal property may be seized if it contains drugs or was used in a drug transaction. The illegal possession of most of the above-mentioned drugs is also a felony. Some may be felonies or misdemeanors

depending upon substance quantities. Penalties for possession carry maximum prison sentences of up to seven years.

California Health and Safety Code 11357 states the following regarding the possession of marijuana (cannabis).

Except as authorized by law, possession of not more than 28.5 grams of cannabis, or not more than eight grams of concentrated cannabis, or both, shall be punished or adjudicated as follows:

1. Persons under 18 years of age are guilty of an infraction and shall be required to
  - a. Upon a finding that a first offense has been committed, complete four hours of drug education or counseling and up to 10 hours of community service over a period not to exceed 60 days.
  - b. Upon a finding that a second offense or subsequent offense has been committed, complete six hours of drug education or counseling and up to 20 hours of community service over a period not to exceed 90 days.
2. Persons at least 18 years of age but less than 21 years of age are guilty of an infraction and punishable by a fine of not more than one hundred dollars (\$100).

Except as authorized by law, possession of more than 28.5 grams of cannabis, or more than eight grams of concentrated cannabis, shall be punished as follows:

1. Persons under 18 years of age who possess more than 28.5 grams of cannabis or more than eight grams of concentrated cannabis, or both, are guilty of an infraction and shall be required to:
  - a. Upon a finding that a first offense has been committed, complete eight hours of drug education or counseling and up to 40 hours of community service over a period not to exceed 90 days.
  - b. Upon a finding that a second or subsequent offense has been committed, complete 10 hours of drug education or counseling and up to 60 hours of community service over a period not to exceed 120 days.
2. Persons 18 years of age or older who possess more than 28.5 grams of cannabis, or more than eight grams of concentrated cannabis, or both, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both that fine and imprisonment.

Except as authorized by law, a person 18 years of age or older who possesses not more than 28.5 grams of cannabis, or not more than eight grams of concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 to 12, inclusive, during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished as follows:

1. A fine of not more than two hundred fifty dollars (\$250), upon a finding that a first offense has been committed.
2. A fine of not more than five hundred dollars (\$500), or by imprisonment in a county jail for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.

Except as authorized by law, a person under 18 years of age who possesses not more than 28.5 grams of cannabis, or not more than eight grams of concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 to 12, inclusive, during hours the school is open for classes or school-related programs is guilty of an infraction and shall be punished in the same manner provided in paragraph (1) of subdivision (b).

California Health and Safety Code 11359 states the following regarding the possession of marijuana (cannabis):

Every person who possesses for sale any cannabis, except as otherwise provided by law, shall be punished as follows:

1. Every person under the age of 18 who possesses cannabis for sale shall be punished in the same manner provided in paragraph (1) of subdivision (b) of Section 11357.
2. Every person 18 years of age or over who possesses cannabis for sale shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.
3. Notwithstanding subdivision (b), a person 18 years of age or over who possesses cannabis for sale may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code if:

- a. The person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code;
- b. The person has two or more prior convictions under subdivision (b); or
- c. The offense occurred in connection with the knowing sale or attempted sale of cannabis to a person under the age of 18 years.

Notwithstanding subdivision (b), a person 21 years of age or over who possesses cannabis for sale may be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code if the offense involves knowingly hiring, employing, or using a person 20 years of age or younger in unlawfully cultivating, transporting, carrying, selling, offering to sell, giving away, preparing for sale, or peddling any cannabis.

There are additional limitations to smoking and possessing marijuana even if a person is over 21. The limitations include (but are not limited to) smoking or ingesting cannabis in public, (except in accordance with § 26200 of the Business & Professions Code), smoking/ingesting while operating a vehicle, and possessing an open container while operating or riding as a passenger in a vehicle.

## Select Federal Laws on Drugs

### Possession of Illicit Drugs

1. Federal laws prohibit illegal possession of controlled substances.
2. First offense: Prison sentences up to one year and up to \$100,000.
3. Second offense: Prison sentences up to two years and fines up to \$250,000.
4. Special sentencing provisions apply for possession of crack cocaine, including imprisonment of five to twenty years and fines up to \$250,000 for first offenses, depending upon the quantity of crack possessed.

### Trafficking of Illicit Drugs

1. Under federal law, the manufacture, sale or distribution of all Schedule I and II illicit drugs (e.g., cocaine, methamphetamines, heroin, PCP, LSD, Fentanyl, and all mixtures containing such substances) is a felony. First offense: Prison

sentences of five years to life (20 years to life if death or serious injury is involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals).

2. Federal law prohibits trafficking in marijuana, hashish, and mixtures containing such substances.
  - a. First offense: Maximum penalties range from five years to life (20 years to life if death or serious injury is involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals). Penalties vary depending upon the quantity of drugs involved.
  - b. Second offense: Penalties range from 10 years to life (not less than life if death or serious injury is involved), and fines up to \$8 million for individuals (\$20 million for other than individuals).
3. The illegal trafficking of medically useful drugs (e.g., prescription and over-the-counter drugs) is illegal.
  - a. First offense: Prison sentence of up to five years.
  - b. Second offense: Prison sentence of up to 10 years.

## 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.

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated tobacco product, as well as smoking substances that are not tobacco, and operating electronic smoking devices and other smoking instruments.

Tobacco Product means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, hookahs, electronic smoking devices, and all forms of smokeless tobacco.

Tobacco-Related means the use of tobacco brand or corporate name, trademarks, logo, symbol, motto, or selling message that is identifiable with those used for any brand of tobacco products or company which manufactures tobacco products.

General Rules:

- Smoking is prohibited.
- The use of tobacco products is prohibited.
- The sale and advertising of tobacco products and tobacco-related products are prohibited.

Signs shall be conspicuously posted on campus.

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 or concerns regarding this policy can be answered by Campus Safety Services, the Dean of Students Office, or the Department of Human Resources.

## **Student Conduct Code**

The following acts may subject students to disciplinary action:

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

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.

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.

Please see the [Student Handbook](#) for additional information.

## **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 Alcoholic Beverage Policy, and Alcohol and Other Controlled Substances 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 Student Health, Counseling, and Well-Being 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 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 (In the Handbook)
A	Any behavior that is deemed as having low impact to self, others, and property. Low impact refers to situations in which a student is in the presence of prohibited activities (such as activities involving alcohol, 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.

## 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 bongs, or other equipment for the sole use of consuming alcohol. Excessive possession of alcohol is prohibited on campus premises and in campus-owned facilities, including but not limited to residential facilities.

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

- *Standard drinks* are defined as one 12-ounce beer, one 8-ounce serving of malt liquor, one 5-ounce glass of wine, or one 1.5-ounce shot of distilled spirits.
- *Moderate drinking* is defined as no more than 1 drink per day for women (not to exceed 7 drinks in a week) and no more than 2 drinks per day for men (1 drink per hour and not to exceed 14 drinks in a week).
- *Excessive drinking* includes binge drinking, heavy drinking, any drinking by people younger than age 21, and drinking by anyone who is currently taking prescription or over-the-counter medications.

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

**Nature of Consumption (Drinking Games)**

Santa Clara University prohibits drinking practices, including drinking games, that encourage participants to consume alcohol or promote intoxication, and any paraphernalia that supports such activity.

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

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

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

*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: Possession and 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

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

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

*\*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 Dean of Students Office 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**

The Dean of Students Office maintains a hard copy file and a digital record of a student's conduct history. Conduct records are educational records, and are thereby subject to the Family Educational Rights and Privacy Act (FERPA) and the University's Student 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 "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 from the hard copy file 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. The digital copy of the conduct record will only be released to an external person or party where the University is required to do so by law.

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 "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 from the hard copy file 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. The digital copy of the conduct record will only be released to an external person or party where the University is required to do so by law.

## **Parental Notification Policy**

The University supports students assuming personal responsibility and accountability for their actions as they learn to establish their independence. The University also recognizes that the process of establishing personal independence requires support and, at times, assistance or intervention. In the appropriate circumstances, notification of parents or legal guardians about an alcohol or controlled substance violation can be a means of support in that transition. Consistent with this approach, the Dean of

Students or designee—whenever possible—will involve the student in a discussion about notifying their parents or legal guardian and will inform the student that notification will take place.

The Dean of Students is responsible for determining if and by what means parents or legal guardians will be notified when students under the age of 21 are found to have committed serious or repeated violations of federal, state, or local laws, or of University policies related to the possession, use, or distribution of alcohol or a controlled substance. The Dean of Students may assign the notification of parents or legal guardians to other University officials.

Notification of parents or legal guardians is applicable for violations of federal, state, or local laws, or for violations of any institutional policy regarding alcohol or controlled substances if these violations are also violations of the Student Conduct Code.

Notification may also occur in any of the following circumstances:

- The violation involved harm or threat of harm to self, other persons, or property
- The violation involved an arrest in which the student was taken into custody
- The violation suggests a pattern of alcohol or controlled substance abuse
- The student who committed the violation required medical intervention or transport as a result of consumption of alcohol or a controlled substance
- The violation resulted in, or could result in the student being disciplined by the University including, but not limited to, the minimum disciplinary sanctions for alcohol and other drug violations, housing contract probation, housing contract cancellation, disciplinary probation, deferred suspension, suspension, or expulsion.

Nothing in these proposed guidelines shall prevent University officials from notifying parents or legal guardians of health or safety emergencies, regardless of the disciplinary status of the student or their age.

## Health Risks Associated with Alcohol Abuse, Illicit Drug Use, and Commonly-Abused Substances

Substance	Nickname / Slang	Short Term Effects	Long Term Effects
Alcohol	Booze	Slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing, vomiting, breathing difficulties, unconsciousness, coma, blackouts	Toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, sexual problems, cancer, physical dependence
Amphetamines	Uppers, speed, meth, crack, crystal, ice, pep pills	Increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	Delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence
Barbiturates and Tranquilizers	Barbs, bluebirds, blues, yellow jackets, red devils, roofies, rohypnol, ruffies, tranqs, mickey, flying v's	Slurred speech, muscle relaxation, dizziness, decreased motor control	Severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence
Cocaine	Coke, cracks, snow, powder, blow, rock	Loss of appetite, increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation, anxiety, paranoia, increased hostility, increased rate of breathing, muscle spasms and convulsions, dilated pupils, disturbed sleep	Depression, weight loss, high blood pressure, seizure, heart attack, stroke, hallucinations, psychosis, chronic cough, nasal passage injury, kidney/liver/lung damage

Gamma Hydroxy Butyrate	GHB, liquid B, liquid X, liquid ecstasy, G, Georgia homeboy, grievous bodily harm	Euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure	Depression, severe withdrawal symptoms, physical dependence, psychological dependence
Heroin	H, junk, smack, horse, skag	Euphoria, flushing of the skin, dry mouth, "heavy" arms and legs, slowed breathing, muscular weakness	Constipation, loss of appetite, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence
Inhalants	Solvents (paint thinners, gasoline, glues); gases (butane, propane, aerosol propellants, nitrous oxide); nitrites (isoamyl, isobutyl, cyclohexyl): laughing gas, poppers, snappers, whippets	Cramps, muscle weakness, loss of inhibition, headache, nausea or vomiting, slurred speech, loss of motor coordination, wheezing	Depression, memory impairment, damage to cardiovascular and nervous systems, unconsciousness, sudden death
Ketamine	K, super K, special K	Dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression	Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity, increased confusion, increased depression, physical dependence, psychological dependence

LSD	Acid, stamps, dots, blotter, A-bombs	Dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes	May intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence
MDMA (methylenedioxy-methamphetamin)	Ecstasy, XTC, adam, X rolls, pills	Impaired judgment, confusion, blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension	Same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss, kidney failure, cardiovascular problems, convulsions, death, physical dependence, psychological dependence
Marijuana / Cannabis	Pot, grass, dope, weed, joint, bud, reefer, doobie, roach	Sensory distortion, poor coordination of movement, slowed reaction time, panic, anxiety	Bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some
Mescaline	Peyote cactus	Nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature	Lasting physical and mental trauma, intensified existing psychosis, psychological dependence
Morphine / Opiates	M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	Euphoria, increased body temperature, dry mouth, "heavy" feeling in arms and legs	Constipation, loss of appetite, collapsed veins, heart infections, liver disease,

			depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence
Steroids, Anabolic	Roids, juice, gym candy, pumpers	Increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure	Cholesterol imbalance, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence

## Drug and Alcohol Programs

The Wellness Center facilitates and supports the University's Collegiate Recovery Program, the Burnout Broncos. The mission of the Burnout Broncos is to provide a supportive community where students in recovery, and those in hope of recovery, can achieve academic success while participating in a unique college experience free from addiction to alcohol and other substances. Additionally, the Wellness Center facilitates One Night at a Time (ONAAT), which is a 12-step group that anyone is able to attend, including people who do not identify as alcoholics, but are curious about 12-step meetings or wish to come to support a friend.

Faculty or staff members who are concerned about substance use, abuse, and rehabilitation are strongly encouraged to contact their physicians, health plan, the Employee Assistance Program, currently offered through Concern ([concernhealth.com](http://concernhealth.com),

1-800-344-4222, Employee Code: scueap), or the Department of Human Resources, which can refer them to appropriate resources (community or private agencies) that provide complete, confidential substance abuse counseling. The clinical support services provided by Concern are inclusive of alcohol and other drug dependency. Many health insurance plans provide coverage for substance abuse programs to address substance abuse and rehabilitation, as well. Successful completion of an appropriate rehabilitation program, including participation in aftercare, may be considered as evidence of eligibility for continued or future employment.

For additional information and resources (both on and off campus), please visit the [Student Health, Counseling, and Well-Being website](#).

## **Community Resources**

Find alcohol and drug rehab centers in Santa Clara [here](#).

### [Sober \(formerly Alcoholics Anonymous\)](#)

(408) 374-8511  
274 E. Hamilton Avenue  
Campbell, CA 95008

### [Al-Anon and Alateen Information](#)

(408) 379-1051 for family and friends of alcoholics

### [Narcotics Anonymous](#)

(408) 998-4200  
Greater San Jose Area Service Committee of Narcotics Anonymous  
P.O. Box 59114  
San Jose, CA 95159

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

# GENDER-BASED MISCONDUCT AND SEXUAL VIOLENCE

Sexual assault, dating violence, domestic violence, and stalking are forms of sexual harassment and are prohibited under applicable law and by Santa Clara University. The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of California regard sexual harassment as an unlawful discriminatory practice. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the University community on the basis of sex is in violation of the [Policy on Sex-Based Discrimination, Harassment, and Retaliation](#) (the "Policy"). Information included below is derived from the Policy. For a complete copy of the Policy or more information, please visit the [Office of Equal Opportunity and Title IX](#) website or contact the Director of Equal Opportunity and Title IX.

Effective August 14, 2020, the United States Department of Education ("ED") promulgated regulations under Title IX (the "2020 Title IX Regulations") that require specific procedures to be followed for a narrow set of forms of sexual harassment, including certain incidents of sexual assault, dating violence, domestic violence, and stalking. Sex-based harassment that is not covered by the 2020 Title IX Regulations also is Prohibited Conduct under the Policy and subject to the Policy's resolution procedures.

**The Office of Equal Opportunity and Title IX monitors and oversees the University's compliance with Title IX, equal opportunity, and applicable state and federal civil rights laws, and oversees the coordination of education and training activities, and the response, investigation, and resolution of conduct alleged to violate the Policy. The Director for the Office of Equal Opportunity and Title IX serves as the University's Title IX Coordinator.**

The University encourages individuals who believe they may have been impacted by sexual harassment or other sexual misconduct to speak with someone whom they trust and think can help. Santa Clara University has a comprehensive listing of resources provides an overview of [resources and options](#) available to help prevent and respond

to sexual harassment and other sexual misconduct. Information is also available to students and employees about counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and other services that are available to victims both on campus and in the community.

## **Santa Clara University Response to Sexual Misconduct**

Sexual misconduct is an umbrella term that includes sex/gender-based discrimination, sexual harassment, sexual assault, domestic violence, dating violence, and stalking when such behaviors are perpetrated because of one's sex/gender. Sex and gender-based discrimination and sexual misconduct can occur between people of different sex or gender or of the same sex or gender. All forms of sexual misconduct are prohibited by the University, and are referred to as "Prohibited Conduct."

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

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

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

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

The University strongly encourages those who believe they have been subjected to or witnessed Prohibited Conduct to report such acts promptly to the University. The University also strongly encourages those who have experienced physical assault or violence, including sexual assault, to understand their options and rights to seek assistance from a medical provider and report the assault to local law enforcement as

soon as possible after the incident, in order to preserve evidence and begin a timely investigative and remedial response. While there is no timeline for making a report of Prohibited Conduct, the University encourages the prompt reporting of a complaint as the ability of the University to respond to the complaint may be hindered by the passage of time.

## **Important Information If You Are a Victim of Sexual Violence**

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

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, dial or text 911 or contact Campus Safety Services at (408) 554-4444.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to CAPS for counseling services, as well as the Wellness Center to request an advocate through the Dean of Students Office for support and guidance. These are both confidential resources. After regular business hours, or in any situation you wish, local resources are also available and may be able to provide confidential assistance through the YWCA Golden Gate Silicon Valley.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Santa Clara Valley Medical Center will arrange for a specific medical examination (SART Exam) at no charge. The Sexual Assault Response Team (SART) provides free medical and forensic response to victims of sexual assault, 12 years and older, who come into the Emergency Department, 24 hours a day. An exam typically takes about three hours. The victim can also receive free STI testing, free antibiotic medications to prevent STDs and emergency contraception, as well as referral to other campus resources that may be of benefit.

5. Preserve evidence following an incident of sexual assault, dating violence, domestic violence, or stalking by doing the following to aid in the possibility of a successful criminal prosecution or obtaining a protective order:
  - a. In cases of sexual assault, avoid washing, douching, using the toilet, or changing clothing prior to a medical exam.
  - b. Any clothing removed should be placed in a paper bag.
  - c. Evidence of violence, such as bruising or other visible injuries, should be documented, including through photographic evidence.
  - d. Evidence of stalking, including any communication such as written notes, voice mails, social media postings, or other electronic communications, should be saved and not altered in any way.
6. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination.
7. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
8. Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain a protective order, or to offer proof of a campus policy violation.
9. Try to memorize details (e.g., physical description, names, license plate number, car description, etc.) until you can write notes to remind you of details, if you have time and the ability to do so.

10. If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Safety Services so that those orders can be observed on campus.
11. Even after the immediate crisis has passed, consider seeking support from counseling services, the University's victim's advocate program, from members of the clergy and/or the YWCA Golden Gate Silicon Valley Rape Crisis Center.
12. Contact the Director of Equal Opportunity and Title IX if you need assistance or have concerns. The University may be able to offer you reasonable academic support, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other support and resources as needed.

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

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

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

## Reporting Options

Anyone may make a report of Prohibited Conduct. The University strongly encourages those who believe they have been subjected to or witnessed Prohibited Conduct to report such acts promptly to the University. The University also strongly encourages those who have experienced physical assault or violence, including sexual assault, to understand their options and rights to seek assistance from a medical provider and report the assault to local law enforcement as soon as possible after the incident, in order to preserve evidence and begin a timely investigative and remedial response.

While there is no timeline for making a report of Prohibited Conduct, the University encourages the prompt reporting of a complaint as the ability of the University to respond to the complaint may be hindered by the passage of time.

An individual may report Prohibited Conduct pursuant to one or more of the following reporting options at any time. The reporting options set forth below are not mutually exclusive.

### Reporting to Law Enforcement

Any individual who has experienced physical assault or violence, including sexual assault, or other criminal conduct, has the right to make a report to law enforcement and the right to decline to make a report to law enforcement (“Complainant”). The decision not to make a report to law enforcement shall not be considered as evidence in a determination as to whether or not there was a violation of the Policy. The Complainant may be assisted by Campus Safety in notifying law enforcement if the Complainant so chooses.

Proceedings under the Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings. However, when a complaint is made to the University as well as to law enforcement, and in response to a request from law enforcement, the University may temporarily delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal proceedings apply a higher standard of proof than the standard of proof applied in the Policy. Criminal or civil legal proceedings are separate from the processes in the Policy and do not determine whether the Policy has been violated.

The University operates under a Memorandum of Understanding with the Santa Clara Police Department. The Memorandum of Understanding establishes standards on matters of mutual concern regarding law enforcement on the University campus, including the uniform reporting of criminal activity. Pursuant to the Memorandum of Understanding, the University may be required to report certain Prohibited Conduct that could also be a crime. Consistent with the requirements of the California Education Code, reports of sexual assault will be made without identifying the Complainant or the Respondent unless the Complainant consents to being identified, unless the Respondent represents a serious or ongoing threat to the safety of students, employees, or the University, or the immediate assistance of local law enforcement is necessary to contact or detain the Respondent.

### **Reporting in the Event of an Emergency**

In the event of an emergency, where the physical well-being of a member of the University community or the safety of the University as an institution is threatened, any individual with such knowledge should promptly inform Campus Safety Services. The University may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the safety and well-being of the University community.

### **Reporting to the University**

All complaints of Prohibited Conduct will be taken seriously and in good faith. The Office of Equal Opportunity and Title IX can provide information and guidance regarding how to make a report to the University and/or file a complaint with local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

The University strongly encourages all individuals to report Prohibited Conduct to the Office of Equal Opportunity and Title IX, whose contact information is:

Office of Equal Opportunity and Title IX  
Santa Clara University  
Loyola Hall (North), Suite 140  
425 El Camino Real  
Santa Clara, CA 95050  
Phone: (408) 551-3043

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

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

To submit a complaint to the Office of Equal Opportunity and Title IX, you may complete [this form](#).

Individuals may also report Prohibited Conduct to any of the following offices, which will forward any reports of Prohibited Conduct and any information received in connection with the report to the Office of Equal Opportunity and Title IX:

Campus Safety Services

Main Parking Structure, south corner, lower level

Phone: (408) 544-4441

[campussafety@scu.edu](mailto:campussafety@scu.edu)

Dean of Students Office

Benson Memorial Center, 205

Phone: (408) 544-4583

[dso@scu.edu](mailto:dso@scu.edu)

Office of the Executive Vice President and Provost

Walsh Administration Building, first floor

Phone: (408) 544-4533

[provost@scu.edu](mailto:provost@scu.edu)

Department of Human Resources

Loyola Hall, Suite 100

Phone: (408) 544-4392

[hrrservicedesk@scu.edu](mailto:hrrservicedesk@scu.edu)

Reports to the University of potential violations of the Policy will be kept private to the extent possible for the University to respond to the report, but reports made to the University, other than reports made to Confidential Employees, are not confidential.

## **Medical Amnesty or Good Samaritan Protections**

To encourage students to offer help and assistance to others in need, a student making a report of Prohibited Conduct or serving as a witness may be eligible for Medical Amnesty or Good Samaritan protections (as defined in the Student Handbook) for certain violations of the Student Handbook that occurred on or around the same time as the incident or that was in connection with the incident.

## **Anonymous Reporting**

Any individual may make an anonymous report of Prohibited Conduct under this Policy. In doing so, the individual may make the report without disclosing their name, identifying the Respondent, or requesting any action. The University's ability to respond may be limited, depending on the extent of the information available about the incident or the individuals involved. Anonymous reports can be submitted through [EthicsPoint](#).

## **Reporting to External Agencies**

In addition to reporting to law enforcement or the University, employees and students should be aware of the following external governmental agencies that investigate and prosecute complaints of prohibited discrimination and harassment:

United States Department of Education  
Office for Civil Rights, San Francisco Office  
50 United Nations Plaza  
Mail Box 1200, Room 1545  
San Francisco, CA 94102  
Phone: (415) 486-5555  
E-mail: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

California Civil Rights Department  
2218 Kausen Dr., Suite 100  
Elk Grove, CA 95758  
Phone: (800) 884-1684  
E-mail: [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

Equal Opportunity Employment Commission  
San Francisco District Office  
459 Golden Gate Avenue  
5 West, P.O. Box 36025  
San Francisco, CA 94102-3661  
Phone: (800) 669-4000  
E-mail: snfgov@eeoc.gov

California Bureau for Private Postsecondary Education  
1747 North Market Blvd., Suite 225  
Sacramento, CA 95834  
Phone: (916) 574-8900

## **Employee Responsibility to Report**

### **Required Referrals by Employees**

The University believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of Prohibited Conduct. All employees, with the exception of Confidential Employees, are required to promptly refer all complaints or reports of Prohibited Conduct to the Director and to share all information reported or made available to the employee. If an employee in a supervisory capacity has direct knowledge of an incident of Prohibited Conduct on the part of, or directed toward, any employee of the University community, that supervisor is required to bring the matter to the attention of the Director, even if the supervisor has not received a complaint or report about the incident.

The University also encourages employees who themselves experience Prohibited Conduct to bring their concerns to the Director, though they are not required to do so.

Failure to make a required referral may be referred to Human Resources or the Office of the Provost for appropriate action.

## **Reports Involving Suspected Child Abuse and Neglect or Medical Treatment for Physical Conditions Relating to Assault or Abuse**

The University complies with the California Child Abuse and Neglect Reporting Act (CANRA), which addresses the mandatory reporting of known or suspected child abuse or neglect and identifies roles that are considered mandated reporters under the law. Mandated reporters are responsible for reporting incidents to the local child protection services agency. In addition, all employees and volunteers (regardless of mandated reporter status under the law) are required to report any known or suspected child abuse or neglect that occurs on campus, in any off-campus University building or property, or in connection with any University-related program or activity. The report should be made to Campus Safety Services or the Office of Equal Opportunity and Title IX. For more information, please see the University's Policy on Reporting Child Abuse and Neglect.

In addition, licensed health care providers in the State of California who provide services in a health facility, clinic, or physician's office are required to make a report to local law enforcement if they provide medical treatment for a physical condition to a patient whom they know or reasonably suspect is the victim of assaultive or abusive conduct or a firearm injury.

### **Campus Security Authorities**

Some employees, because of their role at the University, also are considered Campus Security Authorities under the Clery Act and, as a result, have a duty to report sexual assault, dating violence, domestic violence, stalking, and other Clery Act-defined crimes. Such reports should be made to Campus Safety Services.

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that the University report the number of incidents of certain crimes, including some of the Prohibited Conduct in this Policy, that occur in particular campus-related locations. The Clery Act also requires the University to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, Campus Safety Services will ensure that a Complainant's name and other identifying information is not disclosed. Campus Safety Services will refer information to the Clery compliance

officer when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

## **Obtaining Assistance and Support**

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

## **On-Campus Confidential Employees and Off-Campus Confidential Resources**

The University encourages individuals who are considering whether to report or who otherwise are impacted by an incident to seek the support of on-campus Confidential Employees or off-campus confidential resources. These trained confidential professionals can provide guidance in making decisions, provide information about available resources and procedural options, and assist in the event that a report under this Policy is made. These resources are available to either party without regard to when or where the incident occurred.

Confidential Employees are those University employees whose communications are privileged under state or federal law, and generally include those who provide medical or clinical care services, mental health providers, counselors, certain victim advocates, and ordained clergy. For more information about on-campus Confidential Employees and off-campus confidential resources, please visit the Office of Equal Opportunity and Title IX's [resources webpage](#).

While Confidential Employees are not required to refer reports under the Policy, they may be required to make certain mandated reports under applicable state or federal law to the local child protection services agency and/or to local law enforcement.

## Resources for Students, Faculty, and Staff

The Office of Equal Opportunity and Title IX's [resources webpage](#) provides information and a comprehensive listing of resources available to students, including confidential and non-confidential on-campus resources, counseling services, community-based resources, and web resources. The University has created "safe havens" for those students who want to approach a knowledgeable person for guidance and support who is also confidential, such as CAPS and the Wellness Center. Some confidential resources are required to report anonymous statistics for Clery Act reporting purposes. Additionally, the webpage provides information for support services available to faculty and staff, including the confidential employee assistance program, off-campus resources and community-based resources, and web resources.

## Survivor Advocacy & Support

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

## Confidential On-Campus Resources

RESOURCE	CONTACT INFORMATION
<a href="#">Counseling and Psychological Services (CAPS)</a>	408-554-4501
<a href="#">Wellness Center</a>	408-554-4409
<a href="#">Clergy &amp; Chaplains, Campus Ministry &amp; Mission Church</a>	408-554-4372
<a href="#">Office of the University Ombuds</a>	408-551-3542
<a href="#">Employee Assistance Program (EAP)</a>	800-344-4222

## Non-Confidential On-Campus Resources

<b>RESOURCE</b>	<b>CONTACT INFORMATION</b>
<a href="#">Office of Equal Opportunity and Title IX</a>	408-551-3043
<a href="#">Campus Safety Services</a>	Emergency Phone: 408-554-4444 Non-Emergency: 408-554-4441
<a href="#">Dean of Students Office</a>	408-544-4583
<a href="#">Human Resources</a>	408-554-4392
<a href="#">Residence Life Team</a>	408-554-4900
<a href="#">Student Medical Services (Semi-Confidential)</a>	408-554-4501

## Local Resources

<b>RESOURCE</b>	<b>CONTACT INFORMATION</b>
<a href="#">Santa Clara Police Department</a>	408-615-4700
<a href="#">YWCA Golden Gate Silicon Valley</a>	24-hour Rape Crisis 408-287-3000 or 650-493-7273 Domestic Violence Crisis Line 1-800-572-2782
<a href="#">Santa Clara Valley Medical Center (SART EXAM)</a>	408-885-5000

## National Resources

RESOURCE	CONTACT INFORMATION
<a href="#">National Domestic Violence Hotline</a>	1-800-799-SAFE (7233) or 1-800-787-3224 (TTY)
<a href="#">Rape, Abuse &amp; Incest National Network (RAINN)</a>	1-800-656-HOPE (4673)
<a href="#">Victims Connect Resource Center</a>	855-4-VICTIM (842846)
<a href="#">The SAFE+ Program</a>	408-793-SAFE (7233)
<a href="#">Love is Respect</a>	866-331-9474 or text 22522

## Santa Clara County Resources

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

In Santa Clara County, SART examinations are performed at the Santa Clara Valley Medical Center (SCVMC) in San Jose and at Stanford Hospital in Stanford. A victim advocate from the YWCA Rape Crisis Center will be contacted to meet you at the hospital. In addition to the YWCA advocate being called upon admittance to SCVMC, the SCU Confidential Survivor Advocate can provide accompaniment for students. If students would like to be accompanied by the Confidential Survivor Advocate, Monday-Friday, 9 a.m.-5 p.m., students can visit the Wellness Center, email [apezzoni@scu.edu](mailto:apezzoni@scu.edu) or call (408) 551-3307 for that support. If students seek accompaniment after 5 p.m. or on weekends, they can request that care and support

through Campus Safety Services, EMS or the on-duty Resident Director. The Confidential Survivor Advocate can help coordinate transportation for the accompaniment to and from Santa Clara Valley Medical Center, while also providing information about an individual's rights and options before meeting with the SART Team at the hospital.

Law Enforcement or Campus Safety Services can provide transportation. You can also contact the [YWCA Golden Gate Silicon Valley](#) and ask for assistance in requesting a SART exam.

SART nurses maintain Counselor/Victim Privilege of Confidentiality as legally required under California Evidence Codes. Victims have the option to speak with the police, but it is not required. The ability to have a medical-legal exam performed is not dependent upon speaking with the police or filing a police report; however, hospitals in the State of California are required to notify the police if a physical injury has been sustained, and will contact law enforcement.

Santa Clara Valley Medical Center (SCVMC)  
751 S Bascom Avenue  
San Jose, CA 95128  
(408) 885-5000

SART Coordinator  
Monday to Friday, 9am to 5:30pm:  
(408) 885-6466  
Call the SCVMC Operator at (408) 885-5000 to speak to the Forensic Nurse Examiner  
Stanford Hospital Emergency Department  
1199 Welch Road  
Palo Alto, CA 94304

## **Sexual Violence Prevention and Education**

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

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

To reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, Santa Clara University utilizes a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention programming for students. University faculty and staff play an essential role in preventing, addressing, and ending campus sexual assault on campus. The University offers ongoing programming to faculty and staff to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Programming is aimed to engage students, faculty, and staff in a proactive dialogue and through active engagement to raise awareness and prevent sexual violence.

Programs are designed to:

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

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

### **Bystander Intervention and Risk Reduction**

Educational programs also offer information on risk reduction and bystander intervention. Bystander intervention is the use of certain safe techniques to prevent harm or intervene when there is a risk of sexual violence by recognizing potentially harmful situations, overcoming barriers that prevent intervention in such situations, and taking action to intervene.

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

Risk reduction behaviours are individual preventative measures that are designed to decrease the likelihood of a crime being perpetrated and to decrease inaction by potential upstanders. Examples of risk reduction techniques include establishing an agreement among friends that, if separated at an event, to regularly check in with each other; that if any member of the group decides to drink, that they do so responsibly and not to accept open containers of alcohol from others; and to only leave an event once the entire group is accounted for and safe or continue to check on anyone that remains at the event.

If you see or suspect that a crime is in progress, call Campus Safety Services or the police.

The [Being a Bronco Series](#) is a five-part series that helps new students transition into the Santa Clara University community. The information students gain from this series will help students positively navigate their time at SCU. This series is facilitated by staff and students from the Student Health, Counseling and Wellbeing, the Office of Equal Opportunity and Title IX, the Wellness Center, and the Office for Multicultural Learning. All first year students and new transfer students are required to successfully complete each unit of the series. Four of the five modules are provided through Vector Solutions.

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

The interactive course through Vector Solutions addresses:

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

## **Wellness Center Programming**

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

- Bystander Intervention 101
- Violence Prevention Education
- Peer Health Education
- Naloxone/Opioid Overdose Prevention Trainings

## **Peer Education**

The Wellness Center Peer Education Teams, the PHEs and VPEs, both create programming to change the sexual culture at Santa Clara University for its undergraduate and graduate students. Their approach to culture change is twofold: to cultivate care for their community's best potential, and to cultivate conviction amongst their peers that they are capable of realizing that best potential. They put on prosocial programs thoughtfully designed to disrupt the norms and break the scripts that uphold violence. They also put on prosocial programs that encourage mindful decision making and individual agency, inviting their peers to reflect on what exactly they want out of their college experience and how they can get there. When they offer workshops, they teach skills in communication, caring for others and the self, and building a more supportive community overall.

## **Staff and Faculty Programs**

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

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

Topics covered in the training module include:

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

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

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

## **University Response to Report of Prohibited Conduct**

### **Initial Contact**

Following receipt of a report alleging Prohibited Conduct, the a member of the EO/TIX team will contact the Complainant to provide the following:

- An invitation to meet to offer assistance and explain their rights under the Policy;

- Access to the Policy, either through a link or an electronic or hard copy;
- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid, and other available services may be provided;
- Information about seeking a personal protection order from the local courts;
- The availability of Supportive Measures regardless of whether a complaint is made or a resolution is initiated;
- The options for resolution (no action, prevention, agreement, investigation, or, in some cases, investigation and hearing) and how to initiate such resolution processes;
- The right to notify law enforcement as well as the right not to notify law enforcement;
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Campus Safety Services or local law enforcement in preserving evidence;
- The right to an Advisor (the term “Advisor” as defined below) of choice during University proceedings under the Policy including the initial meeting with the Office of Equal Opportunity and Title IX;
- In cases of Sexual Harassment (Under the 2020 Title IX Regulations), information on how to file a Formal Complaint.
- A statement that retaliation for filing a complaint or for participating in the complaint process is prohibited.

The Director will discuss the Complainant’s rights and options, and will also assess for, and provide, appropriate Supportive Measures, which are available with or without engaging in a complaint resolution process.

The Director will assess the facts as presented to determine whether the information provided suggests a potential violation of this Policy, and if so, discuss with the Complainant the options to resolve the complaint.

### **Initial Assessment**

The initial intake and assessment process seeks to gather information about the nature and circumstances of the report to determine whether this Policy applies to the report and, if so, whether an alternative resolution process may be appropriate, as well as which section of the grievance procedures apply based on the conduct and the status of the Parties. The Director may also determine that the provision of Supportive Measures only is the appropriate response under the Policy. The initial assessment is not a finding of fact or responsibility.

Should the Complainant wish to initiate a resolution process, the Director will then assess the report and determine whether this Policy applies and, if so, the appropriate process under this Policy. The Director will communicate to the Complainant this determination.

If the information provided does not suggest a potential violation of this Policy, the Director will provide the Complainant written notice that the matter is being referred for handling under a different policy, and/or referred to another appropriate office for handling.

### **Supportive and Protective Measures**

Supportive Measures are non-disciplinary, non-punitive, free of charge, individualized services offered to a Complainant and/or the Respondent as appropriate and reasonably available. Such measures are designed to restore or preserve equal access to the University's education program or activity or work environment, or to protect the safety of the Parties or the educational or work environment, without unreasonably burdening the other Party. Supportive Measures are also available whether or not a resolution method is initiated.

Supportive Measures may include, but are not limited to: academic support; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; changes in class, work,

housing, extracurricular, or other activities, regardless of whether there is or is not a comparable alternative; unilateral or mutual bans on contact (no-contact directive); leaves of absence; or other measures as determined on a case-by-case basis. Information about any Supportive Measures put in place will not be disclosed to others, including informing one Party of Supportive Measures provided to another Party, unless the disclosure is necessary to provide the Supportive Measures or to restore or preserve a Party's access to the education program or activity or when such disclosure has been consented to by the person involved; when the disclosure is to the authorized legal representative of the person involved; or when the disclosure is required by applicable law or permitted under FERPA.

Supportive Measures may be implemented by the Director or the Director's designee. A Party may challenge, in writing, the University's decision to provide, deny, modify, or terminate Supportive Measures when such measures are applicable to them. When the individual providing Supportive Measures is the Director, then the Vice President for Inclusive Excellence will designate an impartial individual, not otherwise involved in the case, to consider the challenge and determine if the Supportive Measure(s) were reasonable. When the individual providing Supportive Measures is anyone other than the Director, then the Director will be designated to consider the challenge regarding Supportive Measures. A written response to the challenge will typically be provided within five (5) business days.

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

### **Preliminary Inquiry**

The Director shall have the discretion to initiate a preliminary inquiry to determine whether an investigation, or investigation and hearing, shall be conducted under this Policy. A preliminary inquiry may be useful in those situations in which there may be data available to suggest that no investigation is warranted, for example when an employee alleges they are the lowest paid member of the department but the data shows they are highly paid. Similarly, a preliminary inquiry may be used if a student

alleges that they received a lower grade than others due to sex or gender, but the data shows they did not.

### **Filing a Formal Complaint of Sexual Harassment (Under the 2020 Title IX Regulations)**

Pursuant to the 2020 Title IX Regulations, to file a complaint of Sexual Harassment (Under the 2020 Title IX Regulations), a written Formal Complaint must first be filed in order to resolve the complaint through either a resolution agreement or an investigation and hearing. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in a University program or activity or be an applicant to, or employee of, the University.

A Formal Complaint has a very specific definition under the Policy and differs from solely making a report to the University or the Office of Equal Opportunity and Title IX. Filing a Formal Complaint results in written notification to the Respondent and the commencement of either the agreement-based or investigation and hearing process, unless the Director determines that the Formal Complaint should be dismissed for reasons described in the Policy, and potentially addressed under other sections of the Policy or another University policy.

### **Investigation Process**

An investigation is a process where an assigned Investigator interviews the Complainant, the Respondent, and Witnesses and gathers information related to the allegation, and permits both Parties to review and comment upon the evidence.

The University reserves the right to utilize internal or external Investigators (who, in some cases, are also Decisionmakers). Both Complainant and Respondent have the option to participate in the investigation, and both have the same rights during the investigation process including the right to an Advisor.

Standards Applicable to All Investigations:

The standards set forth below apply to all investigations.

In addition, for Prohibited Conduct other than Sexual Harassment (Under the 2020 Title IX Regulations), the specific processes used for investigations, or investigations and hearings, are based upon the statuses of the Parties (i.e. student, employee, or third party) as follows:

Student-on-Student Sex-Based Discrimination, Harassment, and Retaliation: See Appendix B in the Policy on Sex-Based Discrimination, Harassment, and Retaliation.

Employee and Third-Party Sex-Based Discrimination, Harassment, and Retaliation, when a student is not a Party: See Appendix C in the Policy. Student-on-Employee, or Employee-on-Student, Sex-Based Discrimination, Harassment, and Retaliation: See Appendix D in the Policy on Sex-Based Discrimination, Harassment, and Retaliation.

For Prohibited Conduct that may constitute Sexual Harassment (Under the 2020 Title IX Regulations), the specific processes used for investigations and hearings for all Parties, regardless of their status (i.e. student, employee, or third party) are set forth in Appendix E in the Policy on Sex-Based Discrimination, Harassment, and Retaliation.

The proceedings shall:

- Provide a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result;
- Be completed within reasonably prompt timeframes, including a process that allows for the extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay and the reason for the delay;
- Be conducted in a manner that is consistent with the University's policies and transparent to the Complainant and the Respondent;
- Include timely notice of meetings at which the Complainant or Respondent, or both, may be present;

- Provides timely and equal access to the Complainant, the Respondent, and appropriate officials to the relevant and not otherwise impermissible evidence that will be used during an investigation and, if applicable, hearings during the resolution process;
- Be conducted by officials who receive annual training on the issues related to Prohibited Conduct, including dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and, when applicable, hearing process that protects the safety of both parties and promotes accountability.
- Provide the Complainant and Respondent the same opportunities to have others present during any institutional resolution proceeding including the opportunity to be accompanied to any related meetings or proceeding by an Advisor of their choice.
- Not limit the choice of Advisor or presence for either the Complainant or the Respondent in any meeting or institutional resolution proceeding; however, the institution may establish restrictions regarding the extent to which the Advisor may participate in the proceedings, as long as the restrictions apply to both parties; and
- Require that both Complainant and Respondent be simultaneously informed in writing of the outcome of the disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; the University's procedures for the Complainant and the Respondent to appeal the results of the disciplinary proceeding; and when the results become final.

### **Notice of Investigation**

Within a reasonable period of time from the receipt of a request for an investigation, or a determination by the Director to initiate an investigation, and prior to the start of an investigation, the Respondent and Complainant shall be provided a written Notice of Investigation communicating the initiation of an investigation and the process to be used. Appendices B, C, D, and E of the University's Policy on Sex-Based Discrimination, Harassment, and Retaliation describe the required content of the Notice of Investigation.

Should additional allegations be brought forward, a revised Notice of Investigation shall be provided to both parties, in writing.

### **Conflict of Interest or Bias**

After a Notice of Investigation is issued to Complainant and Respondent, each Party may object to the participation of the Director or designated Investigator on the grounds of a demonstrated bias or actual conflict of interest. Both parties will have three (3) business days from the date of the Notice of Investigation to object to the selection of the Investigator or the Director. Objections to the Director shall be made, in writing, to the Vice President of Inclusive Excellence, or their designee. Objections to the appointment of the Investigator shall be made, in writing, to the Director. If the objection is substantiated as to either the Director or the Investigator, that individual shall be replaced. Any change will be communicated in writing.

### **Timeline and Status Updates**

The University strives to complete the investigation process within ninety (90) days, which may be extended for good cause by the Director. Both parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension and the new anticipated date of conclusion of the investigation.

The University shall not unreasonably deny a Party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The Investigator and/or Director shall provide the Parties with periodic status updates, in writing.

### **Standard of Review**

Any findings and determinations made under the Policy on Sex-Based Discrimination, Harassment, and Retaliation regarding whether the Respondent engaged in the conduct alleged will be made using the "preponderance of evidence" standard (meaning whether the relevant evidence supports that it is more likely than not that the conduct occurred).

## **Interviews**

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the Parties and any identified Witnesses. Interviews may be conducted in person or via video conference.

For those cases involving a hearing, information or evidence that is not provided to the Investigator during the investigation process will not be allowed during the hearing, unless it can be clearly demonstrated that such information was not reasonably known to exist, nor available, at the time of the investigation, despite due diligence.

## **Impermissible Evidence**

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by federal or California law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- Evidence provided to a Confidential Employee unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
- A Party's or Witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or Witness, unless the University obtains that Party's or Witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to

alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to other sexual activity or preclude a determination that Prohibited Conduct occurred. In the event that evidence of prior or subsequent sexual relations or dating relationship is considered, prior to allowing consideration of such evidence, the Investigator must explain, in writing, the rationale for allowing consideration of the prior or subsequent sexual relations or dating relationship.

### **Discipline, Sanctions, and Remedies**

Upon conclusion of the resolution process, and if and when it has been determined that the Respondent has violated the Policy on Sex-Based Discrimination, Harassment, and Retaliation, the University will take steps to address the violation and prevent the recurrence of the conduct leading to the violation, through sanctions for the Respondent, and to restore or preserve equal access for Complainant to the University's education programs, activities, and/or work environment through remedies for the Complainant.

#### **Remedies**

The Director is responsible for the implementation of Remedies. Remedies will only be communicated to the Complainant unless notification to the Respondent is necessary to carry out the Remedy. Examples of remedies to the Complainant include but are not limited to: academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations.

#### **Sanctions**

The Sanctioning Officer determines the sanction/corrective action to be imposed on a Respondent who is found to have engaged in Prohibited Conduct. The form of sanction/corrective action used will depend on the nature of the offense and any prior disciplinary history. Such sanction/corrective action will be imposed pursuant to and in accordance with any and all applicable University rules, policies, and procedures.

Factors that may be considered when determining a sanction/corrective action include:

- The nature, severity of, and circumstances surrounding the violation.
- The Respondent's disciplinary history.
- Previous grievances or allegations against the Respondent involving similar conduct.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, or retaliation.
- The need for sanctions/corrective actions to prevent the future recurrence of discrimination, harassment or retaliation.
- The need to remedy the effects of the discrimination, harassment or retaliation on the victim and the campus community.

One or more of the sanctions/corrective actions listed below may be imposed on a Respondent who is found responsible for a violation of the Policy on Sex-Based Discrimination, Harassment, and Retaliation. Sanctions or disciplinary steps not listed here may be imposed only in consultation with the Director. The Office of Equal Opportunity and Title IX is authorized to approve and implement a sanctioning matrix that identifies minimum sanctions for certain violations that may be subject to escalation depending on the facts and circumstances.

Possible sanctions/corrective actions for student Respondents include, but are not limited to: verbal or written warning, educational sanctions, contributed service, restitution, fines, loss of privileges, no contact directive, disciplinary probation, deferred suspension, interim suspension, suspension, and expulsion.

Possible sanctions/corrective actions for faculty or staff Respondents include, but are not limited to: verbal or written warning, performance improvement plan or process, enhanced supervision or review, required training or education, probation, denial of pay increase, removal of supervisory or other oversight responsibility, demotion, transfer, reassignment, delay of tenure track progress, restrictions on stipends, research, and/or professional development resources, suspension with pay, suspension without pay, revocation of tenure, or termination.

Sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires). If the Sanctioning Officer has determined sanctions, the Director may implement one or more of the determined sanctions on an interim basis pending the resolution of an appeal.

### **Right to an Advisor**

You have the right to an Advisor of your choosing to accompany you to all meetings, interviews, and hearings and to assist you in this process. An Advisor is any individual (e.g., parent, friend, administrator, colleague, an attorney at your own expense) who helps a Complainant or Respondent to understand the process and procedure. The Advisor may not represent, advocate, or speak on behalf of a Complainant or Respondent. An Advisor may not disrupt or impede any resolution proceeding.

The parties may choose Advisors from inside or outside of the University community. Parties also have the right to decide not to have an Advisor in the initial stages of the resolution process, before the hearing.

An Advisor of the University's choosing shall be provided for any Party who wants an Advisor but does not have an Advisor.

### **Retaliation**

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy or by law, including Title IX or its regulations.

Peer retaliation, which is retaliation by one student against another student, is prohibited. Supportive measures or other good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation. Retaliation may occur even where a Respondent is found to be "not responsible" for other alleged misconduct under this Policy.

The prohibition against Retaliation applies to any individuals who participate in any manner in an investigation, proceeding, or hearing, and to any student or employee who refuses to participate in an investigation, proceeding, or hearing.

### **Record Keeping**

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

### **Privacy and Confidentiality**

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under the Policy. With respect to any report under the Policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects. While the University will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus in order to address a complaint or provide for the physical safety of an individual or the campus. Thus, the University cannot, and does not, guarantee that all information related to complaints will be kept confidential.

Information is shared internally between administrators who need to know in order to complete their job duties. Privacy of the records specific to the investigation is maintained in accordance with California law and the federal Family and Educational Rights and Privacy Act (FERPA). Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of the Complainant or Respondent or information that could easily lead to a Complainant's or Respondent's identification.

Additionally, the University maintains privacy in relation to any supportive measures afforded to a Complainant or Respondent, except to the extent necessary to provide the supportive measures.

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

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

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

- d. When the results become final.

## Definitions

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

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

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

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

- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his /her age or because of his/her temporary or permanent mental incapacity.

- **Incest** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

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

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

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable persons may mean a reasonable person under similar circumstances and with similar identities to the victim.

- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment of counseling.

### **State of California Definitions**

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

- Where a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
- Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. (For the definitions of "duress" and "menace", refer to California Penal Code Section 261(b).)
- Where a person is prevented from resisting by any intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.
- Where a person is at the time unconscious of the nature of the act, and this is known to the accused. "Unconscious to the nature of the act" includes any one of the following conditions:
  - Was unconscious or asleep.
  - Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
  - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent

representation that the sexual penetration served a professional purpose when it served no professional purpose.

- Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. "Threatening to retaliate" means threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. "Public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

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

In California, sexual consent is defined as **affirmative consent** (California Penal Code 261.6). Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that that person has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or past sexual relations between them, should never by itself be assumed to be an indicator of consent.

The State of California definition of **stalking** is when any person willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family (California Penal Code 646.9(a)).

The State of California definition of **domestic violence** is abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship (California Penal Code 13700(b)).

*Please note: In California, **dating violence** falls within the definition of domestic violence.*

The State of California definition of **sexual battery** is when any person touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual gratification, arousal, or abuse (California Penal Code 243.4(a)).

### **California Hate Crime Definitions**

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

- Disability
- Gender
- Nationality
- Race or ethnicity
- Religion
- Sexual orientation

- Association with a person or group with one or more of these actual or perceived characteristics

### **Hate Crime Categories of Bias Under the Clery Act**

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

## Santa Clara University Prohibited Conduct Definitions

Santa Clara University's definitions of sexual assault, dating violence, domestic violence, and stalking, pursuant to the University's Policy on Sex-Based Discrimination, Harassment, and Retaliation, are as follows:

**Sexual assault** includes any sexual act directed against another person without that person's Consent, whether forcibly and/or against the person's will, or not forcibly and/or against the person's will where the victim is incapable of giving Consent. The following specific offenses are examples of sexual assault under the University's Policy on Sex-Based Discrimination, Harassment, and Retaliation:

### Sex Offenses

- A. Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without Consent.
- B. Sodomy - Oral or anal sexual intercourse with another person, without Consent.
- C. Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without Consent.
- D. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without Consent.
- E. Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- F. Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent. In California, the statutory age of consent is 18.
- G. Sexual Battery - The intentional touching of another person's intimate parts without Consent, intentionally causing a person to touch the intimate parts of another without Consent, or using a person's own intimate parts to intentionally touch another person's body without Consent.

**Dating Violence** means violence:

- Committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- Where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors:
  - The length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.

For the purpose of this Policy, "violence" is the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior.

**Domestic Violence** means violence:

- Committed by a person who is a current or former spouse, intimate partner, or cohabitant of the Complainant; or
- Committed by a person who is having or had a dating or engagement relationship with the Complainant; or
- Committed by a person who shares a child in common with the Complainant; or
- Committed by a person against a youth or adult victim who is protected from those acts under the family or domestic violence laws of California.

"Violence" shall have the same meaning as that set forth above.

## **Stalking:**

Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress.

## **Sexual Harassment (Under 2020 Title IX Regulations)**

For the purpose of the University's Policy on Sex-Based Discrimination, Harassment, and Retaliation, "Sexual Harassment (Under the 2020 Title IX Regulations)" is Prohibited Conduct and means:

- Any of the following offenses:
  - An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
  - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
  - Sexual Assault, as defined above;
  - Dating Violence, as defined above;
  - Domestic Violence, as defined above;
  - Stalking, as defined above.
- That occurred on or after August 14, 2020; and
- That occurred either on campus, on any University-owned or leased property, or in a building owned or controlled by an officially recognized University organization, and/or in a University program or activity; and

- That occurred to a Complainant who was participating in or attempting to participate in a University program or activity in the United States or was an applicant to, or employee of, the University.

### **Consent, Incapacitation, Force, and Coercion**

The following definitions and understandings apply with respect to the offenses described above:

**Consent.** Consent must be:

- Affirmative
- Conscious
- Knowing
- Voluntary, and
- Clear permission
- By word or action
- 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 A 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 promptly cease.

- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be Consent for other sexual activity (such as intercourse).
- A current or previous intimate relationship is not sufficient to constitute Consent.
- Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline/dominance, submission/sadism, or masochism) or other forms of kink, non-Consent, or withdrawal of 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 Recipient's evaluation of communication in kink situations should be guided by reasonableness and Consent to kink, rather than strict adherence to policy that assumes non-kink relationships as a default.
- Within the scope of the resolution process, 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 this Policy has been violated. The existence of Consent is based on the totality of the facts and circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

In assessing Consent, 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 temporary or permanent 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.

Individuals under the statutory age of consent cannot give Consent under the Policy. In California, the statutory age of consent is 18.

**Incapacitation.** A person cannot Consent if they are unable to understand what is happening or are disoriented, asleep, or unconscious, for any reason, including by alcohol or other drugs. When alcohol or other drugs, including date rape drugs (such as Rohypnol, Ketamine, GHB, etc.), are involved, a person will be considered unable to give valid Consent if they cannot fully understand the details of a sexual interaction (the who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation.

- A. A Respondent violates the Policy if they engage in sexual activity with someone who is incapable of giving Consent.
- B. 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).
- C. 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.
- D. The 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.

It is a defense to a violation of the Policy that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. 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 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.

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. Resistance is not required or necessary to demonstrate non-Consent, although resistance is a clear demonstration of non-Consent.

**Coercion.** Coercion is 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.

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

### **Megan’s Law**

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

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

**Notification should be made to Phil Beltran, Director of Campus Safety Services, at [pbeltran@scu.edu](mailto:pbeltran@scu.edu).**

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

## **Procedures for Addressing Prohibited Conduct**

The following is an outline of the process and procedures used by Santa Clara University to resolve issues involving discrimination, harassment, and retaliation. The complete information can be found online at [Equal Opportunity and Title IX Policies](#). These policies are available both online and in print to students, faculty, and staff.

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

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

When one member of the University community is having difficulty with another University community member, a person may make a good faith request for the University to intervene with a supportive measure, the NCD. If you are concerned about

your safety off campus, you may wish to obtain a temporary restraining order or order of protection which is issued by the courts.

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

In addition to obtaining a No Contact Directive under University Policy, individuals may also seek to obtain a restraining order under California state law. A restraining order (also called a “protective order”) is a court order that can protect someone from being physically or sexually abused, threatened, stalked, or harassed. For more information, please visit the [Superior Court, County of Santa Clara Self Help website](#). Advocates from the YWCA Golden Gate Silicon Valley and Victim-Witness Assistance are available to assist any student, employee, faculty member, or staff member seeking a Family Court order of protection or any other available remedy under state, federal, or tribal law. Victims may also go directly to Santa Clara Family Court at 170 Park Plaza, in San Jose to request the order of protection or may request assistance from the University. Santa Clara University is committed to protecting victims from any further harm and will honor such requests and comply with these orders.

You may also consider filing a police report with Santa Clara Police Department or San Jose Police Department. You do not need to file a police report to obtain a restraining order, but it may be helpful.

For Santa Clara County, you can contact the Superior Court for Santa Clara County to begin the restraining order process:

Forms:

<https://santaclara.courts.ca.gov/self-help/complete-forms-home/self-help-form-and-sample-packets/restraining-order-form-and-sample>

Self-Help: [http://www.scscourt.org/self\\_help/restraining/ro\\_help.shtml](http://www.scscourt.org/self_help/restraining/ro_help.shtml)

# CAMPUS FIRE SAFETY ANNUAL COMPLIANCE REPORT

The Higher Education Opportunity Act (HEOA) [Public Law 110-315] became law in August 2008, requiring all postsecondary institutions participating in federal student aid programs to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus housing statistics. The following public disclosure report details all information required by this law as it relates to Santa Clara University.

Fire statistics for the SCU Main Campus are found in Appendix A. If you smell smoke or detect a fire, activate the nearest alarm and call 911 immediately from a safe location on or off campus. If you find evidence of an extinguished fire that the University has not addressed, please contact the Senior EHS and Fire Life Safety Specialist at (408) 551-1983, or the Assistant Director of Campus Safety Services at (408) 554-5082.

## Residential Facilities and Supporting Fire Life Safety Systems

Name of Residence Hall	# of Beds	Sprinkler/Fire Suppression	Detection Type	Whole Building Fire Alarm	Strobe Lights
Bellarmino Hall	94	Yes	Heat / Smoke	Yes	Yes
Campisi Hall	194	Yes	Heat / Smoke	Yes	Yes
Casa Italiana	311	Yes	Heat / Smoke	Yes	Yes
Dunne Hall	287	Yes	Heat / Smoke	Yes	Yes
Graham Hall	374	Yes	Heat / Smoke / CO	Yes	Yes
McLaughlin-Walsh	251	Yes	Heat / Smoke	Yes	Yes
Nobili Hall	74	Yes	Heat / Smoke	Yes	Yes
Park Ave. Apts.	41	No	Smoke / CO	Yes	No
Sanfilippo Hall	199	Yes	Heat / Smoke	Yes	Yes

Sobrato Hall	284	Yes	Heat / Smoke	Yes	Yes
St. Clare Hall	109	Yes	Smoke / CO	Yes	Yes
Swig Hall	411	Yes	Heat / Smoke	Yes	Yes
Univ. Sq. Apts.	19	No	Heat / Smoke / CO	Yes	No
University Villas	460	Yes	Heat / Smoke	Yes	Yes
Finn Hall	340	Yes	Heat / Smoke / CO	Yes	Yes

**CO = Carbon Monoxide.**

Address of Graduate Neighborhood Unit	# of Bedrooms	Sprinkler/Fire Suppression	Detection Type	Whole Building Fire Alarm	Strobe Lights
3210 The Alameda	4	No	Smoke / CO	No	No
541 Alviso Street	4	No	Smoke / CO	No	No
544 Alviso Street	3	No	Smoke / CO	No	No
564 Alviso Street	2	No	Smoke / CO	No	No
575 Alviso Street	5	No	Smoke / CO	No	No
584 Alviso Street	2	No	Smoke / CO	No	No
745 Bellomy Street	5	No	Smoke / CO	No	No
775 Bellomy Street	10	No	Smoke / CO	No	No
805 Bellomy Street	7	No	Smoke / CO	No	No
819 Bellomy Street	3	No	Smoke / CO	No	No

**Neighborhood Units do not have a central fire alarm system.**

**They have individual smoke and CO detectors in all living spaces that activate independently to alert occupants (CO = Carbon Monoxide).**

Address of Undergraduate Neighborhood Unit	# of Bedrooms	Sprinkler/Fire Suppression	Detection Type	Whole Building Fire Alarm	Strobe Lights
831 Bellomy Street	3	No	Smoke / CO	No	No
841 Bellomy Street	11	No	Smoke / CO	No	No
845 Bellomy Street	5	No	Smoke / CO	No	No
857/859 Bellomy St.	5	No	Smoke / CO	No	No
889 Bellomy Street	2	No	Smoke / CO	No	No
553 Franklin Street	5	No	Smoke / CO	No	No
671 Franklin Street	3	No	Smoke / CO	No	No
507 Lafayette Street	4	No	Smoke / CO	No	No
529 Lafayette Street	2	No	Smoke / CO	No	No
569 Lafayette Street	4	No	Smoke / CO	No	No
2477 Park Avenue	3	No	Smoke / CO	No	No
2479 Park Avenue	2	No	Smoke / CO	No	No

**Neighborhood Units do not have a central fire alarm system.**

**They have individual smoke and CO detectors in all living spaces that activate independently to alert occupants (CO = Carbon Monoxide).**

## **Residence Hall Policies, Procedures, and Standards**

### **Relevant Student Conduct Code Sections**

The following acts may subject students to disciplinary action:

Tampering with, removing, damaging, or destroying fire extinguishers, fire alarm boxes, smoke or heat detectors, emergency call boxes, and other safety equipment anywhere on University property; creating a fire, safety, or health hazard; or failure to respond to

fire alarms, evacuate buildings during alarm activation, or respond to the directions of emergency personnel.

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

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

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

Specific procedures include:

- Exit the building immediately by the proper pathway.
- Use stairways; do not use the elevators.
- Once outside, move to your designated emergency assembly point.
- Do not return to an evacuated building until the all-clear signal is given and permission is explicitly granted by a member of the Housing and Residence Life team or a Campus Safety Services officer.

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

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

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

These policies are established for the health, safety, and security of on-campus residents. Violations of the following policies may result in assessment of fines (up to a

maximum of \$500 per person, per violation depending upon the severity of the incident) and/or referral to the University Judicial System.

**Appliances**

Appliances are permitted as long as they pose no undue safety risk, include no exposed heating elements, or do not unnecessarily over utilize building utilities. Appliances that create undue safety risks are not permitted within the residential living community.

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

*\*Are permitted only in Casa Italiana, Sobrato Hall, University Villas, University Square, Park Avenue Apartments, Bellarmine, St. Clare, Graduate Houses and the Neighborhood Units.*

**Candles/Open Flames/Incense**

Candles/open flames/incense are considered extremely dangerous due to the potential of fire and are prohibited. Unburned candles or incense sticks are also not permitted. Students may not create open flames of any kind for any reason in any University housing facility location. Grills cannot be used in or near residence halls, apartments,

or on private student patios/balconies without authorization from appropriate housing and residence life staff.

All violations of this policy are considered to be serious as open flames pose the largest single safety threat to residence halls at the University housing facilities.

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

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

### **Extension Cords**

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

### **Fire Safety Equipment**

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

### **Furniture**

Furniture, other than University-issued items, must adhere to all California State Fire Codes. All furniture must be flame-retardant. Upon checking out, students are required to return furniture to its original configuration. Waterbeds are not permitted inside

University residence halls at any time. All University issued furniture must remain in designated rooms or apartments.

### **Halogen-Bulb Lamps**

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

### **Power Strips**

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

### **Room Alterations**

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

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

Firearms, weapons, and other hazardous materials, including, but not limited to flammable liquids, any item that can reasonably be determined to be a simulation of a weapon, any item that can be reasonably determined to potentially cause harm or injury to self or others, and ammunition are not permitted in University residences. Possession of firearms, including BB and paint-ball guns, is a violation of the Student Conduct Code. Students must find suitable storage locations off campus for the safe

storage of any firearms, weapons, and ammunition. Flammable liquids and hazardous materials are not to be stored or used in residence hall rooms.

Anyone violating this policy will be assessed a fine and will be removed from University housing pending review by the University.

### **Fireworks & Firecrackers**

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

### **Smoke-Free Policy**

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

### **Definitions**

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

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

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

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

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

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

#### **Fire Prevention**

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

#### **Fire Safety**

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

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

## **Housing and Residence Life**

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

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

### **Fire Drills**

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

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

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

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

## **APPENDIX A: STATISTICS AND RELATED INFORMATION REGARDING FIRES IN RESIDENTIAL FACILITIES**

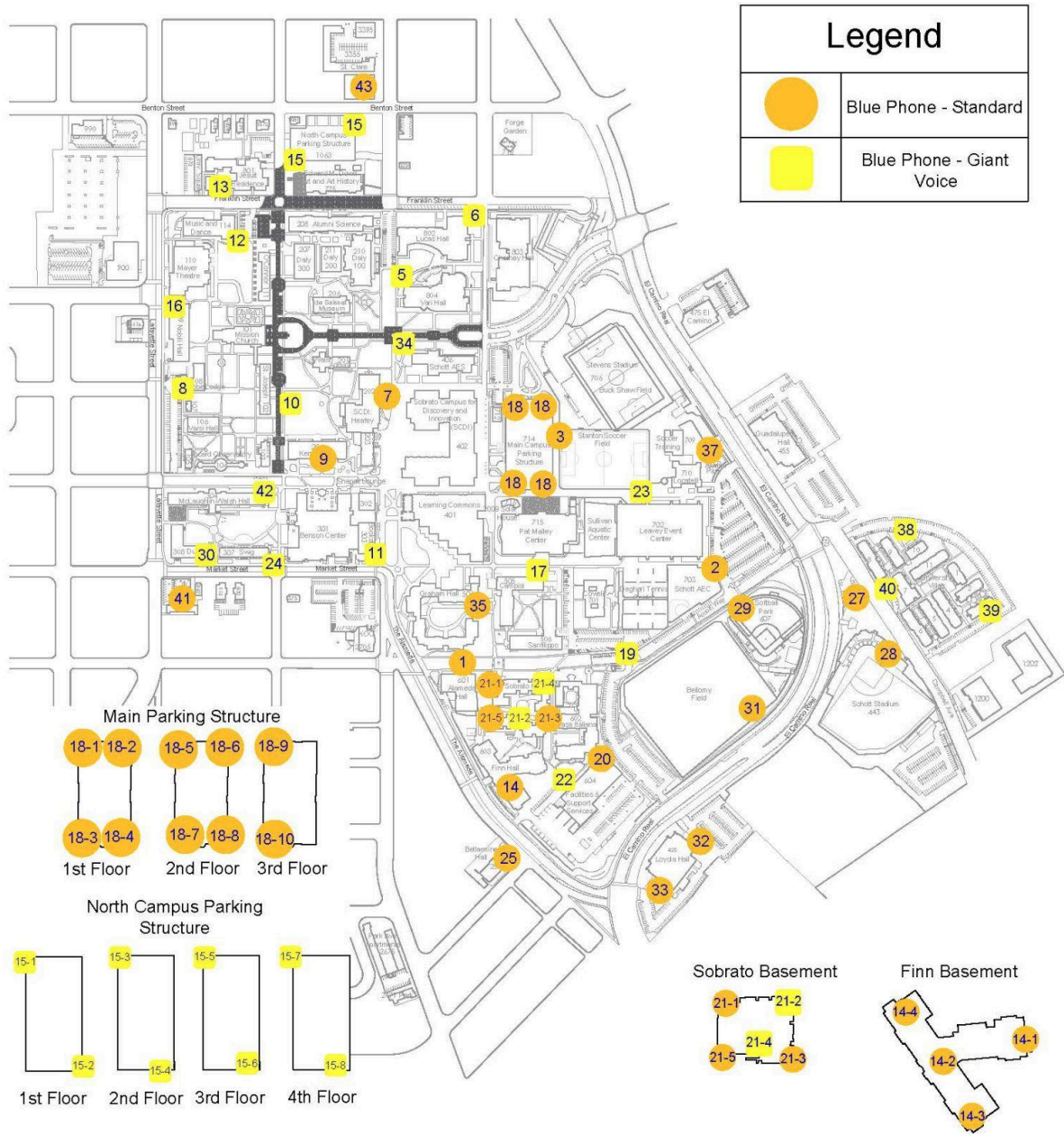
For the following Residential Facilities (Including Graduate and Undergraduate Neighborhood units) there was one reported fire between 2022-2024:

<b>Residential Facility</b>	<b>Fire #</b>	<b>Date</b>	<b>Type</b>	<b>Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Value of Property Damaged</b>
Sobrato Hall Bldg 605	1	10/22	Appliance	Accidental	0	0	\$15,988.20

<b>Residential Facility</b>	<b>Address / Building Number</b>
Campisi Hall	Building 602 - Main Campus
Dunne Hall	Building 308 - Main Campus
Graham Hall	Building 501 - Main Campus
McLaughlin-Walsh Hall	Building 304 - Main Campus
Nobili Hall	Building 109 - Main Campus
Sanfilippo Hall	Building 506 - Main Campus
Swig Hall	Building 307 - Main Campus
University Villas	1260 Campbell Avenue, San Jose CA
St. Clare Hall	3355 The Alameda, Santa Clara, CA
Bellarmino Hall	2505 The Alameda, Santa Clara, CA
University Square Apts.	873 Franklin Street, Santa Clara, CA
Park Avenue Apts.	2675 Park Avenue, Santa Clara, CA

Residential Facility (Neighborhood Unit)	Address / Building Number
536 Alviso Street	Santa Clara, CA
541 Alviso Street	Santa Clara, CA
544 Alviso Street	Santa Clara, CA
564 Alviso Street	Santa Clara, CA
575 Alviso Street	Santa Clara, CA
584 Alviso Street	Santa Clara, CA
745 Bellomy Street	Santa Clara, CA
775 Bellomy Street	Santa Clara, CA
805 Bellomy Street	Santa Clara, CA
819 Bellomy Street	Santa Clara, CA
831 Bellomy Street	Santa Clara, CA
845 Bellomy Street	Santa Clara, CA
857/859 Bellomy Street	Santa Clara, CA
889 Bellomy Street	Santa Clara, CA
553 Franklin Street	Santa Clara, CA
671 Franklin Street	Santa Clara, CA
507 Lafayette Street	Santa Clara, CA
529 Lafayette Street	Santa Clara, CA
569 Lafayette Street	Santa Clara, CA
2477/2479 Park Avenue	Santa Clara, CA
3210 The Alameda	Santa Clara, CA

# APPENDIX B: EMERGENCY BLUE PHONES



## APPENDIX C: CAMPUS CRIME STATISTICS

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

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

### Crime Definitions

- **Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Private body parts are generally considered to include the genitals, breasts, and buttocks.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In California, the statutory age of consent is eighteen.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; where the existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence is not limited to sexual or physical abuse or the threat of such abuse.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.
- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or violence and/or by putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. The criminal act need not result in injury to be counted as aggravated assault when a gun, knife, or other weapon is used in commission of the crime.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft.

- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
  
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
  
- **Hazing\*:** Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that: (a) Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and (b) Causes or creates a risk, above the reasonable risk encountered in the course of participation in the University or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:
  - Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
  - Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - Causing, coercing, or otherwise inducing another person to perform sexual acts;
  - Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - Any activity against another person that includes a criminal violation of local, state, tribal, or federal law; and
  - Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law.
  
- **Hate Crimes:** Crimes in which the victim was intentionally selected because of the perpetrator's bias against the victim based on the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. Hate crimes include all of the crimes listed above,

plus the crimes of larceny-theft, intimidation, destruction/damage/vandalism, and simple assault.

- Larceny-Theft: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- **Liquor Law Violation:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, transportation, possession or use of alcoholic beverages. This offense includes, amongst other violations, underage possession, furnishing liquor to a minor, and any attempts to commit these offenses. Drunkenness and driving under the influence are not included in this definition.
- **Drug Abuse Violation:** The violation of state or local laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

- **Weapons Violation:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

*\*Note: While Hazing is a Clery-reportable offense as of January 1, 2025, the 2025 Report does not include Hazing statistics. The Report produced in October 2026 will be the first Report to include Hazing statistics for incidents beginning January 1, 2025.*

## Location Definitions

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

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

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

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

**Crimes Reported to Campus Safety, SCPD and Campus Security Authorities  
2022-2024**

<b>Crime</b>	<b>Year</b>	<b>Student Residences On Campus</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total On Campus+Student Residences+Non-Campus+Public Property</b>	<b>Unfounded</b>
Murder / Non-Negligent Manslaughter	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	0	0	1	1	0
Aggravated Assault	2022	0	0	0	0	0	0
	2023	0	0	2	0	2	0
	2024	1	0	2	1	4	0
Burglary	2022	0	3	0	0	3	0
	2023	1	3	1	0	5	0
	2024	1	1	5	0	7	0
Motor Vehicle Theft	2022	0	5	0	1	6	0
	2023	0	2	0	4	6	0
	2024	0	6	0	1	7	0
Arson	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	0	0	0	0	0
Liquor Law Violations: Arrests	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	0	0	1	1	0
Liquor Law Violations: Disciplinary Referrals	2022	603	7	0	0	700	0
	2023	594	4	0	0	598	0
	2024	520	10	0	0	530	0
Drug-Related Violations: Arrests	2022	1	1	0	1	3	0
	2023	0	1	0	7	8	0
	2024	2	0	0	5	7	0
Drug-Related Violations: Disciplinary Referrals	2022	99	3	0	0	102	0
	2023	139	0	0	0	139	0
	2024	101	4	0	0	105	0
Weapons Possessions: Arrests	2022	0	0	0	0	0	0
	2023	0	1	0	4	5	0
	2024	0	1	0	2	3	0
Weapons Possessions: Disciplinary Referrals	2022	6	2	0	0	8	0
	2023	4	0	0	0	4	0
	2024	5	0	0	0	5	0

## Hate Crimes

2022-2024

(No Hate Crimes were reported in 2022 and 2023 in any category)

Crime + Bias Motivation	Year	Student Residences On Campus	On Campus	Non-Campus	Public Property	Total On Campus+Student Residences+Non-Campus+Public Property	Unfounded
Simple Assault (Sexual Orientation)	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	1	0	0	1	0
Intimidation (Gender Identify)	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	2	0	0	2	0
Intimidation (Disability)	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	1	0	0	1	0

**VAWA (Violence Against Women Act) Crimes  
2022-2024**

<b>Crime</b>	<b>Year</b>	<b>Student Residences On Campus</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total On Campus+Student Residences+Non-Campus+Public Property</b>	<b>Unfounded</b>
Rape	2022	5	0	0	0	5	0
	2023	1	1	0	0	2	0
	2024	3	0	0	0	3	0
Fondling	2022	2	0	0	0	2	0
	2023	1	1	0	0	2	0
	2024	3	0	0	0	3	0
Incest	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2024	0	0	0	0	0	0
Domestic Violence	2022	0	1	0	0	1	0
	2023	0	1	0	0	1	0
	2024	6	1	0	0	7	0
Dating Violence	2022	0	0	0	0	0	0
	2023	1	3	0	0	4	0
	2024	0	0	0	0	0	0
Stalking	2022	3	2	0	0	5	0
	2023	1	9	0	0	10	0
	2024	9	6	0	0	15	0